Case File Number PLN21100-A01 **December 13, 2022**

Location:	**6735 Sims Drive- See map on reverse**
Assessor's Parcel Number:	**048C719302500**
Proposal:	Appeal of the Zoning Manager's Approval to allow the construction of a new single-family dwelling on a vacant, upsloping lot zoned RH-4, Hillside Residential
Applicant:	Peter David Gilbert (510) 290-0445
Owner:	Veronica Liu
Appellant:	Richard Lund c/o Patrick Nagel
Case File Number:	**PLN21100-A01**
Original Case File Number:	**PLN21100**
Planning Permits Required:	Regular Design Review to construct a new single-family dwelling on a vacant upsloping lot.
General Plan:	Hillside Residential
Zoning:	RH-4 Hillside Residential – 4 (RH-4) Zone
Environmental Determination:	Exempt pursuant to the State CEQA Guidelines: Section 15303 -– New Construction of Small Structures; and 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	Vacant Lot - X
City Council District:	4
Status:	The Zoning Decision Letter was mailed on March 29, 2022, and the Project was appealed on April 8, 2022.
Staff Recommendation:	Deny the Appeal and uphold the Zoning Manager's decision.
Finality of Decision:	The decision of the Residential Appeals Committee related to the CEQA findings only is appealable to City Council within 10 days. All other Appeal issues are final.
For Further Information:	Contact case Planner **Heather Klein** at (**510) 238-3659** or **hklein@oaklandca.gov**

SUMMARY

The Project Applicant submitted a Planning application on May 6, 2021 to construct a 4,060 square-foot, three-story, single-family home on a vacant, 40% upslope lot (***Attachment A***). The proposal includes extensive landscaping around the house, a main level terrace and a two-car garage at the lower level.

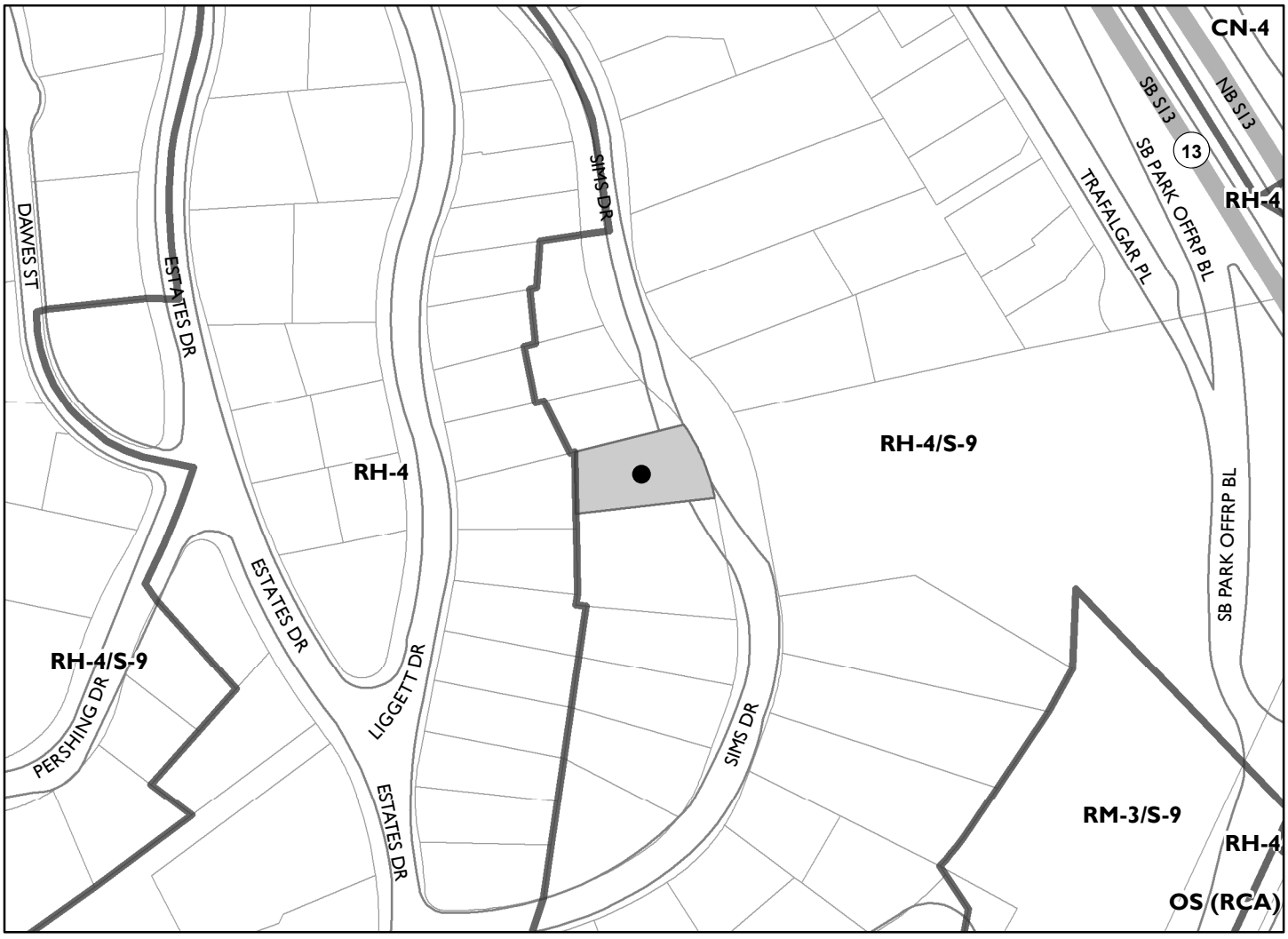
The proposal was publicly noticed on July 23, 2021 and public comment ended on August 2, 2021. On March 29, 2022, the Zoning Manager issued an approval of the Project (***Attachment B***). The proposal included widening Sims Drive and connecting the two portions of Sims Drive as a Condition of Approval (#46).

The 10-day appeal period ended on April 8, 2022 at 4:00 PM, and a timely Appeal was filed of the Zoning Manager's decision by Richard Lund, attorney for Patrick Nagel (Appellant) which included supplemental comments submitted by neighbors (***Attachment C***). The basis of the Appeal is that the Zoning Manager abused his discretion and made a decision not based on substantial evidence, and the application should be denied. Specifically, the Appellant notes that:

(1) the public notices given in connection with the Approval and actions preceding the Approval did not comply with applicable legal requirements;

(2) the California Environmental Quality Act (CEQA) compliance for the Approval is insufficient and

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN21100-A01
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Zone: RH-4/S-9

defective and does not comply with CEQA;

(3) the facts in the administrative record do not support the necessary factual findings for the Approval set forth in Attachment A of the Approval letter; and

(4) the Conditions of Approval set forth in Attachment B of the Approval are inadequate to bring the project into compliance with applicable laws and regulations and fail to reflect adequate mitigation of environmental impacts of the project in accordance with CEQA and other applicable laws and regulations.

The Appellant's specific arguments are discussed and responded to in detail in the *Basis of the Appeals* section of the report below, along with City staff's response to each argument.

Per Section 17.132.020 of the City of Oakland Planning Code, the Appellant must state where an error or abuse of discretion was made by the Zoning Manager or where the Zoning Manager's decision is not supported by evidence in the record. As detailed in this report, the Appellant has not demonstrated an error or abuse in discretion by the Zoning Manager. Therefore, staff recommends the Planning Commission deny the Appeal, thereby upholding the Zoning Manager's decision based on the Findings and Conditions of Approval.

PROPERTY AND SURROUNDING AREA DESCRIPTION

The Project site is a vacant lot located at 6735 Sims Drive between 6725 and 6751 Sims Drive which are both developed with single-family homes. The site is an 8,548 square-foot lot and has a steep, vegetated upslope. The site has frontage on the Sims Drive right-of-way but does not currently have street access. It is unclear whether the portion of Sims Drive between 6725 and 6751 Sims Drive was ever completed[1]; staff cannot confirm based on available City records. This area was then covered by a landslide sometime in the 1940s or 1950s.

