

Location:	530 – 32nd Street (See map on reverse)
Assessors Parcel Numbers:	009-0716-009-00
Proposal:	Appeal of Zoning Administrator's approval of application for Regular Design Review to construct a new 5-unit townhouse residential development on a vacant lot.
Appellant:	Tanya Boyce on behalf of Clarence McElhaney Jr. (510)932-5416
Contact Person/Phone Number:	Robert Brecht (510)928-1611
Owner:	530 – 32 nd Street LLC.
Planning Permits Required:	Regular Design Review for a new 5-unit residential development.
General Plan:	Urban Residential
Zoning:	RU-1 Urban Residential Zone 1
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; infill development; Section 15183, projects consistent with a community plan, general plan or zoning
Historic Status:	Not a Potential Historic Property (PDHP); Survey rating: N/A
Service Delivery District:	2
City Council District:	3
Status:	Pending (<i>Previously heard at the August 6, 2014 meeting. Commission delayed making a decision and directed that the applicant and appellant try to find a mutually acceptable solution</i>).
Action to be Taken:	Public Hearing
Staff Recommendation:	Deny the appeal and uphold Zoning Administrator's approval
Finality of Decision:	Final Decision
For further information:	Contact case planner Maurice Brenyah-Addow at 510-238-6342 or by email: mbrenyah@oaklandnet.com

SUMMARY

On April 2, 2014 the Zoning Administrator approved an application to construct a 5-unit townhouse-style residential development on a vacant parcel located within the Urban Residential General Plan (GP) land-use classification and the RU-1 zone, where multi-family developments are encouraged. The project complies with the maximum RU-1 zoning density of one unit per 1,100 square feet of lot area where a 6,112 square-foot site would allow up to 5.5 units. The project also complies with all other applicable development standards such as off-street parking, useable open space, height limits, etc. and therefore no variances were necessary to grant the approval (Exhibit IV, Attachment B). The project is also consistent with the Design Review criteria in that it applies a traditional design with exterior materials that include lap siding, shingles, and stucco, similar to achieve a street elevation that is compatible with the neighboring properties.

On April 14, 2014, the appellant (Tanya Boyce, representing Clarence McElhaney Jr.), appealed the Zoning Administrator's approval of the project, citing various reasons, (Exhibit IV, Attachment "C" for details) among which are the following:

- 1.) Too dense for this context;
- 2.) Too little open space.
- 3.) Vehicular circulation issues;

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN14003-A01
Appellant: Tanya Boyce
Address: 530 - 32nd Street
Zone: RU-1

- 4). Shadow and privacy impacts to adjacent home
- 5). Design incompatible with concepts of CPTED

Staff believes that the findings for approval outlined in the attached April 2, 2014 decision letter (Exhibit IV, Attachment B) clearly state the reasons why the project complies with the applicable regulations, and the appeal does not list specific instances of purported error or abuse of discretion by the Zoning Administrator. Therefore staff recommends that the Planning Commission deny the appeal and uphold the Zoning Administrator's approval of the Design Review for the proposed 5-unit residential development.

On August 6, 2014, The Planning Commission considered the appeal after taking public testimony but delayed making a decision and directed that the applicant and the appellant try to find a mutually acceptable solution for the project not later than December 17th 2014.

In the meantime the applicant has revised the building design to reduce the number of units from 5 to 4. The revision also changes the architectural style from a traditional style that has a raised floor at the street elevation and a pitched roof, to a more contemporary slab-on-grade and a relatively flat roof design. Staff supports the reduction of units but does not support this particular revised slab-on-grade and flat-roofed design (Enclosed as Exhibit III).

As of the date of this report the recommended meeting has not taken place but plans are underway for the stakeholders to meet to explore mutually acceptable options. Since it is not clear what would be the outcome of the future meeting if it ever takes place, Staff has prepared findings for both approval and denial of the project to allow on the Commission to make either decision.

CONCLUSION

Staff continues to hold the opinion that the appeal does not list specific instances of purported error or abuse of discretion by the Zoning Administrator. Staff finds that the proposed new 5-unit townhouse-style development (voluntarily reduced to 4 units) will improve a currently vacant infill site and contribute to the City's goal of increasing the housing stock in Oakland. It will maintain desirable neighborhood characteristics such as residential units with useable outdoor spaces, secure off-street parking, and landscaping. The proposed development will improve a vacant site and provide convenient and functional living spaces for future residents. The new investment is expected to improve property values in the area.

RECOMMENDATIONS:

Staff recommends that the Planning Commission to:

1. Deny the appeal; and
2. Uphold the Zoning Administrator's approval of the Design Review for 5 units subject to the attached Zoning


Administrators' Decision Letter with Findings dated April 2, 2014 (Attachment B of Exhibit IV), or

3. Approve the revised design for the 4 units with a slab-on-grade and flat roof (as shown in Exhibit III) subject to the attached Findings as amended in Exhibit I).
4. Alternatively, the Planning Commission may adopt findings (as stated in Exhibit II) for denial of the project and approve the appeal.

Prepared by:


MAURICE BRENYAH-ADDOW
Planner III

Approved:


SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:


DARIN RANELLETTI
Deputy Director

EXHIBITS:

- I. Findings for Approval of the revised 4-unit, slab-on-grade, and flat roofed design
- II. Findings for Denial
- III. Revised project plans showing 4 units, slab-on-grade, and flat roof
- IV. July 6, 2006 Staff Report with the following Attachments:
 - A. Approved Plans,
 - B. Approval Letter dated April 2, 2014, and
 - C. Appeal documents filed on April 14, 2014

EXHIBIT I: FINDINGS FOR APPROVAL

This proposal meets all the required findings under the Regular Design Review criteria found in Sections 17.136.050A of the Oakland Planning Code (OMC Title 17) as set forth below and which are required to approve your application. Required findings are shown in normal type; reasons your proposal satisfies them are shown in **bold type**.

SECTION 17.136.050(a)**REGULAR DESIGN REVIEW FINDINGS:**

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures. **The proposed new building is a contemporary slab-on-grade, flat roofed rendition of a traditional style architecture that borrows some elements from some of the neighboring building designs. The exterior materials and treatments include a combination of lap siding, shingles, stucco, a mix of window types with trims and belly bands. The design incorporates distinct volumes and material breaks to minimize perceived bulk. The overall design will relate well with the variety of traditional architectural designs in the Oakland Hills neighborhood.**
2. That the proposed design will protect, preserve or enhance desirable neighborhood characteristics. **The proposed new 4-unit townhouse-style development will improve a currently vacant infill site and contribute to the City's goal of increasing the housing stock in Oakland. It will maintain desirable neighborhood characteristics such as owner-occupied single family townhomes, useable outdoor spaces, off-street parking and landscaping. The proposed structure will provide a convenient and functional living space for the residents and improve property values in the area.**
3. That the proposed design will be sensitive to the topography and landscape. **The site is located within the Urban Residential General Plan designation and the site is relatively flat and devoid of protected trees. The provide is not anticipated to involve any significant amount of grading and will therefore be sensitive to the topography and landscape.**
4. **That if situated on a hill, the design and massing of the proposed building relates to the grade of the hill. N/A**
5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City council. **The proposed project will be a new investment in the community that is expected to attract more high-end buildings and residents to the area. It conforms in all respects to the Urban Residential General Plan classification.**

EXHIBIT II: FINDINGS FOR DENIAL

This proposal does not meet all the required findings under the Regular Design Review criteria found in Sections 17.136.050A of the Oakland Planning Code (OMC Title 17) as set forth below and which are required to approve your application. Required findings are shown in normal type; reasons your proposal does not satisfy them are shown in **bold type**.

SECTION 17.136.050(a)**REGULAR DESIGN REVIEW FINDINGS:**

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures. **The Planning Commission finds that the proposed new building is not well related to the neighboring properties in scale, bulk, and form for the following reasons: The side orientation of the units is not consistent with the neighborhood; The privacy of adjacent buildings would be compromised with the increased number of units; The livability of the 3 bedroom units and access to the rear open space via the driveway is not practical.**
2. That the proposed design will protect, preserve or enhance desirable neighborhood characteristics. **The Planning Commission finds that the proposed building does not preserve desirable neighborhood characteristics such as detached modestly scaled single family homes or duplexes, useable outdoor spaces, and landscaping. The proposed structure with very limited out-door spaces will not provide a convenient and functional living space for the residents.**
3. That the proposed design will be sensitive to the topography and landscape. **The Planning Commission finds that the large building footprint would cover a greater part of the subject site and will therefore not be sensitive to the topography and landscape.**
6. That if situated on a hill, the design and massing of the proposed building relates to the grade of the hill. N/A
7. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City council. **The Planning Commission finds that the proposed project does not entirely conform to the Urban Residential General Plan classification in that it ignores it's immediate context of lower density residences, and poses potential negative privacy impacts and livability concerns.**

530 32nd St
CONDOMIN
DELVEOPM

530 32nd St
Oakland, CA 946
APN: 9-176-9



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4415 Cornell Rd., Suite 200
Emeryville, CA 94608
Tel: 925.530.2721
Fax: 925.530.2722
www.dja-arc.com

Project: 530 32nd St
Drawing: 10A
Revised: 10A
Title: COVER SHEET / SITE PLAN
Date: 10/24/14
Prepared by: Planning Commission

Cover Sheet Information
This drawing is a cover sheet for the project and does not contain any information that is required for the project. It is intended to provide a general overview of the project and to identify the project location. It is not intended to be used for any other purpose.
COVER SHEET / SITE PLAN

A1

530 32nd Street LLC CONDOS 32nd St. Oakland, Ca. 94609

PROJECT INFORMATION

PROJECT BACKGROUND:
FOUR UNIT RESIDENTIAL DEVELOPMENT ON VACANT LOT.
NOTE: LOT PREVIOUSLY HAD A SINGLE FAMILY HOME WHICH WAS DEMOLISHED DUE TO STRUCTURAL FAILURES.

PROJECT LOCATION:
32ND STREET
OAKLAND, CA 94609

CONSTRUCTION TYPE:
TYPICAL
BLOCK HEIGHT: 30'0"

INDEX OF DRAWINGS

- A1 COVER SHEET / SITE PLAN
- A2 FLOOR PLANS
- A3 ELEVATIONS
- A4 SHADOW STUDY
- C1 SITE SURVEY
- L1 LANDSCAPE PLAN

PROJECT DIRECTORY

OWNERS:
530 32ND STREET LLC
PHONE: (510) 798-3611
FAX: (510) 798-3612
EMAIL: info@53032nd.com

ARCHITECT:
DE EIS AND ALADRE ARCHITECTS, INC.
4415 CORNELL RD., SUITE 200
EMERYVILLE, CA 94608
PHONE: (925) 530-2721
FAX: (925) 530-2722
EMAIL: info@dja-arc.com

CIVIL ENGINEER:
LJA & BAKER ENGINEERING, INC.
HAYWARD, CA 94541
PHONE: (510) 887-4866
FAX: (510) 887-4867
EMAIL: info@ljb-engineers.com