The surrounding neighborhood development pattern includes large single-family homes. and every parcel except the one across Sims Drive from the project site which is owned by Caltrans is developed. Sims Drive is a public street and right-of-way divided into two built portions with the middle right-of-way section undeveloped. There is no sidewalk along either of the built portions of Sims Drive. Only the lower portion has curb and gutter improvements. There are approximately 20 downhill parcels (one of which is owned by Caltrans and is undeveloped) and 14 uphill parcels (one of which is not developed- the Project site) on Sims Drive. Of the 14 uphill parcels, five have access from Liggett Drive, not Sims Drive. Fourteen homes with access to Sims Drive are on the upper portion, and fourteen are on the lower portion (***Attachment D***).

PROJECT DESCRIPTION

The proposal is to construct a 4,060 square-foot, three-story (37'-6" tall), single-family home on a vacant 40% upslope lot (***Attachment A***).

The lower level includes a two-car garage, entry, guest bedroom and bathroom. The main level includes the kitchen, study and family, living and dining rooms as well as front terrace. The upper level includes three bedrooms, two bathrooms and a laundry.

The final design is composed of moderately-scaled geometric volumes and planes that are hierarchically organized and stepped with the hillside to minimize perceived bulk. The driveway is sloped up to keep the floor levels as close to natural grade as possible as well as minimize amount of grading and retaining walls.

[1] See Exhibit 3 of the Appeal, page 38

The exterior materials include stucco and fiber-cement shiplap siding, and extensive landscaping is shown around the house.

GENERAL PLAN ANALYSIS

The subject site is in the Hillside Residential land use classification of the City of Oakland's Land Use and Transportation Element (LUTE) of the General Plan. The Hillside Residential classification is intended to create, maintain and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots. Typical lot sizes range from approximately 8.000 square-feet to one acre in size. The desired character and uses note that "Future Development within this classification should remain residential in character. The maximum allowable density is five dwelling units per gross acre."

The Project would construct a single-family dwelling on a vacant, upslope lot. As such, the Project is consistent with the intent and desired character of the Hillside Residential classification. Furthermore, the Project is consistent with the following LUTE objective and policy:

Objective N3: Encourage the construction, conservation, and enhancement of housing resources In order to meet the current and future needs of the Oakland community.

Policy N3.1: Facilitating Housing Construction. Facilitating the construction of housing units should be considered a high priority for the City of Oakland.

In addition to the LUTE, the City of Oakland has also adopted a Safety Element that addresses specific environmental hazards (public safety, geologic hazards, fires, hazardous materials and flooding) and a chapter aggregating hazards by area of the City. The inclusion of the new road construction/connection of Sims Drive to City standards, the purpose of which is to increase emergency access in this neighborhood, meets the following Safety Element policy and action:

Policy FI-1 Maintain and enhance the city's capacity for emergency response, fire prevention and firefighting.

Action FI-2.3: Continue to review development proposals to ensure that they incorporate required and appropriate fire-mitigation measures, including adequate provisions for occupant evacuation and access by firefighting personnel and equipment.

ZONING ANALYSIS

The site is in the RH-4 Hillside Residential – 4 (RH-4) Zone which is intended to create, maintain, and enhance areas for single-family dwellings on lots of 6,500 to 8,000 square feet, typically appropriate in already developed areas of the Oakland Hills. The proposal for a new single-family home meets the intent of the RH-4 Zone.

The Project was found to meet all the zoning requirements. Per Section 17.136.040 of the Planning Code, Regular Design Review is required for the construction of dwelling units. Staff made the required Findings in the March 29, 2022 approval letter.

ENVIRONMENTAL DETERMINATION

Staff evaluated the Project pursuant to the California Environmental Quality Act (CEQA). The CEQA Guidelines lists projects that qualify as Categorical Exemptions from further environmental review. The

proposed Project is categorically exempt from the environmental review requirements pursuant Section 15303: construction of small structures as the Project is proposing construction of a single-family dwelling.

As separate and independent basis, staff also found that the Project was consistent with CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning) as noted in the *General Plan Analysis* and *Zoning Analysis* section above.

BASIS OF THE APPEALS

An Appeal was filed by Richard Lund on behalf of Patrick Nagel (Appellant)**.** The following is a summary of the Appeal allegations **in bold type**, with the exact language found in ***Attachment C.*** Staff's response to each point is in normal type.

1. **There was inadequate public noticing. The relevant affected residents were not provided Notice of the Proposed Development. Altering Sims Drive from two separate cul-de-sac streets to a through street as proposed by the development will have a significant impact to the traffic conditions and neighborhood character, and will impact every resident located on Sims Drive. However, public notice of this application was restricted only to those residing within a 300-foot radius from the property line of the proposed development.**

   Staff Response

   The above allegations generally contend that, due to the re-opening of Sims Drive and the subsequent traffic and supposed change in character, the Project should have been noticed to the additional residents of Sims Drive and not just the 300-foot radius mailing list.

   The requirement in the Planning Code is only to notice owners within 300 feet of the project site. This is true for all manner of projects, including new homes such as this, as well as much larger projects such as multi-level apartment buildings. Staff has never expanded the notice to a larger range of persons. Furthermore, the majority of the properties along Sims Drive were noticed (***Attachment E***).

   Staff provided the 300-foot radius mailing list to the Applicant, and proof of mailing and noticing were provided to staff as required (***Attachment F***). As such, the public notice was adequate, and there was no abuse of discretion as the Planning Code was followed.

   The public notice signage that was posted on the property did not include the dates for the comment period ending date, and therefore, the public notification on the subject property was not in compliance with city requirements.

   Staff Response

   The above allegations generally contend that the public notice signage posted on the property did not include the comment period end date, and therefore, the public notification was not in compliance with City requirements.

   Staff has confirmed with the Applicant that the public notice did not include the comment period beginning or end date which it typically does include. However, this does not invalidate the public notice or approval letter. First, the Planning Code does not require that the notice have a posted beginning or end date. The Planning Code only specifies the length of the public comment period, which the City adhered to. Second, the public notice included the case planner and Applicant's contact information, and persons did reach out to to ask questions, confirm the end date, and provide

comments. Third, the item was included on the City's Planning and Zoning Applications on File Archive for the week of July 23, 2021 with the comment period deadline. This is a publicly available website that contains the current projects that are being noticed as well as the archived agendas. As such, there was opportunity to find or inquire about the comment period timelines.

Finally, commenters were provided a copy of the decision letter with appeal rights. The Appeal hearing was correctly noticed, with copies of the agenda and staff report provided to the Appellant and the commenters, the agenda and staff report were uploaded to the City's webpage, and the agenda posted on City's public notice board (***Attachment G***).

2. **The environmental determination supporting the Approval, which found the project to be categorically exempt under CEQA Guidelines Section 15303 (new small structures), should not be made because the exceptions noted in CEQA Guidelines 15300.2(a) (sensitive location) and 15300.2(c) (significant effect due to unusual circumstances) are applicable. The unusual circumstances here include, but are not limited to: (i) the unusual project approval condition to change the local traffic circulation pattern by opening Sims Drive to through traffic as part of approving a single family residential project; (ii) the imposition of a significant and yet-to-be-designed privately funded public works project as a condition of approving a single family home construction; and (iii) the fact that the area where Sims Drive would be extended is a landslide area with all the geotechnical concerns reflected in Exhibits 2, 3 and 4. The issues raised under items 4-11 below and in Exhibits 1 through 14 present the clear potential for significant environmental impacts that have not been properly analyzed under CEQA.**

Staff Response

The above allegations generally contend that the City incorrectly applied CEQA Section 15303 (construction of small structures) as the Project did not meet the CEQA Exceptions for use of the Exemption. Specifically, the site is in a sensitive location, and there is a significant effect due to unusual circumstances.

CEQA Section 15300.2 describes the Exceptions to use of an Exemption (***See Attachment H***) Staff's use of the Exemption is appropriate for the following reasons.

First, the Project is the development of a single-family home in a LUTE land use classification that allows, and in fact encourages, residential use and on residentially zoned lots. All the surrounding lots except one owned by a public agency on Sims Drive, Liggett Drive, and Trafalgar Place have been developed. As such, the lot is not in a particularly sensitive environment. The fact that a landslide occurred on the road and property is also not particularly sensitive environment. This geotechnical concern occurs throughout the City and the state, and all of Sims Drive, including all the developed lots, are in an earthquake induced landslide area per the Seismic Hazards Map. The geotechnical report prepared for the Project noted that the site was suitable for development with adherence to the recommendations in the report, building codes and Conditions of Approval (Uniformly Applied Development Standards as further discussed below), and that majority of the landslide would be removed (***See Attachment C, Exhibit 3)***.

Second, there is not a cumulative impact of successive projects of the same type in the same place. The site has been continuously vacant. There are no successive projects on the lot.

Third, Sims Drive is a public street and right-of-way whose use is for the public at large not just the owners on Sims Drive despite the fact that it has been this way for 70 years. A portion of it was platted and dedicated to the City by Resolution 22127 C.M.S. on June 3, 1921. The other portion was platted and dedicated to the City by Resolution 9696 or 9695 C.M.S. on January 9, 1941. Furthermore, when the larger parcel (13) was subdivided into 6735 and 6751 Sims Drive in 1978,

that map included the Condition that the lots be accessed from Sims Drive (***Attachment I***). Clearly, the intent was for Sims Drive to be a through-street and connect to the larger circulation system as early as 1941. The City has not vacated the street, and as such, it should have been expected that connection of the two existing built sections of Sims Drive could occur. The fact that a portion of the road has not been open or constructed for 70 years does not make this an unusual circumstance.

While the City currently requires developers of subdivisions to install the public infrastructure where there is currently none prior to sale of the lots, this was not the case in the 1940s and 1950s. Developers or owners were expected to construct street access to the homes themselves. As such, having the developer pay for this public improvement and access to their site is not an unusual circumstance.

The fact that a landslide occurred across the road and onto the property is also not an unusual circumstance for the reasons noted in issue 1 above.

Finally, the Project is not located along a scenic highway, is not on a hazardous waste site, and does not contain a historic structure.

In summary, CEQA Section 15303 (construction of small structures) was applied correctly to the Project.

3. **CEQA Exemption 15183- The environmental determination supporting the Approval, which found the project to be exempt from certain aspects of CEQA review under CEQA Guidelines Section 15183 (project consistent with general plan and zoning), does not preclude the need for additional project-specific CEQA review under CEQA Guideline 15183(b) of impacts peculiar to the project or the parcels on which the project would be located, or which were not analyzed as significant effects on the general plan or zoning adoption, or which involve potentially significant off-site impacts, or which involve new information not considered in the prior general plan or zoning environmental review. Prior EIRs for the general plan and zoning would not have specifically analyzed the impacts of changing the local traffic circulation pattern by opening Sims Drive to through traffic for the first time in over 70 years, or the issues raises by extending Sims Drive through a landslide area with all the geotechnical concerns reflected in Exhibits 2, 3 and 4. The issues raised under items 4-11 below and in Exhibits 1 through 14 present the clear potential for significant environmental impacts that have not been properly analyzed under CEQA.**

   Staff Response

   The above allegations generally contend that the City incorrectly applied CEQA Section 15183 and that additional analysis is required since the previous EIRs for the LUTE did not contemplate the specific impacts of the Project such as opening Sims Drive to through-traffic or the landslide.

   CEQA Section 15183, states that "CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site."

   The LUTE EIR was certified in 1998, well after Sims Drive, as a public through-street, was dedicated to the City, the parcel at 6735 Sims Drive was created, and the landslide occurred.

   Again, Sims Drive is a publicly dedicated street which has not been vacated by the city. As such, there should have been an expectation that the road would be connected at some point. This is

further inferred by the fact that the creation of the parcel included the condition that the lot be accessed off of Sims Drive. While the LUTE did not analyze every parcel in the City of Oakland in detail, it did note that the area around the Warren Freeway (Highway 13) had steep slopes, the Hayward Fault runs the entire length of the City and other faults also have the potential to cause damage, and ground failure including landslides and liquefaction are of concern.

The LUTE EIR states that "California has adopted laws and regulations to mitigate the hazards related to surface fault rupture and other seismic hazards including strong ground shaking, liquefaction, landslides, or other ground failures" and "The Uniform Building Code (UBC) contains engineering and design code requirements that address seismic safety for new construction. In the early 1970's and late 1980's, the UBC underwent substantial changes in seismic design criteria which reduce the risks associated with seismic activity." [2]

The LUTE identified "Impact K.2: Adoption of the Plan could result in development of many areas that are subject to geologic hazards including steep slopes, high erosion potential, and land-sliding and mud-sliding," but noted that this was a less than significant impact due to existing policies in the Open Space Conservation and Recreation Element.

In summary, the Project is for a residential development in a residential land use classification with residential zoning. The LUTE EIR did not analyze every potential development site in detail, but it did identify earth movement such as landslides as a potential impact. However, it also noted that adherence to City policy and codes would reduce this to a less than significant level. There is nothing inherently different about this site as opposed to the "Hundreds of problem areas are shown, ranging from very destructive slides to minor slides in residential yards and along streams"[3] noted in the LUTE EIR. Furthermore, most of the parcels on Sims Drive are also subject to the same landslide potential (***Attachment J***).

4. **Significant Alteration to Existing Neighborhood Character and Traffic- One of the main concerns presented by this appeal is that the development proposal would establish a new through street by connecting the two cul-de-sac segments of Sims Drive, a significant alteration to the existing neighborhood character in place for 70 years because landslides in 1950 and before blocked any through alignment.**

   Sims Drive is a quiet street, where traffic and noise are minimal, foot traffic is frequent, and neighborhood children can play safely without the threat of speeding vehicles. Sims is unusually narrow street. With the connection of Sims and two lanes of traffic, the City would eliminate all street parking, create a hazard for pedestrians, and alter traffic circulation by creating a popular short cut for cars traveling to Park Blvd. to the Village to avoid the traffic calming installations along Liggett Drive. Increased traffic speeds are also a concern as Sims will not have traffic calming measures, e.g., speed bumps, like Liggett Drive between La Salle and Harbord Drive. The Approval does not provide any CEQA analysis of these impacts on traffic and the character of the neighborhood, and the conditions of approval also fail to address any mitigations. Indeed, it is the conditions of approval, item 46, that IMPOSES the through traffic requirement without any analysis of the impacts or mitigations for same.

   Staff Response

   The above allegations generally contend that the connection of the two existing built portions of

[2] https://www.oaklandca.gov/resources/completed-environmental-review-ceqa-eir-documents (Excerpt from the LUTE Draft Environmental Impact Report, Chapter III, K Geology and Seismicity
[3] https://www.oaklandca.gov/resources/completed-environmental-review-ceqa-eir-documents (Excerpt from the LUTE Draft Environmental Impact Report, Chapter III, K Geology and Seismicity

Sims Drive be a significant alteration in neighborhood character, eliminate the parking, create a hazard for pedestrians, alter traffic circulation, and increase traffic speeds. Furthermore, no CEQA analysis was prepared to analyze traffic and neighborhood character impacts.

First, staff disagrees with the assessment that the two existing portions of Sims Drive end in cul-de-sacs. The reality is that the two road sections just dead-end, one in line with 6725 Sims Drive to the north and the other in line with 6751 Sims to the south. Neither of these existing road ends meet the City requirements for a cul-de-sac, including the requirements of the Fire Code or the Subdivision regulations regarding width, turning radius, etc.

Second, staff disagrees that the character of the neighborhood will fundamentally change. As stated above, Sims Drive is and remains a public street which was intended as a through-street. The fact that it has not been a through-street for 70 years does not change this intention. Each parcel on Sims is developed except this subject lot and all homes, except for those at the dead-end portions of Sims Drive, experience vehicles traveling by as do most homes in City and the area. Even if staff agreed that the neighborhood character would change, the proposal will provide a single-family home on the parcel as intended by the LUTE designation and current zoning. Finally, each parcel needs to access a public street and not allowing construction of the home on a residentially zoned parcel may serve as a "taking" of the owner's property rights.