LANDSCAPE ARCHITECT:
WESTERN HORIZONS LANDSCAPING
PACIFIC HILL, CA 94623
PHONE: (925) 280-1664

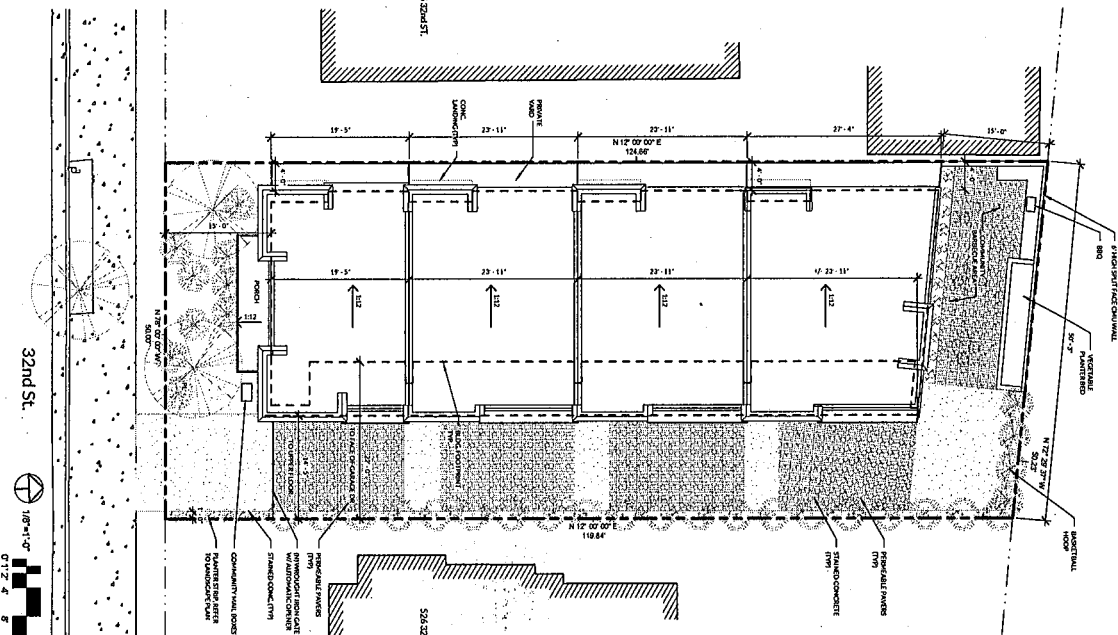
VICINITY MAP

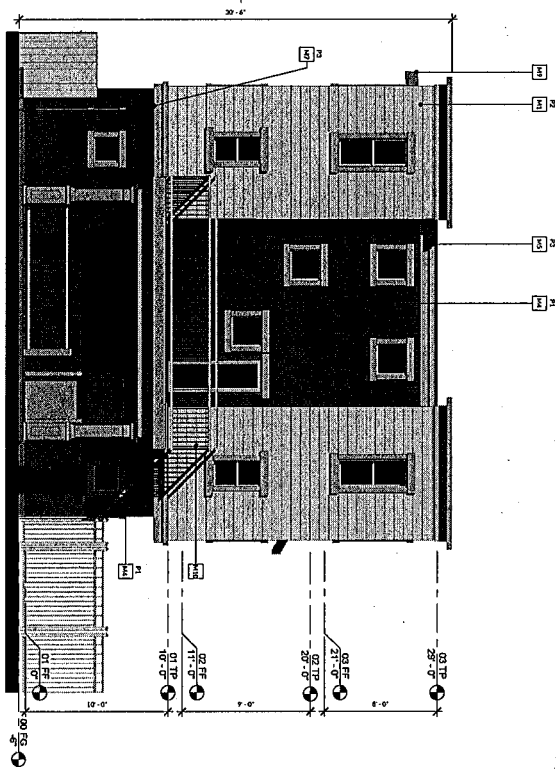


OPEN SPACE CALCULATIONS			
PUBLIC SPACE	BACK-OF-STREET	15' X 36' X 7	540.0 SF
PRIVATE SPACE			
UNIT 1	16.6' X 4'	77.4 SF	1,000.0 SF
UNIT 2	16.6' X 4'	77.4 SF	
UNIT 3	23.9' X 4'	95.5 SF	
UNIT 4	23.9' X 4'	95.5 SF	
TOTAL	77.3' X 4'	370.2 SF	
TOTAL	540.0 SF + 370.2 SF X 2		1,000.0 SF

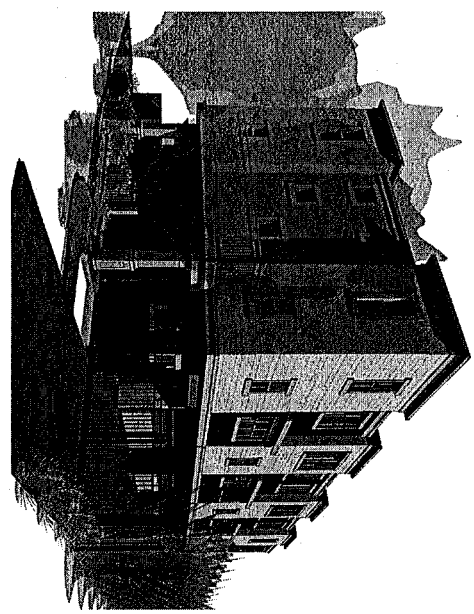
1 ARCHITECTURAL SITE

SCALE: 1/8" = 1'-0"

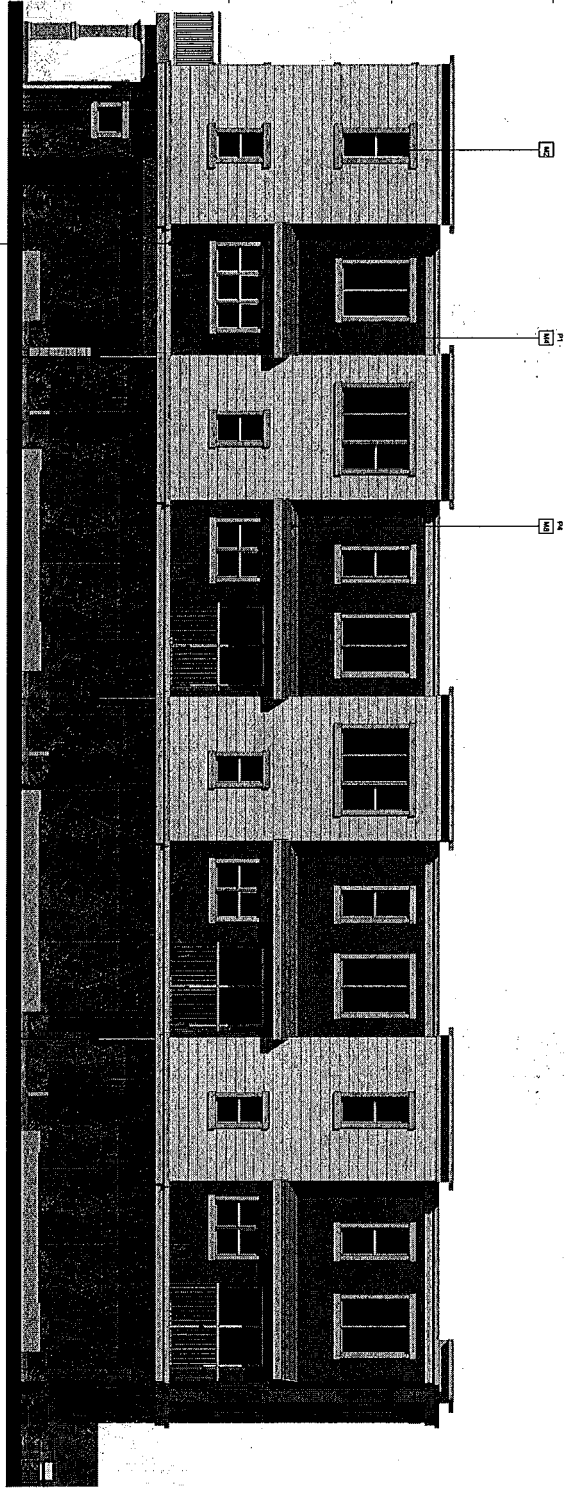




1 SOUTH ELEVATION (FRONT)
SCALE: 3/8" = 1'-0"



3 SE PERSPECTIVE
SCALE:



2 EAST ELEVATION
SCALE: 3/8" = 1'-0"

MATERIAL LEGEND

- M1 - 8" LAP SIDING
- M2 - FROSTED GLASS, TYP. AT BATHROOMS
- M3 - NOT USED
- M4 - STUCCO
- M5 - 2" X 8" FASCIA BOARD
- M6 - 2" X 10" TRIM
- M7 - TYP. TRIM AND BELLY BAND
- M8 - ASPHALT SHINGLES
- M9 - 4" GSM GUTTER
- M10 - STAINLESS STEEL PVS RAIL
- P1 - BENJAMIN MOORE: 2130-D, BLACK/GRN SOLID
- P2 - BENJAMIN MOORE: HC-80, BLUE/GRN BRIDGE
- P3 - BENJAMIN MOORE: 1104, DESERT BEIGE
- P4 - C&P: TIMBERLINE COOL SERIES, ANTIQUE SLATE

530 32nd Street LLC
CONDOMINIUM
DEVELOPMENT

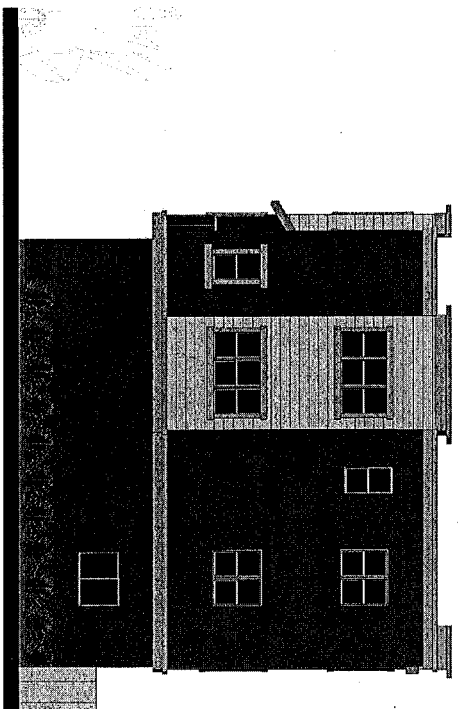
530 32nd St.
Oakland, CA 94609
APN: 9-176-9



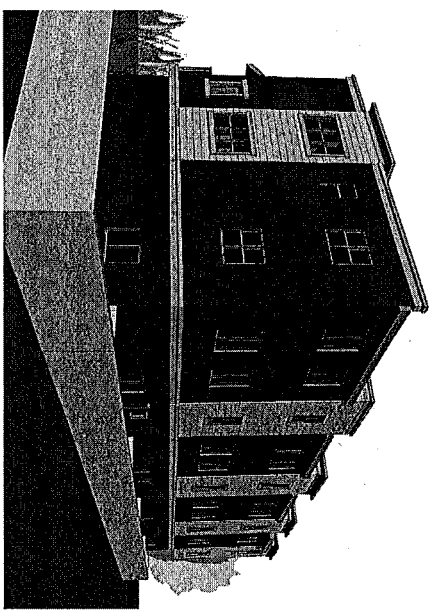
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10/24/14 PLANNING COMMISSION

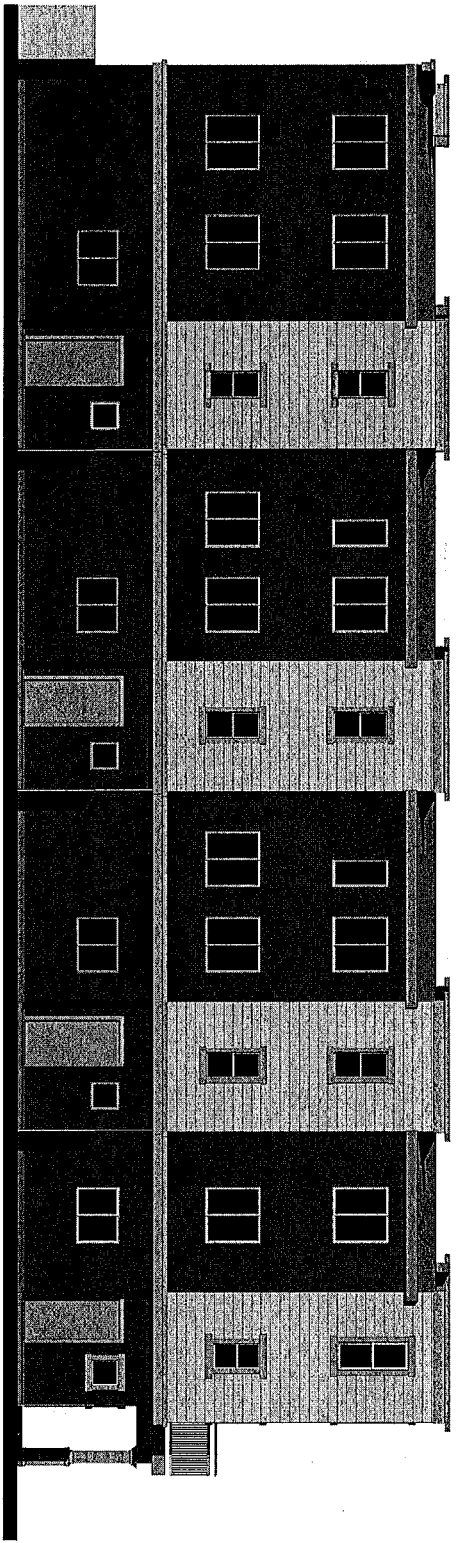
ELEVATIONS



1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2 NW PERSPECTIVE
SCALE



3 WEST ELEVATION
SCALE: 1/4" = 1'-0"

530 32nd Street LLC
CONDOMINIUM
DEVELOPMENT

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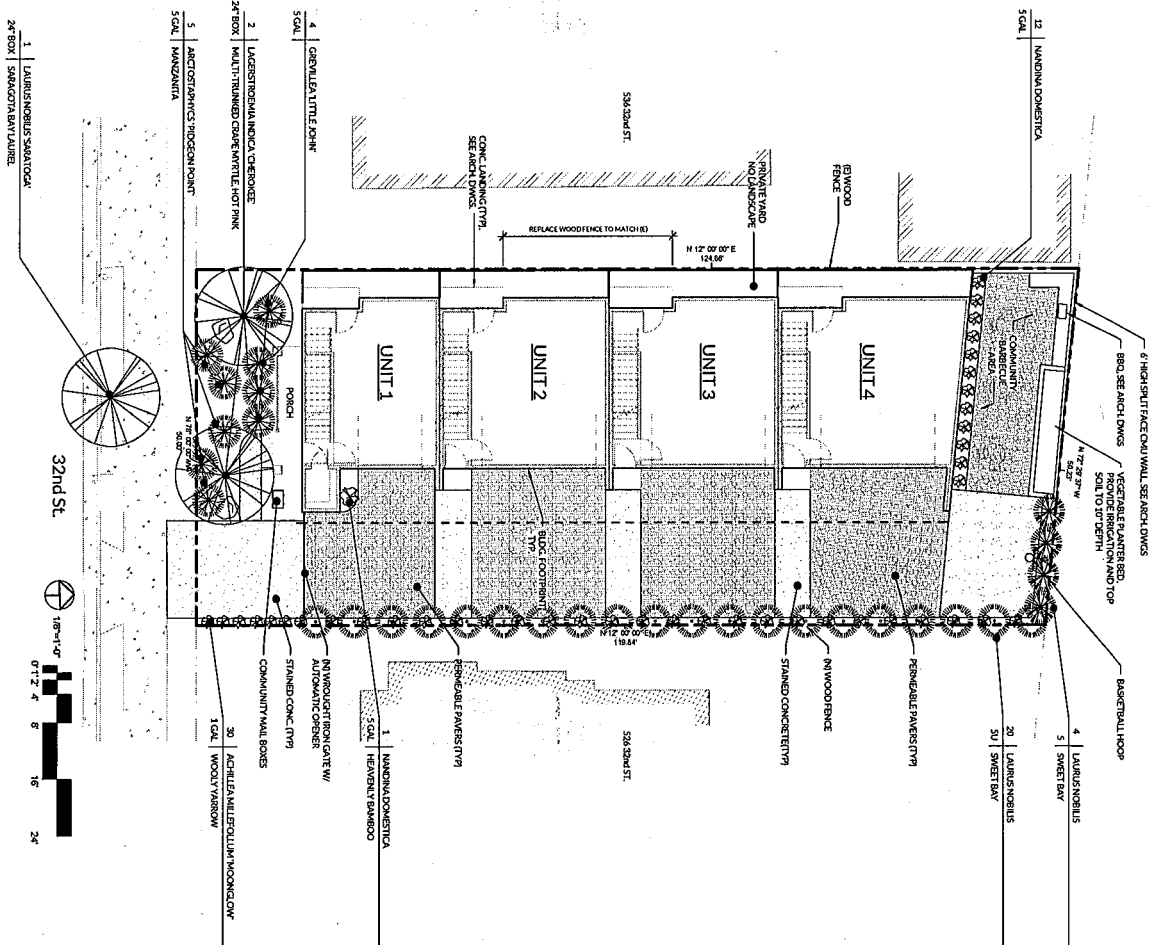
Sheet