Third, the construction of a single-family home will not create a significant ongoing noise issue. Any noise related to the house and road connection would be similar to the existing noise environment and the surrounding developed residential neighborhood and traffic noise in the area.

Fourth, while staff appreciates the fact that children now play in the street due to Sims Drive not being connected, it is a public street available for use by the general public for vehicular purposes and the right-of-way is not intended to be used as a recreational area.

Fifth, the connection of the road will not alter the configuration or use of the currently developed portions of Sims Drive. Only the lower portion has curb and gutter improvements. There is no sidewalk along either portion of Sims Drive for pedestrians now, so any person walking has to walk in the street until Estates Drive. Even then, Estates Drive only has a sidewalk on one side of the street. The portion of Liggett Drive right above Sims also has no sidewalks. Parking will continue as it has on both built street sections of Sims Drive.

While some traffic coming down the hill might get diverted down Sims Drive, this is highly unlikely to be the preferred route despite the speed bumps on Liggett Drive. The road is narrow with cars parked along the side, the road is curvier and is longer by approximately 360 feet so is not a short-cut. Furthermore, stopping at each end of Sims Drive to yield to oncoming cars would add time as opposed to using the straight route on Liggett Drive. Given these factors, it is also unlikely that speeding would be expected to occur. However, if residents do see an increase in speeds, they may petition the City to install speed bumps on Sims Drive.

Finally, impacts to neighborhood character, if any, is not a CEQA impact per the City's Thresholds of Significance or CEQA Appendix G. Furthermore, a single-family home is only expected to generate two peak hour trips per discussions with the City's Department of Transportation Services, well below the City's requirements for a traffic study. Since Sims Drive was always expected to be a through-street per the dedications noted above, and the street was not vacated, no traffic study is required to complete the street connection.

5. **The proposed house construction is located in a landslide area. The parcel has been subject to prior geotechnical analysis as part of an earlier proposal in 2010. Exhibit 1 from July 1994, written by former vice mayor Dick Spees, notes that Sims Drive was blocked by the landslide**

and was never built due to concerns about the continuing instability of the land. Exhibit 2 is a geotechnical report from June 2010 by Hydro-Geo Consultants concerning an earlier residential project proposal at 6735 Sims Drive. This report concludes that the parcel is "constrained by a high potential for slope instability and an active landslide near the east portion of the property, downslope soil creep and slumping, expansive soil, erosion and the site's close proximity to the active trace of the Hayward Fault Zone." Exhibit 3 is a geotechnical report from June 2010 by GeoTrinity Consultants concerning the same earlier project proposal notes that the site is affected by a landslide and has elevated groundwater and related drainage issues. Exhibit 4 shows the gap" in Sims Drive essentially overlaps with the footprint of the landslide.

Staff Response

The above allegations generally contend that the house and road extension construction is located on a landslide area, in 1994 a letter from the City indicated that the road was never built due to continuing instability of the land, a geotechnical report from June of 2020 noted the high potential for slope instability, land-sliding, soil creep expansive soils, erosion, and proximity to the Hayward Fault, a geotechnical report in June of 2010 noted geotechnical issues and elevated ground water and drainage issues.

Staff agrees that, from the evidence presented in the administrative record for this parcel going back to around the 1940s, a landslide did occur on and near the project site and proposed road extension.

The 1994 City letter from then-Vice Mayor Spees noted the city laid an asphalt footpath linking the two blocks, but the road was not rebuilt due to the continuing instability of the land. He requested that Public Works respond to neighbors who wanted to know who maintained this path, whether a no trespassing sign was legal, and to update the police and fire department maps showing that this was not a through-street. This letter does not say that that the City or a private developer would never re-open the street. Nor did the letter propose vacating the street.

A geologic and geotechnical report (***Attachment C, Exhibit 3***) prepared for a previous, yet similar project, by GeoTrinity Consultants in June of 2010, noted the site was not located within an Earthquake Fault Zone but is located with a Seismic Hazard Zone for landslides. The analysis included a site and subsurface investigation of the soil type, landslide debris, groundwater and drainage using borings, review of literature, maps and photographs from various sources, as well as boring and geotechnical reports dating from 1954 through 1986. The conclusion was that the site was suitable for development from a geotechnical engineering standpoint as long as the recommendations related to the design and construction were incorporated into the Project in order to minimize possible soil and foundation problems. These recommendations included retaining walls on a drilled pier and grade beam foundation system, that the retaining walls also be supported on drilled piers and subdrains provided, patios and decks should be supported on a deepened foundation. The report also noted that the majority of the landslide would be removed but over-excavation should occur and the lateral extent should be at least 5' beyond the building footprint. Positive drainage away from the building should occur and surface water collected to suitable outlets among other recommendations.

A peer review of the GeoTrinity report was prepared by Hydro-Geo Consultants in June 2010 (Attachment C, Exhibit 3). This report did conclude that there was a high potential for slope instability and an active landslide near the east portion of the property, downslope soil creep and slumping, expansive soil, erosion and the site's close proximity to the active trace of the Hayward Fault Zone. It also noted that the GeoTrinity report addressed most of these issues in general terms but that the landslide might extend further and that shear strength and other soil test data as well as

pseudostatic Factor of Safety were not included and that those items should be provided prior to any construction.

Responses to the Hydro-Geo Consultants peer review were provided by GeoTrinity in July of 2010 (***Attachment K***) which discussed the proximity of the Hayward Fault, extent of the landslide, shear strength and other soil test data as well as pseudo-static Factor of Safety. Specifically, the responses noted that the site was not in an Earthquake Fault Zone and is approximately 950 feet west of the nearest active fault zone per the latest mapping. The water levels and seepage coincide with and are the result of landslide planes on the site, not a fault. The extent of the landslide was investigated along with review of the adjacent developed property at 6725 Sims Drive to the north. The focus was the southern portion as that area suggested instability issues in the past. The extent of the landslide was based on geologic reconnaissance, aerial photography, and subsurface borings. Furthermore, the site has been thoroughly screened and pseudo-static analysis and Factor of Safety study was further needed.

Hydro-Geo Consultants sent a response (also ***Attachment K)*** in July of 2010, noting that they had reviewed GeoTrinity's response and found it acceptable with the requirement for a pier on grade foundation.

In summary, a geological and geotechnical study were prepared for a similar project as well as a peer review. The original report noted that the site was suitable for development but with recommendations for construction and drainage. The peer review was completed. Responses from the original report preparer to the peer review comments were further reviewed then again by the peer reviewer. See the *Recommendations* section below for further discussion.

Approval Condition 46 proposes construction of the new Sims Drive connection right through this historical landslide area. No adequate study has been done to determine the engineering feasibility or expense of stabilizing this landslide area to allow construction of the house project and the proposed extension of Sims Drive through the landslide area. It could well be that the cost to the applicant of complying with Condition 46 exceeds the cost of building their new home. Will it be the City or the applicant personally that assumes financial liability for any future landslide event involving this new public roadway segment?

Staff Response

The above allegations generally contend that Condition 46 proposes the connection of Sims Drive through the landslide area and that no adequate study has been done to determine the feasibility or expense of stabilizing this area to allow the construction of the house and the road and that the cost could be prohibitive. This comment also asks who will assume the financial feasibility of any future landslide event.

Staff disagrees that the no adequate study have been done of the proposal. A study was completed for a similar project as well as a peer review. Responses from the consultant to the peer review comments were also then further reviewed by the peer reviewer. As such, the site and the analysis have undergone a rigorous evaluation. These reports do not include a site plan of the proposal or specifically discuss the road construction; However, the proposed plans included a two-car garage close to the right property line and so one must have been assumed that the road would be included in the analysis (***Attachment L***). Even assuming that is not the case, Condition of Approval 26 (Seismic Hazards Zone (Landslide/Liquefaction)) would require that an analysis or confirmation of the previous analysis be prepared and submitted to confirm and make recommendations regarding the road construction.

As for the cost associated with the improvements, the Appellant is correct that the cost of re-

engineering the slope, addressing the drainage to the satisfaction of Caltrans, and constructing the road could make the Project infeasible. However, that is not a Finding for approval or denial and not the purview of the Bureau of Planning as that is the concern of the applicant seeking to develop the property.

Furthermore, it is not within the purview of the Bureau of Planning to address financial liability of future land-sliding. Again, per Attachment J, most of the homes on Sims Drive have the potential to cause land-sliding. Furthermore, most of these homes were built in the 1940s or 50s and prior to more stringent California Building Code seismic requirements. Finally, all homeowners are required to have insurance. Also see the *Recommendations* section below.

The categorical exemption is not warranted, not applicable nor properly evaluated given the information in the geotechnical reports (Exhibits 2, 3 and 4). Conditions 25 and 26 of the Approval require the applicant to provide a soils report and geotechnical report for the house project, but not for the Sims Drive extension and overall landslide area involved in the original closure and abandonment of a section of Sims Drive. Requiring those studies at a later date would be an impermissible deferral of the needed CEQA analysis that must occur before approving this home project with Condition 46, requiring the extension of Sims Drive through the landslide area. The potential impacts of attempting to reconstruct Sims Drive through the zone of the former landslide are unusual circumstances that should be analyzed under CEQA, and which provide good reason not to make the approval findings.

Staff Response

The above allegations again contend that the categorical exemption is not warranted or properly evaluated given the information in the geotechnical reports; Conditions of Approval to require further analysis for the home but not the road extension and requiring these studies later is deferral; and reconstruction of Sims Drive is an unusual circumstance.

Staff has responded to the allegation regarding the use of a categorical exemption; noted the extensive geotechnical evaluation completed for the property which concluded the site was suitable for development with implementation of design and construction recommendations, and why connecting Sims Drive is not an unusual circumstance above.

The City's Standard Conditions of Approval were adopted by the City Council on November 3, 2008 (Ordinance No. 12899 C.M.S.) pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines section 15183 (and now section 15183.3). These Standard Conditions of Approval are Uniformly Applied Development Standards that substantially mitigate environmental effects and have been applied to all development projects where the Condition is applicable since adoption back in 2008. Imposition of a Standard Conditions of Approval on a Project which includes completion of a specific study with the details of how the mitigation will be achieved, outlining specific performance standards, is not deferral under CEQA.[4]

Condition 25 and 26 are Standard Conditions of Approval were applied to the Project. The Building Services Division will determine whether an update to the 2010 analysis is required for construction.

6. **Consideration of Alternative Design for Sims Driveway- In discussions with the neighbors, the project architect prepared the alternative driveway design attached as Exhibit 5. This would provide a dead-end driveway turnaround for the subject property on Sims, without**

[4] https://cao-94612.s3.amazonaws.com/documents/Standard-Conditions-of-Approval-December-2020.pdf

creating the through street connection proposed in the project approval conditions. While this change would not answer many of the other issues raised in this appeal, it would avoid the impacts associated with creating a through street on Sims Drive. This project alternative should have been considered in proper CEQA review, and considered for adoption as a condition of the project in lieu of the through street.

Staff Response

The above allegations generally contend that the Applicant prepared an alternative driveway design with a dead-end turnaround without connecting the two portions of Sims Drive. This alternative should have been given CEQA review and thorough consideration.

As noted above, Sims Drive is a public through-road and the portion fronting the project site has not been vacated. The lot has been the subject of several single-family home proposals over the years, and as such, the issue of connecting the two portions of Sims Drive together has been discussed several times with City staff. The Fire Prevention Bureau and Engineering Services have required that if the lot was to be developed that the two portions of Sims Drive be connected. Alternative options were provided including neighbors formally petitioning the City to vacate the street and take over maintenance responsibility, fixing the road and providing the connection or constructing cul-de-sacs to City standard. In fact, a Determination letter was sent back in 2013 with appeal rights, noting the requirement to connect the two portions (***Attachment M***). This letter was sent to several neighbors including several whose comments have been included in the Appeal. This Determination was not Appealed by any party.

Furthermore, this site is located in an urban wildfire interface area and is mapped as in a Very High Fire Hazard Severity Zone. The two portions of Sims do not end in cul-de-sacs that meet City street standards and both segments of Sims are longer than 600 feet in length, exceeding the maximum length in the Fire Code before an alternate emergency access is required.

As such, the dead-end driveway turnaround was not a viable proposal and was not evaluated under CEQA.

7. **Incorporation of CalTrans comment issues- The issues raised in the CalTrans comments on the proposed Approval, attached as Exhibit D to the Approval and as Exhibit 6 hereto, reflect unresolved potential significant environmental impacts that have not been properly analyzed under CEQA, concerning construction related impacts, drainage, slope stability, and various construction related impacts. Condition 49 of the Approval merely asks applicant to "address" the Caltrans comments, which is an improper deferral of CEQA analysis and approval finding analysis as to the significant questions raised by Caltrans. These potential impacts should also preclude the City from making the findings in Attachment A of the Approval, especially before the issues have been studied appropriately and design changes or additional approval conditions to address the issues have been incorporated into the project.**

Staff Response

The above allegations generally contend that Caltrans' comments outline significant concerns on the Project and have not been properly analyzed under CEQA, including construction related impacts, drainage, slope stability. Condition 49 merely asks the Applicant to address the comments, and this is deferral under CEQA. As such, staff is precluded from making the Finding until these issues have been properly studied and design changes or other Conditions of Approval imposed.

The Caltrans letter does note concerns related to stabilization of the roadway, the undergrounding of the current, above ground drainage system, water run-off impacts to state lands below the site,

erosion, tree removal, access to the site, construction impacts and noise. However, none of these issues preclude use of a CEQA Exemption.

The Standard Conditions of Approval applied to the Project, and which the Project is required to implement respond to all of Caltrans' concerns, include but are not limited to:

- Condition 4 – Compliance with Other Requirements
- Condition 11 – Public Improvements
- Condition 12 –Construction Management Plan
- Condition 13 – Regulatory Permits and Authorizations From Other Agencies
- Condition 18 – Dust Controls
- Condition 19 – Air Pollutant Controls
- Conditions 20-21 – Bird Surveying and Tree Removal
- Conditions 24-26 – Construction Permits, Soils Reports and Landslide Hazards
- Condition 29-33 – Stormwater Run-Off, Pollution and Erosion
- Conditions 34-36 – Construction Noise
- Condition 40 – Construction in The Right-Of-Way and Traffic Control

Condition 13 and 49 were added to address Caltrans' comment regarding the potential need for an encroachment permit, how to submit for that permit and what should be included in the permit package for approval.

8. **Lack of Compliance with General Plan and Zoning- The proposed house structure is over 4000 square feet, far exceeding the roughly 2000 square foot size of other houses in the neighborhood. This seems inconsistent with applicable general plan and zoning for the area, and is not a "small structure" for CEQA exemption purposes. This also justifies the City not making any of the five required findings set forth in Attachment A of the Approval.**

Staff Response

The above allegations generally contend that the Project is not in compliance with the General Plan or Zoning.

Staff has discussed how the Project meets both in the *General Plan* and *Zoning Analysis* sections above, as well as in the Findings in the March 29, 2022 approval letter. The Appellant has not specifically discussed in the Appeal how the Project is inconsistent. Neither the General Plan nor the zoning require homes to be of a similar size as neighboring buildings. The Hillside Residential classification does not have a maximum or minimum home square footage. The Zoning Code only regulates home size in relation to the lot size as Floor Area Ratio (FAR). Specifically, in this Zone the maximum FAR for lots between 5,000 and 12,000 square-feet is .50. The house is 4,060 square-feet which is less than .50 of the 8,548 square-foot lot. As such, the Project meets the zoning.

Furthermore, CEQA Section 15303 does not include a minimum or maximum house size. This Exemption is still applicable.

9. **Additional Objections Raised in Comments by Other Neighbors- Appellant also incorporates by reference and relies upon the comments against the Approval by other neighbors of the project. These are attached hereto and incorporated as Exhibits 7 through 14. These include comments from Jamie and Colin Dean (Exhibit 7), Jeff Klonoff (Exhibit 8), Katherine Jones (Exhibit 9), Selma Masic and Joshua Funamura (Exhibit 10), Barbara Berman (Exhibits 11-13), and CC Holland (Exhibit 14).**

Staff Response

The Appellant notes that the Appeal includes and relies on information submitted by neighbors. Staff has reviewed these comments and most of them are discussed in staff's responses above including traffic speeds, children and safety, noise, geotechnical concerns, Caltrans letter and hydrological concerns, and scale of the home. The remaining issues noted in Exhibits 7-14 are discussed below.