Project: 20011118-BROOKLYN
Drawn By: TJA
Reviewed By: TJA

Title: Planning Commission
No. Date Description
10/24/14 PLANNING COMMISSION

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ELEVATIONS



GENERAL LANDSCAPE NOTES

- ALLIGATION TO BE 8" DB
- IRREGULAR CONTAINER TO BE 32" X 18" X 18" SMART CONTAINER
- MUCH FOR FRONT PLANTED AREA TO BE 3" X 18" GRANITE OVERLAP FOR 18" DB

KEY

0	BOTANICAL NAME
SIZE	COMMON NAME

2 MOSS ROCK BOLLERS - 200 LBS EACH

530 32nd Street LLC
CONDOMINIUM
DELVEOPMENT

530 32nd St.
Oakland, CA 94609
APN: 5-176-9

WESTERN PRODUCTS LANDSCAPING
191 GREENWICH DRIVE
PLEASANT HILL, CA 94523
westernproductslandscaping.com
925-280-1664

Project: 530 32nd Street LLC
Location: 530 32nd Street
Designed By: V. O'Neil
Drawn/Revision: Schedule
No. Date Description

LANDSCAPE PLAN

Oakland Planning Commission

STAFF REPORT

Case File Number: PLN14-003-A01

August 6, 2014

Location:	530 – 32nd Street (see map on reverse)
Assessors Parcel Numbers:	009-0716-009-00
Proposal:	Appeal of Zoning Manager's approval of application for Regular Design Review to construct a new 5-unit townhouse residential development on a vacant lot.
Appellant:	Tanya Boyce on behalf of Clarence McElhaney, Jr. (510) 932-5416
Contact Person/Phone Number:	Robert Brecht (510) 928-1611
Owner:	530 – 32 nd Street LLC
Planning Permits Required:	Regular Design Review for a new 5-unit residential development.
General Plan:	Urban Residential
Zoning:	RU-1 Urban Residential Zone 1
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; infill development; Section 15183(a), projects consistent with a community plan, general plan or zoning
Historic Status:	Not a Potential Historic Property (PDHP); Survey rating: N/A
Service Delivery District:	2
City Council District:	3
Status:	Application approved on 4/2/14; Appealed on 4/14/14.
Action to be Taken:	Public Hearing
Staff Recommendation:	Deny the Appeal thereby upholding the Zoning Manager's approval
Finality of Decision:	Final Decision
For further information:	Contact case planner Maurice Brenyah-Addow at 510-238-6342 or by email: mbrenyah@oaklandnet.com

SUMMARY

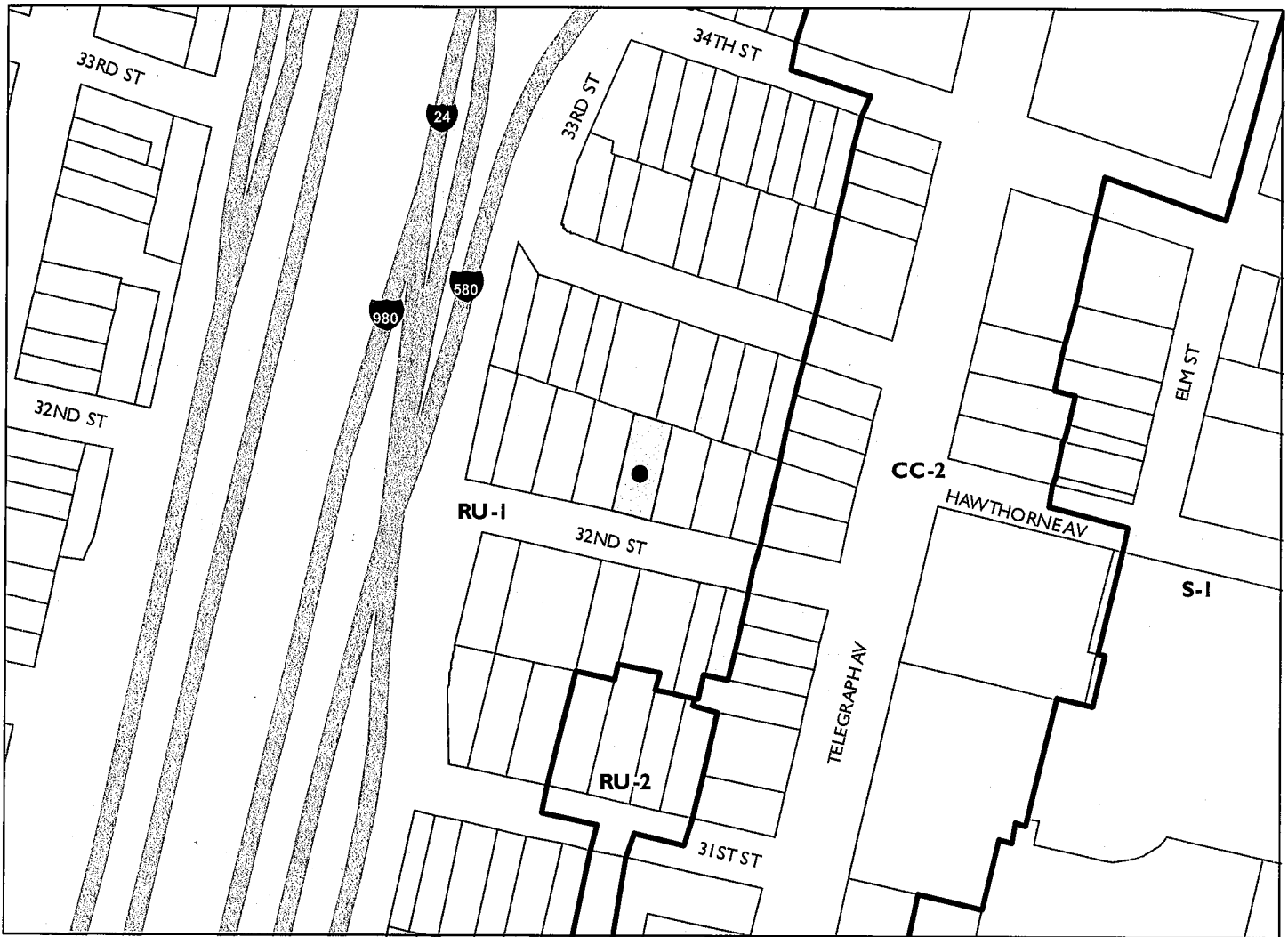
On April 2, 2014, the Zoning Manager approved an application to construct a 5-unit townhouse-style residential development on a vacant parcel located at 530 32nd Street, within the Urban Residential General Plan (GP) land-use classification and the RU-1 zone, where multi-family developments are encouraged. The project complies with the maximum RU-1 zoning density of one unit per 1,100 square feet of lot area where a 6,112 square-foot site would allow up to 5 units. The project also complies with all other applicable development standards such as off-street parking, useable open space, height limits, etc. and therefore no variances were necessary to grant the approval (see attachment B). The project is also consistent with the Design Review criteria in that it applies a traditional design with exterior materials that include lap siding, shingles, and stucco, which achieves a street elevation that is compatible with the neighboring properties.

On April 14, 2014, the appellant (Tanya Boyce, representing Clarence McElhaney, Jr.), appealed the Zoning Administrator's approval of the project (see attachment C), citing various reasons, including the following:

- 1) Too dense for this context;
- 2) Too little open space;
- 3) Vehicular circulation issues;
- 4) Shadow and privacy impacts to adjacent home; and

EXHIBIT IV

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN14003-A01
Appellant: Tanya Boyce
Address: 530 - 32nd Street
Zone: RU-1

- 5) Design incompatible with concepts of Crime Prevention Through Environmental Design (CPTED).

The appeal fails to correctly cite any error or abuse of discretion by the Zoning Manager, or wherein the decision is not supported by appropriate evidence in the record, and therefore, staff recommends that the Planning Commission deny the Appeal and uphold the Zoning Manager's approval of the Design Review for the proposed 5-unit residential development.

PROPERTY DESCRIPTION AND NEARBY LAND USES

The subject site is a vacant parcel flanked by 536 32nd Street to the west and 526 32nd Street to the east. The site is located within the Telegraph Grove Shafter Historic District. 32nd street is characterized by a mixture of single and multi-family buildings. The site is relatively flat and currently vegetated with weeds and brush. The site is within close proximity of the Sutter Health Alta Bates medical campus (Pill Hill) and Telegraph Avenue, a major arterial street with AC Transit bus service.

PROJECT DESCRIPTION

The proposed project is a contemporary rendition of a traditional style architecture that borrows complementary elements from neighboring buildings in order to blend in with the surroundings. The exterior materials and treatment include a combination of lap siding, shingles, stucco, a mix of window types with trim, and a belly-band. The design incorporates distinct volumes and material-breaks to minimize perceived bulk. Each of the 5 units is proposed to be approximately 1,100 square-feet, and will include 3 bedrooms, 2.5 baths and a one-car garage in a vertically stacked townhouse style residential development. The applicant has indicated that he plans to build the units as condominiums although a condominium map has not yet been filed. The site will be landscaped and fenced to provide privacy between adjacent properties. Permeable pavers and stamped concrete will be applied to enhance the appearance of the driveway and group open space at the rear of the site.

GENERAL PLAN ANALYSIS

The subject site is located in the Urban Residential land use classification according to the City of Oakland General Plan Land Use and Transportation Element (LUTE). According to the LUTE, the intent of the Urban Residential classification is to "create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services." Furthermore, the primary future use of this classification is residential. Mixed use buildings that house ground floor commercial uses and public facilities of compatible character are also encouraged. The proposed development is consistent with the General Plan in that it is a five-unit residential project located within close proximity of Telegraph Avenue, which is a major arterial street with good access to public transit and public services.

The proposed project is also consistent in all significant respects with the following General Plan objectives and policies:

- Objective N3: *Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future housing needs of the Oakland community. The project provides the Oakland community with 5 (five) new dwelling units.*

- Policy N3.1, Facilitating Housing Construction: *Facilitating the construction of housing units should be considered a high priority for the City of Oakland. The City of Oakland's Bureau of Planning has streamlined its processes in order to facilitate the construction of new homes by enabling efficient navigation of the permitting process.*
- Policy N3.2, Encouraging Infill Development: *In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland. The project is proposed for a site located in a built-up part of North Oakland within close proximity of Downtown Oakland. The proposed development will be an infill development for the vacant site.*
- Policy N6.2, Increased Home Ownership: *Housing developments that increase home ownership opportunities for households of all incomes are desirable. The project will provide housing and eventually home ownership opportunities for 5 (five) new households. The condominium approach, if filed, will make the units more affordable due to the shared amenities.*

ZONING ANALYSIS

The project site is located in RU-1 Urban Residential Zone 1. The project complies with all of the following applicable zoning standards:

Density: The RU-1 zone allows one regular dwelling unit for every 1,100 square-feet of site area and therefore the 6,112 square-foot site would permit up to 5.5 units. The proposed 5 units is consistent with the density.

Setbacks: The project complies with the 15-foot front/rear and 4-foot side setbacks, providing 4 feet on the left side and 14.5 feet on the right side, adjacent to the appellant's property.

Height Limit: The RU-1 height limit is 40 feet. The highest roof peak for the proposed project will be 34'-7". The proposed development falls within the height limit for this zone.

Useable Open Space: The total required useable open-space at a rate of 175 square feet per unit is 875 square feet. The project provides a minimum of 1,050 total square feet of private and group open spaces and therefore provides more useable open space than required by the Planning Code.

Parking & Maneuvering: The RU-1 zone requires one parking space per unit. The project provides a minimum of one off-street parking space for each unit, and therefore complies with the requirements in the Planning Code.

ENVIRONMENTAL DETERMINATION

The project was determined to be exempt from environmental review under State of California Environmental Quality Act (CEQA) Guidelines: Section 15183(a) (Projects Consistent with a Community Plan, General Plan, or Zoning); and Section 15332 (Infill Development Projects).

Section 15183 (a)

"CEQA mandates that projects which are consistent with the development density established by

existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review..."

Section 15332

The criteria for a Categorical Exemption under Section 15332 of the CEQA Guidelines are as follows:

- 1) *The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.*

The Urban Residential classification of the Oakland General Plan (GP) is intended to "create, maintain, and enhance areas of the City that are appropriate for multi-unit, mid-rise or high-rise residential structures in locations with good access to transportation and other services." In addition, "The primary future use in this classification is residential." The proposed project involves the construction of a new 5-unit townhouse style residential development and is therefore consistent with the Urban Residential classification in the General Plan and the RU-1 zone which permits up to 5.5 units at the subject site.

- 2) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*

The development site is less than five acres (approximately 6,112 square feet) and located within Oakland city limits, and is substantially surrounded by urban uses.

- 3) *The project site has no value as habitat for endangered, rare, or threatened species.*

Due to the urban setting of the subject site, the project site does not contain any habitat for endangered, rare, or threatened species.

- 4) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

The proposed 5-unit housing development is typical of densities in the subject vicinity. The conditions of approval will ensure that the project does not result in any significant effects relating to traffic, noise, air quality, or water quality.

- 5) *The site can be adequately served by all required utilities and public services.*

All required utilities are readily accessible from the surrounding streets, and the site will be adequately served by public services in the area. Where upgrades are needed, the project would be required to make them.

BASIS FOR THE APPEAL

Appellant filed a timely appeal of the Zoning Manager's approval on April 14, 2014. The main points in the appellants' appeal (see attachment C for full statements) are summarized in *italics* and staff's responses are in **bold type**:

- 1) *TOO DENSE FOR THIS CONTEXT – Based on the zoning RU-1, maximum allowable density for the site of 6,112 SF, is 5 units. The proposed project proposes the maximum number allowed, however this is too dense for this particular context because:*
 - A) *The site was previously developed with a single family home.*

Staff's response: The previous single family structure that used to occupy the site has no relevance to the current Urban Residential classification of the General Plan (GP) and RU-1 zoning density, which encourage multi-family development (see GP and Zoning analysis sections above).

B) The majority of lots on this block are developed with single family homes.

Staff's response: The prior zoning for the area was R-70 High Density Residential which allowed multi-family developments. The most recent zoning update that became effective on July 18, 2013 maintained the multi-family nature of the area by reclassifying it as RU-1 Urban Residential zone. The existence of some single family homes on the block does not preclude new multi-family developments. Not only are there some multi-family developments on the block and within 300 feet of the site, the prescribed density of the general plan and zoning also supports the proposed 5 units.

C) The only 5-unit structure on this block is developed on a much larger (nearly double in size) parcel.

Staff's response: The RU-1 zone does not depend on a specific neighboring structure to prescribe overall densities. Instead, allowable densities were set based on extensive planning studies, environmental impact analyses and growth projections. Following such studies, the City adopted regulations that allow one unit for every 1,100 square feet of lot area for the site and surroundings. Hence, the proposed project is consistent with the allowed density.

D) There are existing infrastructure issues related to sewer and water services which are already serious. If every parcel knocked down an existing Victorian home and rebuilt five 3-bedroom 2 bathroom units, the sewer would not be able to handle the capacity.

Staff's response: The appellant has not provided any evidence to support any existing infrastructure issues related to sewer and water services. Nevertheless, the City's Standard Conditions of Approval require the applicant to upgrade any such systems that may need to be upgraded prior to project completion. The hypothetical situation raised by the appellant has no basis in fact and is irrelevant to this one project.

Staff's overall response: The RU-1 Zone allows one regular dwelling unit for every 1,100 square-feet of site area and therefore the 6,112 square-foot site would permit 5.5 units. The proposed 5-unit development is consistent with the permitted density.

2) *TOO LITTLE OPEN SPACE –Based on the zoning RU-1, minimum group open space needed is 175 SF per unit which is allowed to be reduced to just 50SF per unit when substituted with private open space. Therefore, substituting private space, the group open space requirement goes from 875 SF to just 250 SF and while the project offer 352 SF of open space, we object to this as being too little for this context because,*

A) This block is a neighborhood of intergenerational families with children. Children need on-site group open spaces large enough to play. The space designated as group open space is at the back of the structure far away from the front units and therefore unlikely to be used by anyone, much less the children living in the front units.

Staff's response: The proposed project provides a minimum group open space of approximately 600 square feet (15'x40') at the rear where 250 square feet (5x50sq. ft.) minimum is required by the RU-1 zone. The asserted character of the neighborhood and opinion of how much open space is needed for children to play has no bearing on whether the proposed project satisfies the minimum open space requirement.

B) The open space calculations on the submitted plans are incorrect.

Staff's response: Depending on how one calculates the open space, one can arrive at different conclusions. Staff conducted a conservative calculation that disregards spaces that, although functionally work as open space, fall short of the technical dimensions of official open space dimensions. Staff concluded that the project provides a minimum of 1,050 square feet of total open space (600 public, 450 weighted private) where 875 square feet is required for the entire project.

C) The private open space is a 4x18' foot strip of paved area behind the garage which is not practical for regular enjoyment by residents of the unit.

Staff's response: Although the backyards of 4 of the units have dimensions that are a combination of 8'x5.5' and 10'x4' rectangles that add up to total private yard space of 84 square feet, staff did not count that yard space towards the required open space because private open spaces located on the ground floor require a minimum dimension of 10 feet. The front unit has an upper floor deck that provides the equivalent of 150 square feet of functional private open space. The rearmost unit has additional private yard space equivalent to 300 square feet. Although Staff does not include spaces that fall short of the minimum dimensions, Staff believes the average 84 square-foot private yard space, with the option to use the rear or front yards if needed, is sufficient for this type of development.

D) The entire site is paved with only a very narrow planting strip along the edge of the driveway and the front yard.

Staff's response: At least one tree, some shrubs and ground cover are proposed for the front yard. The narrow strip of plantings along the edge of the driveway provides privacy screening between the subject site and the appellant's property.

E) The site plan does not indicate where trash bins or mailboxes will be placed. Not enough space is adequately designed for these elements.

Staff's response: For townhouse style developments, trash bins are typically stored at the back yard or in garages and brought out on pick-up days. The units are set up to have mailboxes at the front by each unit entrance.

Staff's overall response: The required total useable open space at a rate of 175 square feet per unit is 875 square feet. The project provides 1200 total square feet of private and group open spaces not counting most of the private back yards and the landscaped front yard. The proposed development exceeds with the minimum open space requirements.

3) VEHICULAR CIRCULATION ISSUES - Driveway is very narrow and serves as both a walkway and a driveway.

- A) *On the site plan the driveway width is labeled as 14'-5", page A2 shows the actual width as being 13'-5", however a survey conducted by the adjacent property owners indicates that the fence is off the property line by almost 2'-00" thereby further reducing the actual driveway width.*

Staff's response: The plans show a minimum driveway width of 18 feet (where 9 feet minimum is required) and a maneuvering aisle of 21 feet (minimum width required) in front of every garage. The dimensions quoted by the appellant are actually the setbacks for portions of the upper floor cantilevered over the driveway.

- B) *As illustrated, the vehicular turn overlay does not work. As shown, the cars must drive through the planting strip to make the turn. Furthermore, the driveway appears to get more narrow as it gets further away from the street, however the vehicular overlay only covers the first garage, leaving it questionable as to whether that turn can work for any of the other garages.*

Staff's response: Staff does not see any evidence of cars needing to maneuver through planting strips. The 21-foot code-required maneuvering aisle stops short of the edge of the planting strip. Tree canopies that may appear to overhang the driveway and fence should not be misinterpreted as obstructions. The driveway and maneuvering aisle widths are consistent throughout the site plan.

Staff's Overall Response: The proposed project complies with the minimum required maneuvering aisle width of 21 feet.

- 4) *SHADOW AND PRIVACY IMPACTS TO ADJACENT HOME - While we are most concerned with the overall impacts the proposed project will have on our neighborhood, as the owners and residents of 532 32nd Street, we are also concerned as proposed the project has some very deleterious impacts which are specific to our home-*

- A) *The submitted shadow study is incorrectly labeled as every shadow line is labeled as 9am on the spring fall equinox. Without a properly prepared study, it is not possible to accurately assess the impact of the shadow on our home.*

Staff's response: Staff's review of the shadow study prepared by the applicant shows that although there is a mislabeling of the three critical times, the actual shadow analyses were properly done per applicable standards and reveals there are no significant adverse solar impacts on the adjacent property located to the east at 526 32nd Street. The appellant has not submitted any alternative study proving otherwise to support this claim.

- B) *The shadow appears to be quite significant over the eastern bedroom windows and over the planting areas of the yard. We would like to request an animated study so we can assess how the shadow moved over our property over time.*

- C) **Staff's response:** Per standard shadow impact criteria, shadow impacts exist when shadow is cast over 50% of an actively used space during at least two of the three critical times (9am, 12 noon, and 3pm) during the Spring and Fall Equinox. In this particular case, shadow is only cast during the 3pm period and there are no shadows whatsoever at 9am or 12 noon. Hence there is no significant shadow impact based on the applicable criteria. *With all units facing east, the adjacent parcel will have a bank of*

bedroom windows aligned with our existing bedroom windows and directly overlooking our rear yard.

Staff's response: The strip of landscaping along the driveway was incorporated to minimize privacy impacts.

D) Since the front doors are facing the side property line, porch lights will also be facing the side property line, resulting in motion light shining into the bedrooms of our home at night.

Staff's response: All exterior lighting fixtures are required to be downward directed to minimize glare on adjacent properties. The landscaping screening is expected to provide additional filtering of lighting.

Staff's Overall Response: The applicant prepared a shadow analysis which demonstrated that there is no impact. The applicant has incorporated landscaping to minimize privacy impacts in this urban setting.

5) DESIGN IS INCOMPATIBLE WITH CONCEPTS OF Crime Prevention Through Environmental Design – This block, like the rest of this neighborhood and this City, has been severely impacted by street crime and safety is the top concern of the area residents. As such crime prevention through environmental design or CPTED is an extremely important tool considering the fact that the structures and their impacts on the community will be in place for generations to come. The most important principle of CPTED which the proposed structure is on opposition to is the concept of private public connectivity. Connection between the private homes and the man walking on the sidewalk has been maintained through the various development styles represented on this block however the proposed design falls short of this in the following ways:

A) This is the only structure on the block with the entire ground level dedicated to vehicular storage and all living space on the second and third levels only. This substantially removes the man in the house from the man on the street, which reduces safety for both.

Staff's response: Most homes on the block have elevated first floor levels (2-5 feet). The appellant's house at 526 32nd Street is elevated approximately 4-5 feet off the ground. Staff worked with the architect to incorporate a similarly elevated front entry (raised 3 feet) and street-facing porch and upper deck at the front-facing unit of the proposed development to enable it to blend in with the adjacent properties. The porches are functional and allow a person to be both at the street level and have eyes on the street even at the upper level. The front unit contains a doorway and windows facing the street.

B) With all of the units facing away from the street, any visitor must walk down a long dark alleyway to reach the front door of any unit. A major CPTED concept is that front doors should always face the street. The only other structure on this block with side facing front doors was built in the 1970's before the City of Oakland implemented design guidelines to avoid these types of poor design choices.

Staff's response: The well-lit 18 to 21-foot wide driveway/maneuvering aisle is far from being a long dark alleyway. The front-facing unit adequately addresses the need for a front façade consistent with the neighboring properties. In addition, each unit's entry point will be equipped with exterior lighting fixtures.

- C) *Another major building element that deals with connectivity is the position and function of glazing. As designed there is only one window of the entire front façade (representing less than 5% of the façade areas) which is connected to an actual living area within the unit. The entire ground level has false windows and a false porch which offer no opportunity for eyes on the street. This along with the side facing entrances give the project a feel for turning its back to the street and presenting the public realm with a 30' blank wall.*

Staff's response: The street-facing elevations show sufficient real windows (not false) typical of other buildings in the neighborhood. The living room window of the front facing unit faces the street. Since residents are likely to spend more time in the living room or on the street-facing porches on the ground or upper floors, the eyes-on-the-street argument lacks basis.

- D) *The presented plans do not address fencing; however without a fence the false porch provides a perfect opportunity for homeless encampment and other illicit activity in the covered and used entryway.*

Staff's response: Most neighboring buildings with porches, including the appellant's home next door with a similar street-facing porch, do not have fencing. It is not clear why the proposed porch, which was actually modeled after the context in the neighborhood, should be fenced. The driveway entrance can be gated to further secure the site but it should be the prerogative of the property owner(s) to choose to have a fence if they so wish.

- E) *In closing, we believe there is a way to thoughtfully redevelop and even increase density on this site, however, as presented, the current proposal is not thoughtful and merely maximizes density without any consideration for its impact on the adjacent properties or the neighborhood at large. We beseech you to please uphold this appeal, order the applicant to redesign, and have that design subject to review by the Planning CPTED officer.*

Staff's response: Staff does not see any unresolved CPTED issues with the proposed development. All entrances are well-lit, and the front unit is oriented towards the street.