Caltrans encroachment – The Appellants argue that the front of the house is encroaching on the City right-of-way or onto Caltrans property which is across Sims Drive. Per the survey, the stairs leading up to the house would encroach onto the City right-of-way, but this is fairly typical of steep hillside properties. An Encroachment permit would be required by the Oakland Department of Transportation.

6751 Sims Drive Development – The Appellants argue that staff will not be able to hold the developer accountable later, and that the developer has a habit of not complying with the Conditions or requirements, and that the Applicant has not completed construction at 6751 Sims Drive.

Although not usually required for a single-family home, given the landslide and need to strictly adhere to the Standard Conditions of Approval, as well as neighbor's concerns regarding work on another portion of Sims Drive and past issues with unpermitted work, staff did include Conditions of Approval #12 and #13 related to submittal of and adherence to a Compliance Matrix and a Construction Management Plan which both Planning and Building staff will review upon submittal.

Any Code Compliance issues associated with that property are separate and unrelated to this Project on this lot despite any owner association.

House Design- While staff appreciates that the Appellant believes the flat roof design is unattractive, it is not prohibited per the Planning Code which allows for flat roof design as long as the wall height is under 25'. Furthermore, there is no consistent roof pitch along Sims Drive. Buildings on the street have a front gable, side gable, or hipped roof and the building next door at 6725 is largely a flat roof design from the front. Finally, Criterion 8: Neighborhood Compatibility (Context) of the One and Two-Unit Design Guidelines note that:

> *New construction within 40 feet of a front lot line shall relate well to any strong, positive visual patterns, or "contexts" presented by neighboring buildings within the context area. These visual patterns shall include those created by: (i) roof forms and pitch; (ii) principle entryway treatment; (iii) front setback; (iv) surface materials; (v) windows and openings; (vi) architectural detailing; and (vii) front yard landscaping. The "context area" consists of the five lots on each side of the project site and the ten closest lots across the street. However, this criterion shall apply only if the slope of the project site is 20 percent or less and one of the following situations exists:*
> *a) At least 75% of the sites (including vacant lots) within 300 feet of and on the same street as the project site are 4,000 square feet or less in area; or*
> *b) Within 1,000 feet of the project site, there is a grid system of multiple streets, or the system of streets forms a pattern of a nearly rectilinear grid or the intersection of more than one grid.*

In this case, the site is sloped over 20% and the lots on Sims Drive are not within a grid system of multiple streets, or a street forming a pattern of a nearly rectilinear grid (***Attachment D***). Being impractical for maintenance is an issue for the Applicant and is not a Design Review Finding. The north-facing exterior wall is not a large visual mass but is broken up into three volumes with fenestration, stucco-control joints and fiber cement siding.

Solar Study- The Appellants argue that neighbor's house would be shadowed in the winter resulting in a solar impact. Per the One- and Two-Unit Design Guidelines, A "solar access impact" exists when more than 50% of an "actively used indoor area's" exterior walls facing the project or when more than 50% of an "actively used outdoor area" is either:

i. In shadow created by the project structure as determined by a shadow study for the spring/fall equinox during at least two of the following three times of day: 9:00 a.m., Noon, and 3:00 p.m., or
ii. Beneath an inclined plane extending downwards at a 45-degree angle from the top of the proposed structure's northeast to northwest facing sides and roofs.

The house and yard are not shadowed at least two times per day during the spring/fall equinox which is the requirement for having a solar impact.

Trees- The Appellants argue that an oak tree that would have been impacted by the proposed development was partially cut down during December 2020 and January 2021 and then subsequently fully cut down and removed. A tree permit was applied for (T2100075) which included removal of the seven or more Bay Laurel trees to construct the house and road. This permit was posted for public comment and approved by the Tree Services Division (**Attachment N**).

Affordable Housing- The Appellants argue that the Project is not providing affordable housing. However, the Project is not required to provide this type of housing as the City has no affordable housing requirement for any project. This parcel cannot currently be developed with multi-family housing as only one unit is permitted per lot per the Zoning Code. Per Condition #38, the Project shall pay the City of Oakland Affordable Housing Impact Fee upon the submittal of their Building Permit. As of today, the fee is currently $24,219.

Home Values- The Appellants argue that the Project will decrease home values. The entire surrounding area is developed with single-family homes except the Caltrans parcel. Development of a vacant, parcel covered in weedy vegetation with a single-family home which would fix the landslide issue, provide vegetation management in a fire prone areas and adequate emergency access, likely will have no detrimental effect on home values.

Crime- The Appellants argue that the Project will increase crime. The entire surrounding area is developed with single-family homes except the Caltrans parcel. The addition of one other home will not increase crime any more than a vacant parcel, covered in undergrowth, with no "eyes on the street." Furthermore, the connecting of the two portions of the road will make the street more conducive to police and fire access in the event of an emergency.

10. Other Factual Evidence in the Administrative Record - Appellant also bases this appeal on all of the factual information in the administrative record for this Approval, including but not limited to any factual information provided by other commenting agencies and individuals.

Staff Response

The Appellant notes that the Appeal includes all factual information in the administrative record. However, the Appellant does not describe or discuss the specifics of this information, and so staff cannot directly respond or comment on what information supports the Appeal, and more importantly where the Zoning Manager abused his discretion.

RECOMMENDATIONS

To address several neighbor concerns and to further clarify the requirements of the Project, the City is recommending the following revisions be made (shown in underline text) to the Project specific Conditions of Approval by the Residential Appeals Committee:

46. Roadway Widening and Improvement
Requirement: The project applicant shall submit plans showing a privately funded improvement (P-Job) proposal, to connect the two ends of Sims Drive. The P-Job plan shall be submitted to the Planning and Building Department and the Oakland Department of Transportation (OakDOT) for review and approval, and complete the road widening as part of the proposed development project. The project applicant shall comply with all OakDOT requirements, including but not limited to:

- Applicant shall execute an encroachment permit for privately maintained structures encroaching into the Public Right-of-Way (ie. Portion of concrete stairs, driveway - if it is a bridge, etc.)
- Applicant shall apply for and obtain a PX permit (with the OakDOT) for roadway construction.
- Road widths must be a minimum of 26 feet.
- See Oakland Municipal Code Chapter 16 for design considerations
- All bonding requirements associated with the P-Job permit required for the project.

Furthermore, the applicant shall execute an agreement, in a form, acceptable to the City Attorney, that provides that the applicant and any future homeowner as designee, shall hold the City harmless and will indemnify and defend the City for the design and repair work undertaken as part of the project. The applicant and any future homeowner as designee shall obtain and maintain appropriate liability and damage insurance.

When Required: Prior to application for a Building Permit; During construction; Ongoing
Initial Approval: Planning and Building Department and Oak DOT
Monitoring/Inspection: Bureau of Building

CONCLUSION

The Appellant has not demonstrated an error or abuse in discretion by the Zoning Manager, thus City staff believes that the Decision is valid, accurate, and reasonable, and supported by substantial evidence in the entire record. There is no reasonable basis for overturning staff's determination, as reflected in the Findings for and Conditions of Approval. As such, staff recommends that the Residential Appeals Committee uphold the Zoning Manager's decisions and deny the Appeals.

However, to address neighbor concerns, staff recommends that the Residential Appeals Committee consider adding the specific Conditions of Approval as noted above.

RECOMMENDATIONS:

1. Affirm staff's environmental determination, and
2. Uphold the Zoning Manager's decision and CEQA determination based on the Findings and Conditions of Approval.