Staff's Overall Response: The project has been vetted for CPTED issues by Staff and it conforms in all significant aspects to the applicable criteria.

CONCLUSION

The appeal does not list specific instances of purported error or abuse of discretion by the Zoning Manager, or wherein the decision is not supported by appropriate evidence in the record, and therefore, staff recommends that the Planning Commission deny the Appeal and uphold the Zoning Manager's approval of the Design Review for the proposed 5-unit residential development. Staff finds that the proposed new 5-unit townhouse-style development will improve a currently vacant infill site and contribute to the City's goal of increasing the housing stock in Oakland. It will maintain desirable neighborhood characteristics such as residential units with useable outdoor spaces, secure off-street parking, and landscaping. The proposed development will improve a vacant site and provide convenient and functional living spaces for future residents. The new investment is expected to improve property values in the area.

RECOMMENDATIONS:

Staff recommends that the Planning Commission to:

1. Affirm staff's environmental determination; and
2. Deny the Appeal, thereby upholding the Zoning Manager's approval of the Design Review for 5 units subject to the attached Zoning Manager's Decision Letter with Findings and Conditions of Approval dated April 2, 2014.

Prepared by:

MBA (by SM)
MAURICE BRENYAH-ADDOW
Planner III

Approved:

Scott Miller
SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:

Darin Ranelletti
DARIN RANELLETTI
Deputy Director

- ATTACHMENTS:**
- A. Project plans
 - B. Project Approval Letter dated April 2, 2014
 - C. Appeal filed April 14, 2014

530 32nd St.
Oakland, CA 94609
APN: 9-176-9



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Sheet:

Proj. No.: 2013.11.15 Brecht 01
City: CA
Drawing By: TGA
Issue/Revision: Schedule:
No. Date Description

Disclaimer: This drawing is prepared by the Architect for the Client. It is not to be used for any other purpose without the written consent of the Architect. The Architect assumes no responsibility for the accuracy or completeness of the information provided by the Client. The Architect is not responsible for the actions of third parties.

Architect Signature:

Title:

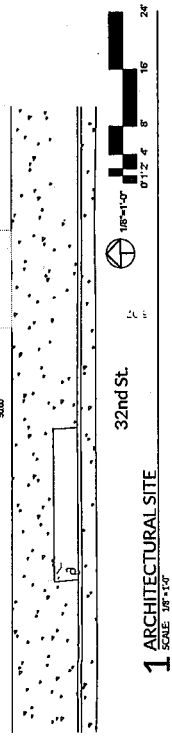
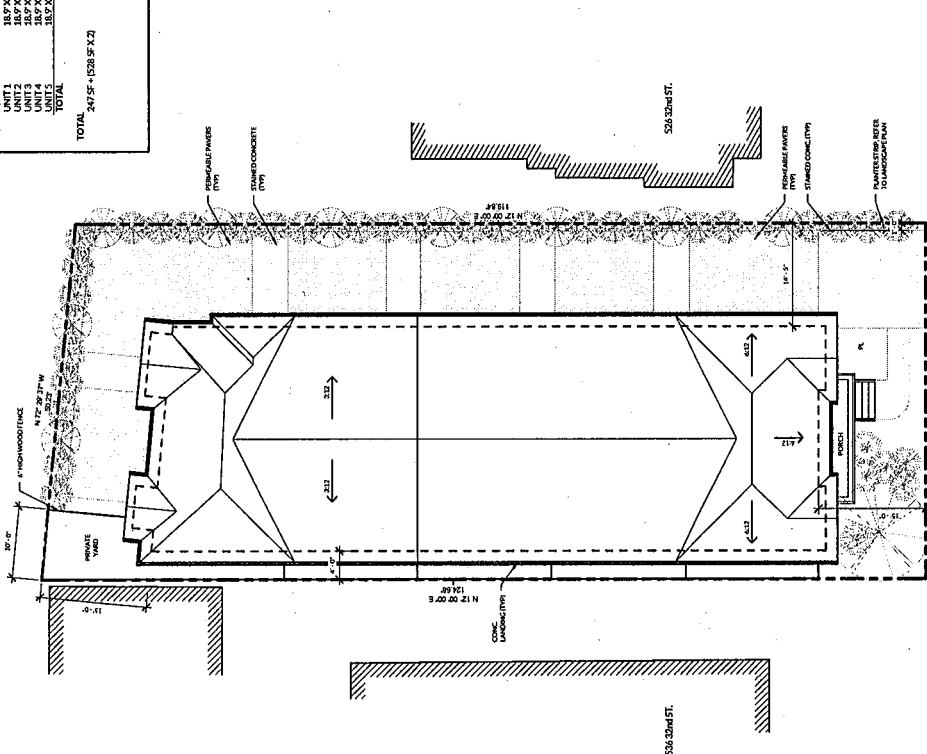
COVER SHEET / SITE
PLAN

A1

2/20/2014 9:45:58 AM

OPEN SPACE CALCULATIONS

PUBLIC SPACE (BREATHER SITE)	15' X 23.5'	352.5 SF
PRIVATE SPACE		
UNIT 1	18.9' X 4'	75.6 SF
UNIT 2	18.9' X 4'	75.6 SF
UNIT 3	18.9' X 4'	75.6 SF
UNIT 4	18.9' X 4'	75.6 SF
UNIT 5	18.9' X 4' + 15' X 10'	235.6 SF
TOTAL		528.9 SF
TOTAL	247.5' X 1528.5' X 2	1,303.5 SF



PROJECT INFORMATION	INDEX OF DRAWINGS
<p>PROJECT SUMMARY: FIVE UNIT RESIDENTIAL DEVELOPMENT ON VACANT LOT. NOTE: LOT PERMITS AND VARIOUS EASEMENTS WHICH WOULD BE REQUIRED FOR THIS PROJECT.</p> <p>SITE AREA: 15,200 SQ. FT.</p> <p>OCCUPANCY: SINGLE FAMILY/HOUSE</p> <p>PERMITS: NONE</p> <p>NUMBER OF STORIES: ONE (8)</p> <p>BLDG. HEIGHT: 30'-0"</p>	<p>A1 COVER SHEET / SITE PLAN</p> <p>A2 FLOOR PLANS</p> <p>A3 ELEVATIONS</p> <p>A4 ELEVATIONS</p> <p>C1 SITE SURVEY</p> <p>L1 LANDSCAPE PLAN</p>

PROJECT DIRECTORY

OWNER:
530 32ND STREET LLC
PHONE: (510) 298-1511
CONTACT: Bob Brecht
EMAIL: bob@brecht.com

ARCHITECT:
DE JESUS AND ALATORRE ARCHITECTS
2455 SATES AVE., SUITE N
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CONTACT: Tim Alatorre
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VICINITY MAP





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Sheet

Proj. No.: 2013.11.15 Brecht 01
Drawn By: AC
Reviewed By: DA
Issue / Revision: Schedule
No. Date Description

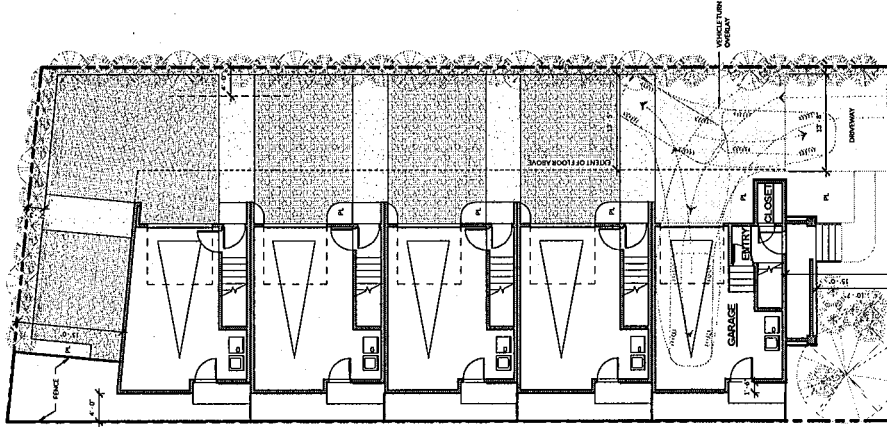
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Date:

FLOOR PLANS

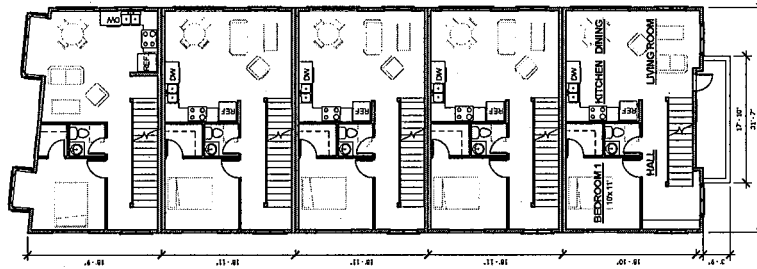
A2

PROJECT DATA

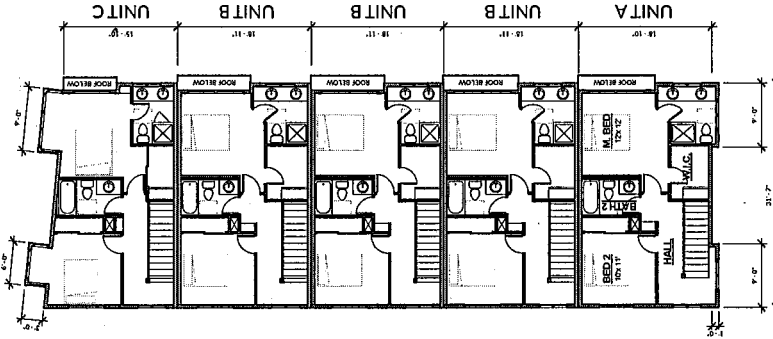
Plan Area Summary		Site Data	
UNIT A	1,123.4	NET AREA	1,123.4
GARAGE	304.5	UNIT	3
1ST FLOOR	104.5	COMMON AREAS	5,396.5
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT B	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT C	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT D	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT E	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT F	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT G	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT H	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
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2ND FLOOR	104.5	COMMON AREAS	2,242.4
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UNIT I	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
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UNIT J	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
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2ND FLOOR	104.5	COMMON AREAS	2,242.4
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UNIT K	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
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3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT L	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT M	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
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UNIT N	1,123.4	COMMON AREAS	2,242.4
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1ST FLOOR	104.5	COMMON AREAS	2,242.4
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3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT O	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT P	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT Q	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT R	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
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2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT S	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT T	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT U	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT V	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT W	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT X	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
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3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT Y	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4
UNIT Z	1,123.4	COMMON AREAS	2,242.4
GARAGE	304.5	COMMON AREAS	2,242.4
1ST FLOOR	104.5	COMMON AREAS	2,242.4
2ND FLOOR	104.5	COMMON AREAS	2,242.4
3RD FLOOR	104.5	COMMON AREAS	2,242.4



1 LEVEL 1 - FLOOR PLAN
SCALE: 1/8" = 1'-0"



2 LEVEL 2 - FLOOR PLAN
SCALE: 1/8" = 1'-0"



3 LEVEL 3 - FLOOR PLAN
SCALE: 1/8" = 1'-0"

530 32nd Street LLC
2013.11.15 Brecht 01

530 32nd St
Oakland, CA 94609
APN: 9-176-9



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info@dja-arc.com
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Sheet

Project No. 2013.11.15 Brecht 01
Drawn By: Aitor
Reviewed By: Chester

Issue/Revision: Structure
No. Date Description

Aluminum Extrusions: material properties, finish, and color to be determined by the architect and manufacturer. The manufacturer's literature and specifications shall be submitted to the architect for review.

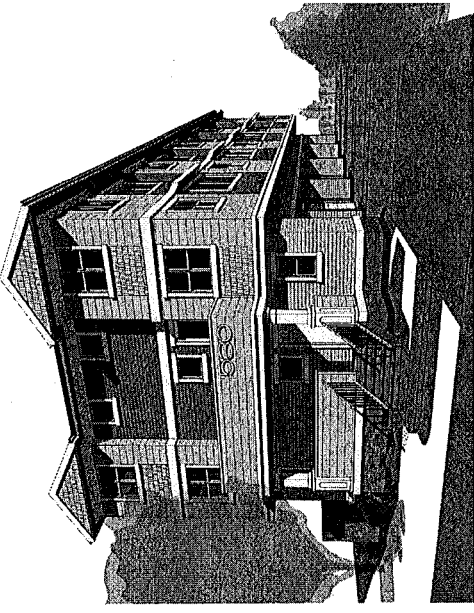
Approved Signature:

Date:
ELEVATIONS

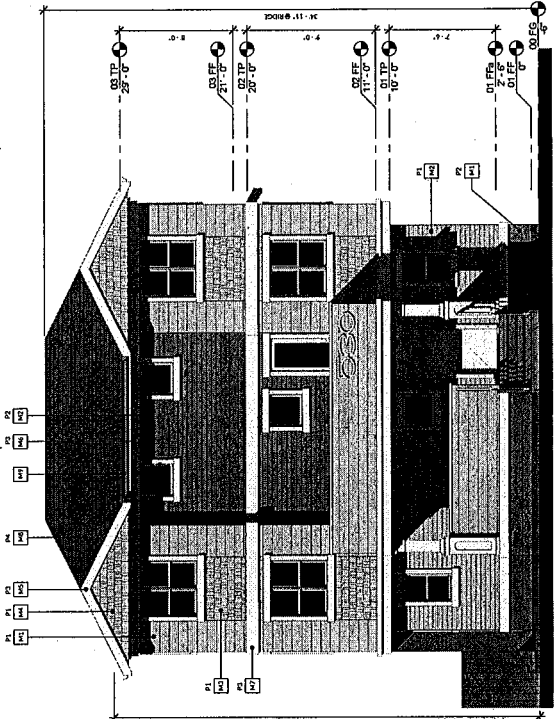
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2013.11.15 Brecht 01

MATERIAL LEGEND

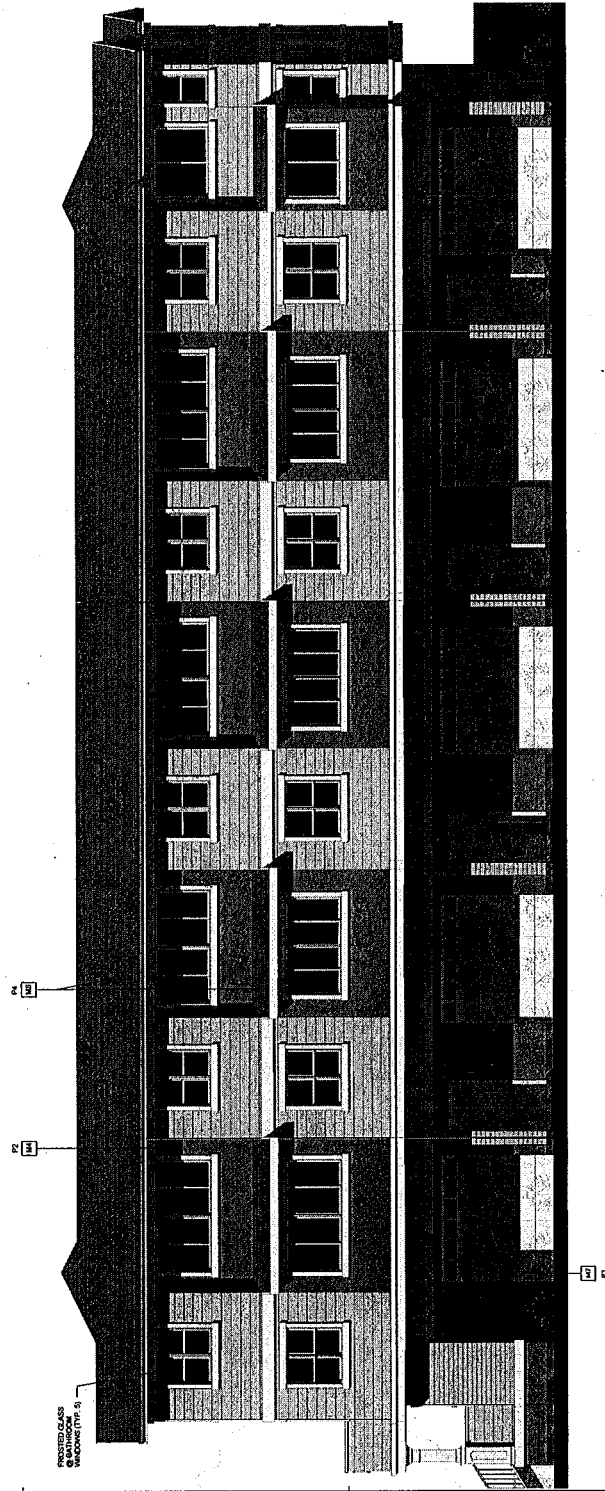
- M1 - 8" LAP SIDING
- M2 - 4" LAP SIDING
- M3 - 6" SHAKE
- M4 - STUCCO
- M5 - 2"X8" FACA BOARD
- M6 - 2"X TRIM WITH DENTILS
- M7 - 1"X6" TRIM AND BELLY BAND
- M8 - ASPHALT SHINGLES
- M9 - 6" GSM GUTTER
- P1 - BEAUMAIN MOORE - 185 - WALES GRAY
- P2 - BEAUMAIN MOORE - 158 - GRAY PINTRIPE
- P3 - BEAUMAIN MOORE - OC-16 - WHITE DOVE
- M - GAF - TIMBERLINE COOL SERIES - ANTIQUE SLATE



3 SE PERSPECTIVE
SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION (FRONT)
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION
SCALE: 1/8" = 1'-0"

530 32nd Street LLC
2013.11.15 Brecht 01

530 32nd St.
Oakland, CA 94609
APN: 9-176-9



DE JESUS AND ASSOCIATES ARCHITECTS
Commercial | Planning | Landscape
2025 Baker Ave., Suite 111
Oakland, CA 94612
888.352.7721
info@dja-arc.com
www.dja-arc.com

Sheet

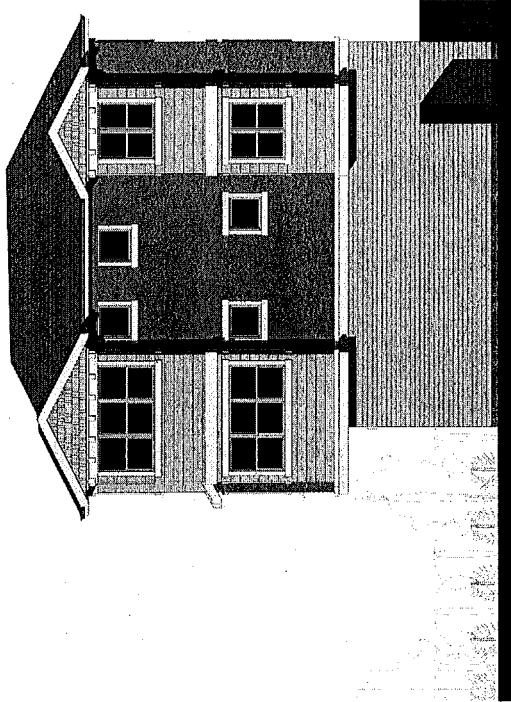
Proj. No.: 2013.11.15 Brecht 01
Owner: Brecht
Architect: DJA
Name/Revision: Schedule
No. Date Description

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Approved Signature

Title: Date:
ELEVATIONS

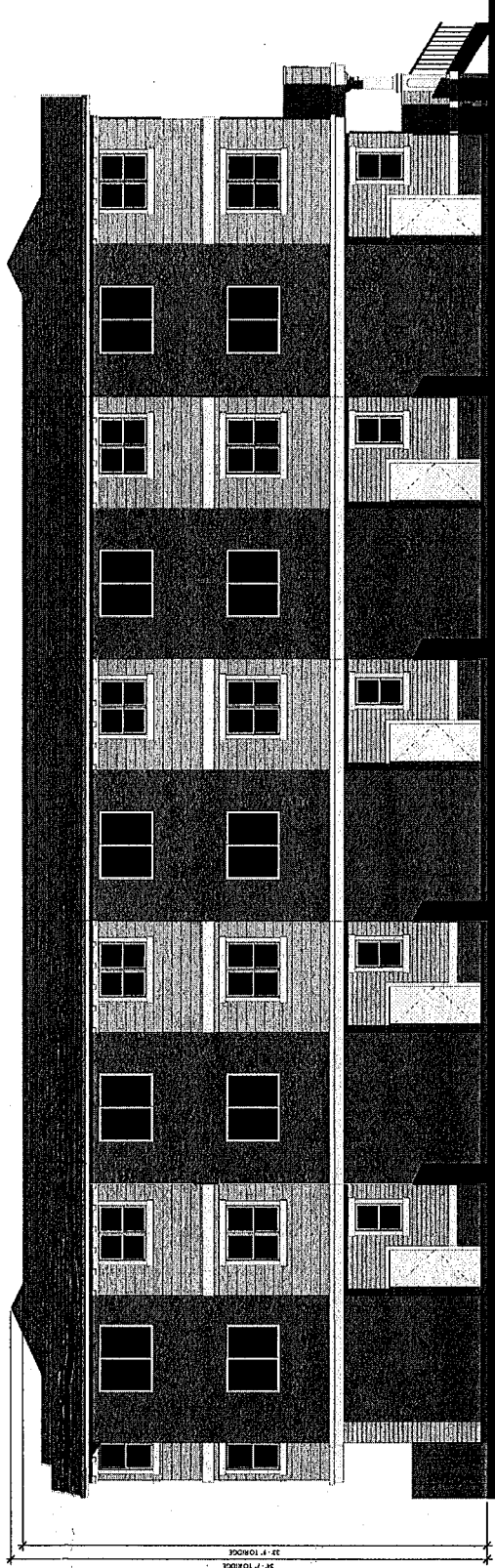
A4
2013.11.15 Brecht 01



1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 NW PERSPECTIVE
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"

530 32nd Street LLC
2013.11.15 Brecht 01

530 32nd St.
Oakland, CA 94609
APN: 9-176-9



DE JESU AND ALTORE ARCHITECTS
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Sheet

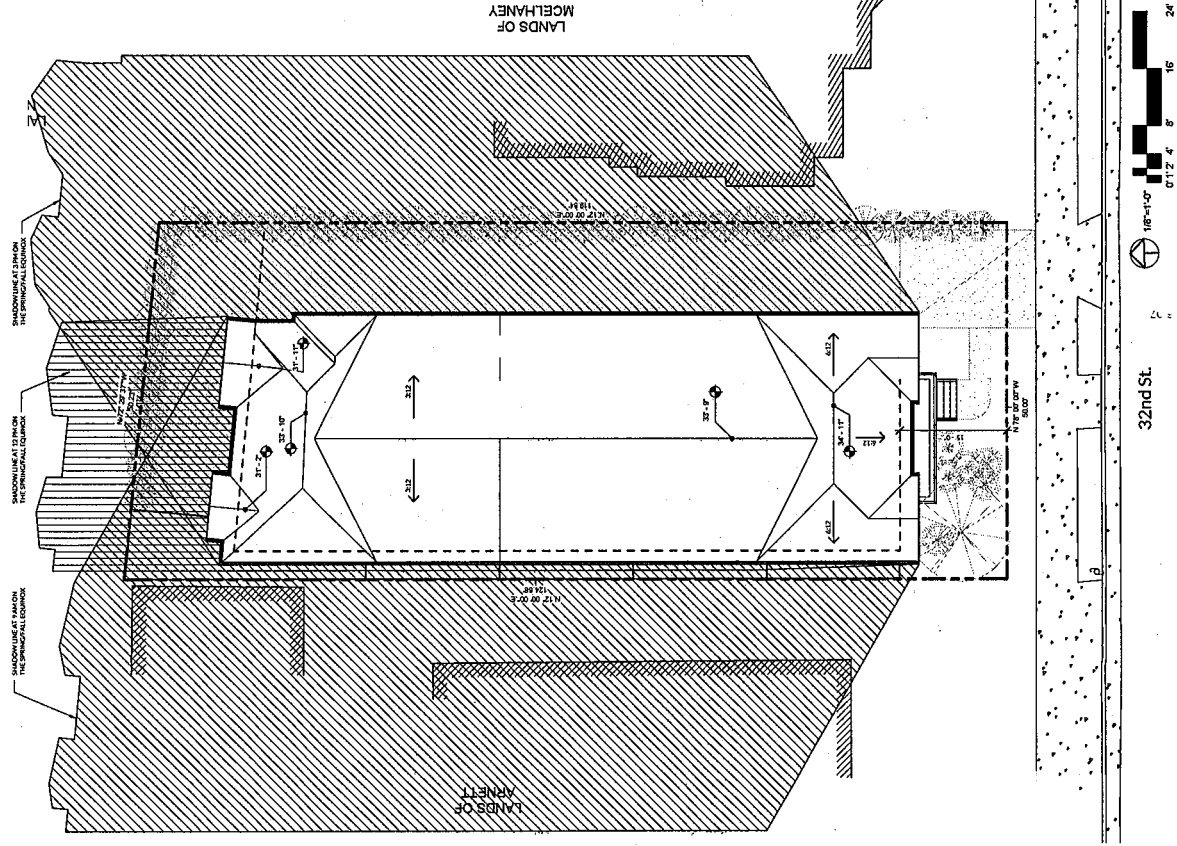
Project: 530 32nd Street
Drawn By: AJM
Reviewed By: Coder
Name/Revision: Schedule:
No. Date Description

SHADOW STUDY: This diagram illustrates the proposed building's shadow cast on the surrounding context. The shadows are cast from the building's facade and roofline, showing the impact on the adjacent streets and surrounding context. The shadows are cast from the building's facade and roofline, showing the impact on the adjacent streets and surrounding context.