Prepared by:

HEATHER KLEIN
Planner IV

Reviewed by:

ROBERT MERKAMP
Zoning Manager

Approved for forwarding to the
City Planning Commission:

EDWARD MANASSE
Deputy Director
Bureau of Planning

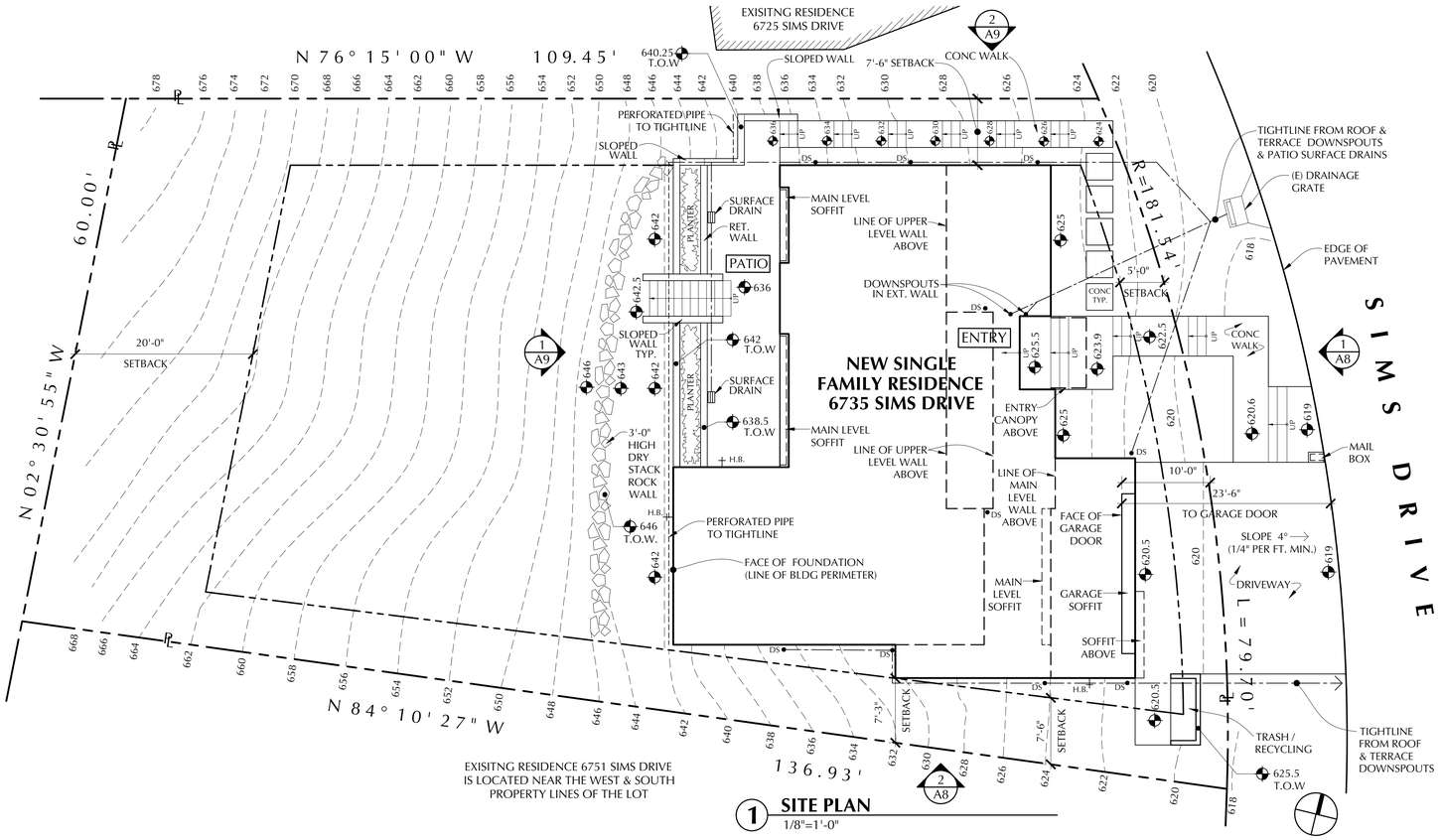
ATTACHMENTS:

A. Approved Project Plans, dated May 6, 2021 and as revised through March 1, 2022
B. Zoning Manager's Approval Letter
C. Appeal Documents
D. Map of Sims Drive
E. Map of addresses for public notice
F. Proof of posting/mailing of Project
G. Proof of noticing of Appeal
H. CEQA Exceptions to use of an Exemption
I. Sims Drive Plat Tract Maps and dedication
J. Sims Drive earthquake induced landslide areas per the Seismic Hazards Map
K. Geotechnical Reports - Responses to Comments from Preparer and Peer Review
L. Previous Design Plans
M. City Department Comments
N. Tree Permit Decision Letter

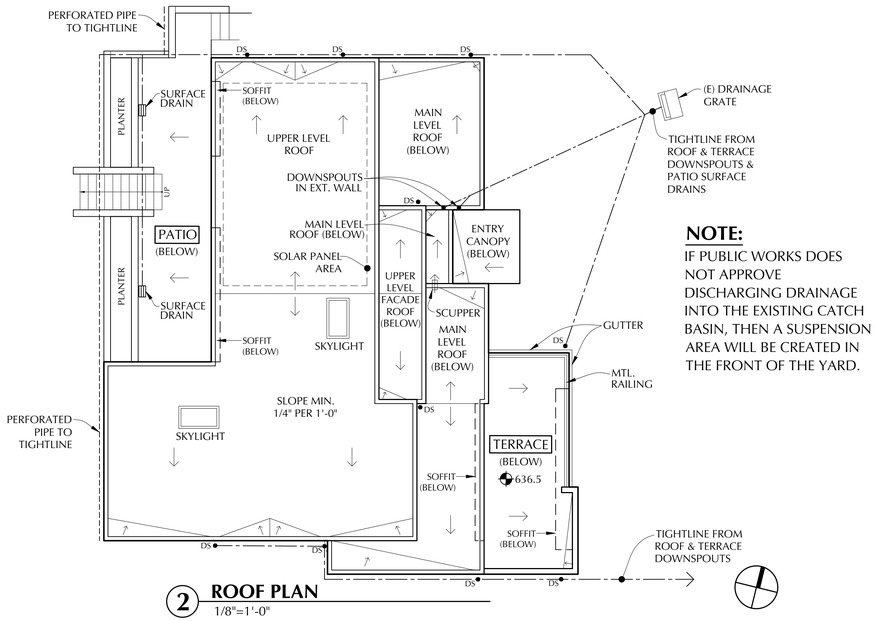
LEGAL NOTICE:

ANY PARTY SEEKING TO CHALLENGE THIS DECISION IN COURT MUST DO SO WITHIN NINETY (90) DAYS OF THE ANNOUNCEMENT OF A FINAL DECISION, PURSUANT TO THE CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1094.6, UNLESS A SHORTER PERIOD APPLIES.

LIU RESIDENCE
6735 SIMS DRIVE, OAKLAND CA 94611
NEW SINGLE FAMILY RESIDENCE



1 SITE PLAN
1/8"=1'-0"



2 ROOF PLAN
1/8"=1'-0"

NOTE:
IF PUBLIC WORKS DOES NOT APPROVE DISCHARGING DRAINAGE INTO THE EXISTING CATCH BASIN, THEN A SUSPENSION AREA WILL BE CREATED IN THE FRONT OF THE YARD.

NOTES:

1. EXPOSED SURFACES OF CONC RETAINING WALLS TO BE FINISHED WITH STUCCO.
2. NO EXPOSED RETAINING WALLS TO BE TALLER THAN 6'.

DESIGNER'S STATEMENT

This plot plan correctly represents a plot plan made by me or under my direction. I hearby STATE that to the best of my knowledge all provisions of applicable State laws and local ordinances have been complied with.
I further STATE that all proposed grades, elevations and contours delineated upon this plot plan are based upon a survey by CANUMAY LAND SURVEYING dated October 2013 that was indicated thereon by the surveyor thereof as being based upon City of Oakland datum.