Approval Signature:

Date:
SHADOW STUDY

A5
20200719.02.14 PM



1 SHADOW STUDY
SCALE: 1/8" = 1'-0"

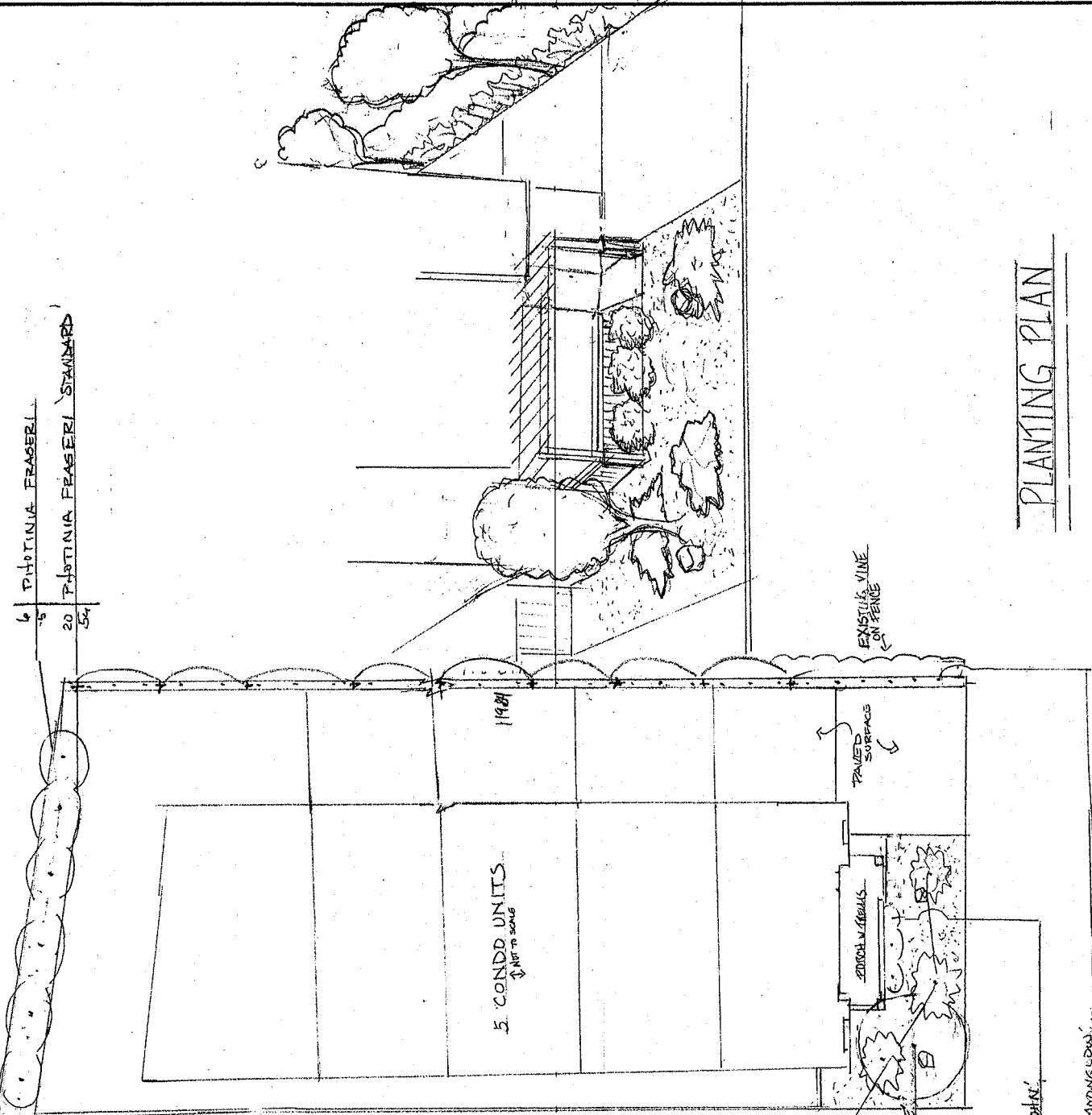
REVISIONS	BY

WESTERN PRODUCTS LANDSCAPING
 191 GREENWICH DR
 PLEASANT HILL CA 94523
 westernproductslandscaping.com 925.285.2884

OAKLAND, CALIFORNIA
 94609

PROPERTY: 530 32ND ST
 Date 2/10/14
 Scale 1/8" = 1'-0"
 Drawn V. Ghisla
 Job 3975 ST
 Sheet 1
 Of 1 Sheets

- 6 PHOTINIA FRASERI
- 20 PHOTINIA FRASERI STANDARD
- 54



PLANTING PLAN

IRRIGATION NOTES

- ALL IRRIGATION TO BE DRIP
- CONTROLLER TO BE 3-5 STATION SMART CONTROLLER

KEY

- MULCH FOR UNPLANTED AREA
 10" DEEP 3/8" GRANITE OVER
 LANDSCAPE FABRIC
- 2 MOSS ROLL BOUNDERS
 200 LBS EACH
- # BOTANICAL NAME
 SIZE COMMON NAME

- 2 ARCTOSTAPHYLOS
 56A MANZANITA
- 1 LARSENIA INDICA
 20' 8" MULTITRUNKED CORAL MYRTLE
 HOT PINK
- 3 GREVILLEA 'LITTLE JOHN'
 56A
- 30 ACHILLEA MILLEFOLIUM 'MOONGLAZED'
 10A WOOLY YARROW

BASIS OF BEARINGS

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY SUPERVISION FOR THE PURPOSE OF THE REQUISITE RECORDATION AT THE REQUEST OF OWNER BOB BRECHT IN JANUARY 2014.

HERSEY STATE THAT ALL EXISTING GRADES UPON THIS PLAY ARE BASED UPON THE RECORDS OF THE CITY OF OAKLAND DATUM.

HERSEY FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE STATE LAWS AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

GREGORY F. BRAZE PLS 7823

BENCHMARK

CITY OF OAKLAND BENCHMARK
BENCH MARK 2141
WEST OF CENTERLINE TELEGRAPH
FEET SOUTH OF N. P.A. 33RD ST.
ELEVATION = 48.35'
(CITY OF OAKLAND DATUM)

EASEMENT NOTE

A CURRENT TITLE REPORT FOR THE SUBJECT PROPERTY HAS NOT BEEN EXAMINED BY LEA & BRAZE ENGINEERING, INC. EASEMENTS OF RECORD MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.

NOTES

ALL DISTANCES AND DIMENSIONS ARE
IN FEET AND DECIMALS OF A FOOT.

UNDERGROUND UTILITY LOCATION
IS BASED ON SURFACE EVIDENCE.

BUILDING FOOTPRINTS ARE
SHOWN AT GROUND LEVEL.

FINISH FLOOR ELEVATIONS ARE TAKEN

ON-SITE BENCHMARK

SURVEY CONTROL POINT
MAG AND SHINER SET IN ASPHALT
ELEVATION = 45.75'
(CITY OF OAKLAND DATUM)

TELEGRAPH AVENUE (100')

N13°08'25"E
BASIS OF BEARINGS

LEGEND AND NOTES

BOUNDARY LINE	CABLE TV OVERHEAD LINE	ELECTRICAL OVERHEAD LINE	ELECTRICAL CABLE TV OVERHEAD LINE	ELECTRICAL TELEPHONE OVERHEAD LINE	ELECTRICAL TELEPHONE/ CABLE TV OVERHEAD LINE	GAS LINE (PER USA MARKINGS)	FENCE LINE	SANITARY SEWER LINE	TELEPHONE OVERHEAD LINE	WATER LINE (PER USA MARKINGS)	FLOW LINE	INVERT	TOOF POLE	TOP OF CURB	WINDING CLAY PIPE	JUNT POLE	SANITARY SEWER MANHOLE	WATER METER	BENCHMARK	SPOTGRADE	ASPHALT	CONCRETE	FOUND CITY OF OAKLAND LINE
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
CITY	E	EC	ET	ETC	G	SS	T	FL	INV	RP	TC	VP	P	CSH	MM	XX	XX	XX	XX	XX	XX	XX	

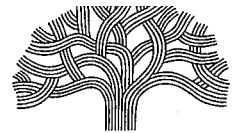


VICINITY MAP
NO SCALE

SCALE: 1" = 10'



CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3911
FAX (510) 238-4730
TDD (510) 238-3254

Sent via U.S. Mail

April 2, 2014

Attn: Robert Brecht - 530 32nd Street LLC
1721 Alhambra Avenue
Martinez, CA 94553

RE: Case File No. PLN14-003; 530 – 32nd Street; APN: 009-0716-009-00

Dear Mr. Brecht,

Your application, as described below, has been **APPROVED** for the reasons stated in Attachment A, which contains the findings required to support this decision. Attachment B contains the Conditions of Approval for the project. This decision is effective ten (10) days after the date of this letter unless appealed as explained below.

The following table summarizes the proposed project:

Proposal:	To construct a new 5-unit townhouse development on a vacant lot.
Planning Permits Required:	Regular Design Review to construct a new multi-family dwelling structure on a vacant lot.
General Plan:	Urban Residential
Zoning:	RU-1 Urban Residential Zone 1
Environmental Determination:	Exempt, Section 15332, infill developments; Section 15183, projects consistent with a community plan, general plan or zoning.
Historic Status:	Not a Potential Designated Historic Property (PDHP); Survey rating: N/A
Service Delivery District:	2
City Council District:	3

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the date of this letter, by **4:00 pm**. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Maurice Brenyah-Addow, Planner III**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or wherein his/her decision is not supported by substantial evidence and must include payment of **\$1,352.91** in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court.

ATTACHMENT B

ATTACHMENT A: FINDINGS

This proposal meets all the required findings under the Regular Design Review criteria found in Sections 17.136.050A of the Oakland Planning Code (OMC Title 17) as set forth below and which are required to approve your application. Required findings are shown in normal type; reasons your proposal satisfies them are shown in **bold type**.

SECTION 17.136.050(a)**REGULAR DESIGN REVIEW FINDINGS:**

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures. **The proposed new building is a contemporary rendition of a traditional style architecture that borrows from some of the neighboring building designs. The exterior materials and treatments include a combination of lap siding, shingles, stucco, a mix of window types with trims and belly bands. The design incorporates distinct volumes and material breaks to minimize perceived bulk. The overall design will relate well with the variety of traditional architectural designs in the Oakland Hills neighborhood.**
2. That the proposed design will protect, preserve or enhance desirable neighborhood characteristics. **The proposed new 5-unit townhouses style development will improve a currently vacant infill site and contribute to the City's goal of increasing the housing stock in Oakland. It will maintain desirable neighborhood characteristics such as owner-occupied single family townhomes, useable outdoor spaces, off-street parking and landscaping. The proposed structure will provide a convenient and functional living space for the residents and improve property values in the area.**
3. That the proposed design will be sensitive to the topography and landscape. **The site is located within the Urban Residential General Plan designation and the site is relatively flat and devoid of protected trees. The provide is not anticipated to involve any significant amount of grading and will therefore be sensitive to the topography and landscape.**
4. That if situated on a hill, the design and massing of the proposed building relates to the grade of the hill. N/A
5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City council. **The proposed project will be a new investment in the community that is expected to attract more high-end buildings and residents to the area. It conforms in all respects to the Urban Residential General Plan classification.**

ATTACHMENT B: CONDITIONS OF APPROVAL

The proposal is hereby approved subject to the following Conditions of Approval:

General Conditions of Approval for all Projects:

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, decision letter, and the revised plans dated **March 21, 2014** and submitted on **March 21, 2014**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the Director of City Planning ("this Approval") includes the approvals set forth below. This Approval includes:
 - Regular Design Review for a new single family dwelling;

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing

The project is approved pursuant to the **Planning Code** only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Conformance with other Requirements

Prior to issuance of a demolition, grading, P-job, or other construction related permit

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. Compliance with other applicable requirements may require changes to the approved use and/or

defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

- b) Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions and if one or more of such conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

11. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit

The Project applicant may be required to pay for on-call third-party special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review or construction. The project applicant may also be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. Landscape Requirements for Street Frontages.

Prior to issuance of a final inspection of the building permit

On streets with sidewalks where the distance from the face of the curb to the outer edge of the sidewalk is at least six and one-half (6 ½) feet and does not interfere with access requirements, a minimum of one (1) twenty-four (24) inch box tree shall be provided for every twenty-five (25) feet of street frontage, unless a smaller size is recommended by the City arborist. The trees to be provided shall include species acceptable to the Tree Services Division.

- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards where required by the Uniform Building Code.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.
- g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

17. Payment for Public Improvements

Prior to issuance of a final inspection of the building permit.

The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity.

18. Compliance Matrix

Prior to issuance of a demolition, grading, or building permit

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a **Conditions** compliance matrix that lists each condition of approval, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval. The compliance matrix shall be organized per step in the plancheck/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance matrix and provide it with each item submittal.

19. Construction Management Plan

Prior to issuance of a demolition, grading, or building permit

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan that identifies the conditions of approval related to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval.

20. Dust Control

Prior to issuance of a demolition, grading or building permit

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- a) Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- d) Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.

- i. Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
- ii. After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.
- g) Applicant shall use temporary power poles instead of generators where feasible.

23. Noise Control

Ongoing throughout demolition, grading, and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- d) The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

26. Operational Noise-General***Ongoing.***

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

27. Construction Traffic and Parking***Prior to the issuance of a demolition, grading or building permit***

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.
- f) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
- g) Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.
- h) Any heavy equipment brought to the construction site shall be transported by truck, where feasible.
- i) No materials or equipment shall be stored on the traveled roadway at any time.
- j) Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.
- k) All equipment shall be equipped with mufflers.

30. Waste Reduction and Recycling

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

Prior to issuance of demolition, grading, or building permit

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

31. Lighting Plan***Prior to the issuance of an electrical or building permit***

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

32. Tree Removal Permit***Prior to issuance of a demolition, grading, or building permit***

Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.

33. Tree Replacement Plantings***Prior to issuance of a final inspection of the building permit***

Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

- a) No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.

ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.

- d) Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- e) If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Agency of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- f) All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

35. Human Remains

Ongoing throughout demolition, grading, and/or construction

In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

Project Specific Conditions

36. Final Details

Prior to application for building permits; and Ongoing

The applicant shall incorporate the following revisions into the plans prior to applying for Building Permits:

- a) - Change "M-2" in the Legend from 4" to 3" lap siding, and use it on the front porch railings;
- b) - Make the street facing windows real bay windows by projecting them out approx. 12";
- c) - Extend the side eyebrow over hangs and add brackets to support them;
- d) - Add brackets to the rear cantilevered elements
- e) - Apply a warmer selection of colors from the color palette
- f) - Use a larger shade tree at the front yard

City of Oakland

Community and Economic Development Agency
 Zoning Division
 250 Frank H. Ogawa Plaza, Suite 2114
 Oakland, CA 94612

NOTICE OF EXEMPTION

TO: Alameda County Clerk
 1106 Madison Street
 Oakland, CA 94612

Project Title: Case No.: PLN14-003

Project Applicant: Robert Brecht

Project Location: 530 – 32nd Street; APN: 009-0716-009-00

Project Description: To construct a new 5-unit residential development.

Exempt Status:**Statutory Exemptions**

- ☐ Ministerial {Sec.15268}
☐ Feasibility/Planning Study {Sec.15262}
☐ Emergency Project {Sec.15269}
☐ Other: {Sec. _____}

Categorical Exemptions

- ☐ Existing Facilities {Sec.15301}
☐ Replacement or Reconstruction {Sec.15302}
☐ Small Structures {Sec.15303}
☐ Minor Alterations {Sec.15304}
☒ In-fill Development {Sec. 15332}
☐ General Rule {Sec.15061(b)(3)}

Other

- ☒ Projects consistent with a community plan, general plan or zoning {Sec. 15183(f)}
☐ _____ (Sec. _____)

Reasons why project is exempt: Infill developments and projects consistent with the general plan and zoning are exempt from environmental review.

Lead Agency: City of Oakland, Community and Economic Development Agency, Zoning Division, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612

Department/Contact Person: Maurice Brenyah-Addow, Planner III

Phone: 510-238-6342

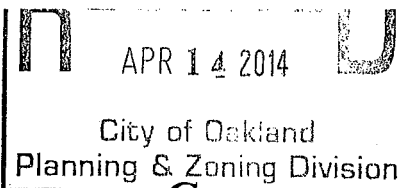

 Signature (Scott Miller, Zoning Manager)

4-2-14
 Date:

Pursuant to Section 711.4(d)(1) of the Fish and Game Code, statutory and categorical exemptions are also exempt from Department of Fish and Game filing fees.



CITY OF OAKLAND
APPEAL FORM
FOR DECISION TO PLANNING COMMISSION, CITY
COUNCIL OR HEARING OFFICER



PROJECT INFORMATION

Case No. of Appealed Project: PLN14-003
Project Address of Appealed Project: 530 32ND
Assigned Case Planner/City Staff: Maurice Brenyah-Addow

APPELLANT INFORMATION:

Printed Name: Tanya Boyce Phone Number: 510 932-5416
Mailing Address: 6840 Simson Alternate Contact Number: _____
City/Zip Code Oakland 94605 Representing: Clarence McElhane
Email: Affirmplus@gmail.com

An appeal is hereby submitted on:

☒ **AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)**

YOU MUST INDICATE ALL THAT APPLY:

- ☒ Approving an application on an Administrative Decision
- ☐ Denying an application for an Administrative Decision
- ☐ Administrative Determination or Interpretation by the Zoning Administrator
- ☐ Other (please specify) _____

Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:

- ☐ Administrative Determination or Interpretation (OPC Sec. 17.132.020)
- ☐ Determination of General Plan Conformity (OPC Sec. 17.01.080)
- ☒ Design Review (OPC Sec. 17.136.080)
- ☐ Small Project Design Review (OPC Sec. 17.136.130)
- ☐ Minor Conditional Use Permit (OPC Sec. 17.134.060)
- ☐ Minor Variance (OPC Sec. 17.148.060)
- ☐ Tentative Parcel Map (OMC Section 16.304.100)
- ☐ Certain Environmental Determinations (OPC Sec. 17.158.220)
- ☐ Creek Protection Permit (OMC Sec. 13.16.450)
- ☐ Creek Determination (OMC Sec. 13.16.460)
- ☐ City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)
- ☐ Hearing Officer's revocation/impose or amend conditions (OPC Secs. 17.152.150 &/or 17.156.160)
- ☐ Other (please specify) _____

(continued on reverse)

☐ **A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL)** ☐ Granting an application to: OR ☐ Denying an application to:

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- ☐ Major Conditional Use Permit (OPC Sec. 17.134.070)
- ☐ Major Variance (OPC Sec. 17.148.070)
- ☐ Design Review (OPC Sec. 17.136.090)
- ☐ Tentative Map (OMC Sec. 16.32.090)
- ☐ Planned Unit Development (OPC Sec. 17.140.070)
- ☐ Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- ☐ Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- ☐ Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- ☐ Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- ☐ Other (please specify) _____

FOR ANY APPEAL: An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision.

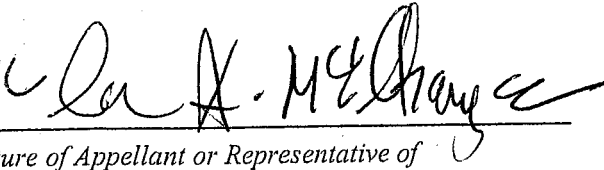
You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

The appeal is based on the following: *(Attach additional sheets as needed.)*

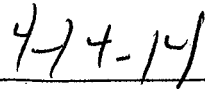
Supporting Evidence or Documents Attached. *(The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.)*

(Continued on reverse)

(Continued)



Signature of Appellant or Representative of
Appealing Organization



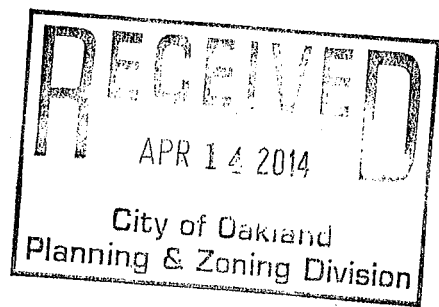
Date

Below For Staff Use Only

Date/Time Received Stamp Below:

Cashier's Receipt Stamp Below:

City of Oakland Planning Department
250 Frank Ogawa Plaza
Oakland, CA 94612



April 14, 2014

RE: APPEAL PLN-14-003 530 32nd Street APN- 009-0716-009

To Whom It May Concern-

We respectfully appeal the approval of PLN 14-003, design review for a five unit structure at 530 32nd Street based on the following-

1) TOO DENSE FOR THIS CONTEXT-

Based on the zoning RU-1, maximum allowable density for this site of 6112 SF, is 5 units. The proposed project proposes the maximum number allowed, however this is too dense for this particular context because,

- A) the site was previously developed with a single family home
- B) the majority of lots on this block are developed with single family homes
- C) the only other 5-unit structure on this block is developed on a much larger (nearly double in size) parcel
- D) There are existing infrastructure issues related to sewer and water services which are already serious. If every parcel knocked down an existing Victorian home and rebuilt five 3-bedroom 2 bathroom units, the sewer would not be able to handle the capacity

2) TOO LITTLE OPEN SPACE-

Based on the zoning RU-1, minimum group open space needed is 175 SF per unit which is allowed to be reduced to just 50sf per unit when substituted with private open space. Therefore, but substituting private space, the group open space requirement goes from 875 SF to just 250 SF and while the project offer 352 SF of open group space, we object to this as being too little for this context because,

- A) This block is a neighborhood of intergenerational families with children. Children need on site group open spaces large enough to play. The space designated as group open space is at the back of the structure far away from the front units and therefore is unlikely to be used by anyone, must less the children living in the front units.
- B) The open space calculations on the submitted plans are incorrect.
- C) The private open space is a 4x18' foot strip of paved area behind the garage which is not practical for regular enjoyment by the residents of the unit.

- D) The entire site is paved with only a very narrow planting strip along the edge of the driveway and the front yard.
- E) The site plan does not indicate where trash bins or mailboxes will be placed. Not enough space to adequately design for these elements

3) VEHICULAR CIRCULATION ISSUES-

Driveway is very narrow and serves as both a walk way and a driveway.

- A) On the site plan the driveway width is labeled as 14'5", page A2 shows the actual width as being 13' 5", however, a survey conducted by the adjacent property owners indicates that the fence is off the property line by almost 2' thereby further reducing the actual driveway width.
- B) As illustrated, the vehicular turn overlay does not work. As shown, the cars must drive through the planting strip to make the turn. Furthermore, the driveway appears to get more narrow as it gets farther away from the street, however the vehicular overlay only covers the first garage, leaving it questionable as to whether that turn can work for any of the other garages.

4) SHADOW AND PRIVACY IMPACTS TO ADJACENT HOME

While we are most concerned with the overall impacts the proposed project will have on our neighborhood, as the owners and residents of 532 32nd Street, we are also concerned as proposed the project has some very deleterious impacts which are specific to our home-

- A) The submitted shadow study is incorrectly labeled as every shadow line is labeled as 9am on the spring fall equinox . Without a properly preparing study, it is not possible to accurately assess the impact of the shadow on our home.
- B) The shadow appears to be quite significant over the eastern bedroom windows and over the planting areas of the yard. We would like to request an animated study so we can assess how the shadow moves over our property over time.
- C) With all units facing east, the adjacent parcel will have a bank of bedroom windows aligned with our existing bedroom windows and directly overlooking our rear yard impact
- D) Since the front doors are facing the side property line, porch lights will also be facing the side property line, resulting is motion lights shining into the bedrooms of our home at night.

5) DESIGN IS INCOMPATIBLE WITH CONCEPTS OF CPTED

This block, like the rest of this neighborhood and this City, has been severely impacted by street crime and safety is the top concern of the area residents. As such crime prevention through environmental design or CPTED is an extremely important tool considering the fact that the structures and their impacts on the community will be in place for generations to come. The most important principle of CPTED which the proposed structure is in opposition to is the concept of

private public connectivity. Connection between the private homes and the man walking on the sidewalk has been maintain through the various development styles represented on this block however the proposed design falls short of this in the following ways-

- A) This is the only structure on the block with the entire ground level dedicated to vehicular storage and all living space on the second and third levels only. This substantially removes the man in the house from the man on the street, which reduces safety for both.
- B) With all of the units facing away from the street, any visitor must walk down a long dark alleyway to reach the front door of any unit. A major CPTED concept is that front doors should always face the street. The only other structure on this block with side facing front doors was built in the 1970's before the City of Oakland implemented design guidelines to avoid these types of poor design choices.
- C) Another major building element that deals with connectivity is the position and function of glazing. As designed there is only one window on the entire front façade (representing less than 5% of the façade area) which is connected to an actual living area within the unit. The entire ground level has false windows and a false porch, which offer no opportunity for eyes on the street. This along with the side facing entrances gives the project a feel of turning its back to the street and presenting the public realm with a 30' blank wall.
- D) The presented plans do not address fencing; however, without a fence the false porch provides a perfect opportunity for homeless encampment and other illicit activity in the covered and used entryway.

In closing, we believe there is a way to thoughtfully redevelop and even increase density on this site, however, as presented, the current proposal is not thoughtful and merely maximizes density without any consideration for its impact on the adjacent properties or the neighborhood at large. We beseech you to please uphold this appeal, order the applicant to redesign, and have that design subject to review by the Planning CPTED officer.

Thank you,

Tanya Boyce, Agent on behalf of
Appellant Clarence McElhaney, Jr.

Dear City of Oakland Planning Commission:

I am writing the following to voice my thoughts regarding the proposed structural design of the multi unit to be built on the vacant lot 530- 32nd St-. The present home owners living on this street, currently reside in Victorian homes complete with historical artistry- ornamentals, dentils, curved panels, columns, brackets, gable ornamentals, widow's peaks and decorative sunbursts.

Although the neighborhood is zoned a multi unit complex, the current design seeks to dramatically increase and intensify the carbon footprint of this residential community.

A few concerns raised are:

- 32nd St has and continues to have an element of unsavory illicit activities that occur daily. Though the neighborhood is improving its "public eye" the current design proposes a false porch. The porch design does not align to the existing pattern of porches to which the existing residential homes and two public housing units offer. The existing design of porches and large bay windows on the current Victorian homes allow for public /private connectivity which creates the opportunity for interaction, gives a sense of community allows children to be observed playing, elders the security of being seen/assisted and more importantly allows for the eyes of its neighbors to aid in crime prevention from a frontal vantage viewing portal.
- The proposed design offers a false porch- facing a driveway that gives the appearance of an alleyway. This would be uncharacteristically different than the current design pattern of Victorian houses and public housing porch design posing visibility issues- hence not designed to deter potential crime.
- The proposed design offers vehicular entry& exit safety issues; diminished lighting concerns, and lacks safe areas for child play.
- The proposed design increases demands on an aging infrastructure – storm drainage, sewer lines. How will the city upgrade its current sewer lines and storm drainage system to support added usage?

Thank you for your consideration to these expressed concerns.

Home Owner,



Lauran Cherry

April 12, 2014