Peter David Gilbert — **5/9/2020**
CA Architect license no. CO14496 exp. 10/21 — **Date**

NOTE:

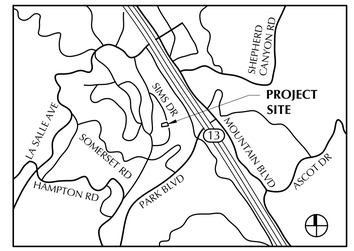
CONTRACTOR SHALL CHECK ALL DRAWINGS SUPPLIED BY ARCHITECT, VERIFY ALL JOB CONDITIONS AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES, OMISSIONS OR UNCLEAR SPECIFICATIONS FOUND BEFORE COMMENCING WORK. IN ALL INSTANCES, CONTRACTOR TO NOTIFY ARCHITECT OF ANY CHANGES TO THE DESIGN OR SPECIFICATIONS BEFORE PROCEEDING.

APPLICABLE CODES

2016 CALIFORNIA ADMINISTRATIVE CODE
2016 CALIFORNIA BUILDING CODE
2016 CALIFORNIA RESIDENTIAL CODE
2016 CALIFORNIA ELECTRICAL CODE
2016 CALIFORNIA MECHANICAL CODE
2016 CALIFORNIA PLUMBING CODE
2016 CALIFORNIA ENERGY CODE
2016 CALIFORNIA FIRE CODE
2016 CALIFORNIA GREEN BUILDING STANDARDS CODE (CAL GREEN)
2016 CALIFORNIA REFERENCE STANDARDS CODE

APN: 048C-7193-025

VICINITY MAP



N.T.S.

PROJECT DESCRIPTION

CONSTRUCTION OF A THREE STORY, 4 BEDROOM, 3.5 BATH 4,060 S.F. SINGLE FAMILY RESIDENCE ON A VACANT UPSLOPE LOT.

DRAWING INDEX

SITE INFORMATION

ZONING: RH-4
LOT AREA: 8,548 SF
CONSTRUCTION TYPE: V-B

STREET TO SETBACK GRADIANT	28%
BUILDING FOOTPRINT SLOPE	39.8%

SETBACKS

FRONT	5 FT (SETBACK SLOPE >20%)
SIDES	10% OF LOT WIDTH
REAR	20 FT

MAX FLOOR AREA (.5 X 8,584 SF) =4,292 SF
MAX LOT COVERAGE (.4 X 8,584 SF) =3,433 SF

PROPOSED FLOOR AREA	4,060 SF
PROPOSED LOT COVERAGE	3,168 SF
PROPOSED FOOTPRINT	2,163 SF

HEIGHT LIMITS
32' MAX HEIGHT
24' MAX HEIGHT (WITHIN 20 FT OF FRONT PROPERTY LINE)

PARKING REQUIRED	2 SPACES
PARKING PROVIDED	2 SPACES

OWNER:
VERONICA LIU
150 WOODSIDE AVE
SAN FRANCISCO, CA 94127
510-586-1113

ARCHITECT:
PETER DAVID GILBERT
10415 GREENVIEW DRIVE
OAKLAND, CA 94605
510-290-0445

STRUCTURAL ENGINEER:
T.B.D.

ENERGY CONSULTANT:
GABLE ENERGY
20825 NUNES AVENUE, SUITE A
CASTRO VALLEY, CA 94546
510 428-0803

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PDGarchitect@comcast.net
www.peterdavidgilbert.com

LICENSED ARCHITECT PETER DAVID GILBERT C014496 Exp. Oct. 31, 2021 STATE OF CALIFORNIA

AUG 21, 2020

SITE PLAN, ROOF PLAN

NEW SINGLE FAMILY RESIDENCE

VERONICA LIU
6735 SIMS DRIVE
OAKLAND, CA 94611

A1

RESIDENTIAL MANDATORY MEASURES
EFFECTIVE JANUARY 1, 2017

2016 CALGREEN CODE

SECTION	REQUIREMENTS
Chapter 1 - ADMINISTRATION	
	Scope
101.3.1	Applies to ALL newly constructed residential buildings: low-rise, high-rise, and hotels/motels.
Chapter 3 - GREEN BUILDING	
	Additions and alterations
301.1.1	• Applies to additions or alterations of residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. • Requirements only apply within the specific area of the addition or alteration. • Note directs code users to Civil Code Section 1101.1 et seq., regarding replacement of non-compliant plumbing fixtures.
	Low-rise and high-rise buildings
301.2	Banners identify provisions applying to low-rise only [LR] or high-rise only [HR].
Division 4.1 - PLANNING AND DESIGN (SITE DEVELOPMENT)	
	Storm water drainage and retention during construction
4.106.2	Projects which disturb less than 1 acre of soil and are not part of a larger common plan of development shall manage storm water drainage during construction.
	Grading and paving
4.106.3	Construction plans shall indicate how the site grading or drainage system will manage all surface water flows to keep water from entering buildings. Exception for additions and alterations which do not alter the existing drainage path.
	Electric vehicle (EV) charging for new construction
4.106.4	• Comply with Section 4.106.4.1 and 4.106.4.2 for future installation and use of EV chargers. • Electric vehicle supply equipment (EVSE) shall be installed in accordance with the California Electrical Code, Article 625. • Exceptions on a case-by-case basis as determined by the Local Enforcing Agency: 1. Where there is no commercial power supply. 2. Verification that meeting requirements will alter the local utility infrastructure design requirements on the utility side of the meter increasing costs to the homeowner/developer by more than $400.00 per dwelling unit.
	EV charging: 1- & 2-family dwellings/townhouses with attached private garages
4.106.4.1 & 4.106.4.1.1	• Install a listed raceway to accommodate a dedicated 208/240-volt branch circuit for each dwelling unit. • Raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). • Raceway shall originate at the main service or subpanel and terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. • Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. • Service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device. Service panel or subpanel circuit

RESIDENTIAL MANDATORY MEASURES
EFFECTIVE JANUARY 1, 2017
2016 CALGREEN CODE

SECTION	REQUIREMENTS
4.106.4.1 & 4.106.4.1.1 continued	directory shall identify the overcurrent protective device space(s) reserved for future EV charging as "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV CAPABLE".
	EV charging for multifamily dwellings
4.106.4.2	• Applies to building sites with 17 or more multifamily dwelling units constructed on the site. • 3% of the total number of parking spaces provided for all types of parking facilities, but in no case less than one, shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the number of EV spaces shall be rounded up to the nearest whole number. **Note:** Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use.
	EV charging space (EV space) locations
4.106.4.2.1	• Construction documents shall indicate the location of proposed EV spaces. At least 1 EV space shall be located in common use areas and available for use by all residents. • When EV chargers are installed, EV spaces required by Section 4.106.4.2.2, Item 3, shall comply with at least 1 of the following options: 1. The EV space shall be located adjacent to an accessible parking space meeting the requirements of the California Building Code, Chapter 11A, to allow use of the EV charger from the accessible parking space. 2. The EV space shall be located on an accessible route to the building, as defined in the California Building Code, Chapter 2.
	EV charging space (EV space) dimensions
4.106.4.2.2	EV spaces shall be designed to comply with the following: 1. The minimum length of each EV space shall be 18 feet. 2. The minimum width of each EV space shall be 9 feet. 3. One in every 25 EV spaces, but not less than 1, shall also have an 8-foot wide minimum aisle. A 5-foot wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet. a) Surface slope for this EV space and aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083% slope) in any direction.
	Single EV space required
4.106.4.2.3	• Install listed raceway capable of accommodating a 208/240-volt dedicated branch circuit. ▪ The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). ▪ The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or enclosure in close proximity to the proposed location of the EV space.

RESIDENTIAL MANDATORY MEASURES
EFFECTIVE JANUARY 1, 2017
2016 CALGREEN CODE

SECTION	REQUIREMENTS
4.106.4.2.3 continued	• Construction documents shall identify the raceway termination point. • The service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device.
	Multiple EV spaces required
4.106.4.2.4	• Construction documents shall indicate raceway termination point and proposed location of future EV spaces and EV chargers. Construction documents shall also provide information on amperage of future EVSE, raceway method(s), wiring schematics and electrical load calculations to verify electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at full rated amperage of the EVSE. • Plan design shall be based upon a 40-ampere minimum branch circuit. • Raceways and related components planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at the time of original construction.
	Identification
4.106.4.2.5	The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as "EV CAPABLE" in accordance with the California Electrical Code. **Notes:** 1. The California Department of Transportation adopts and publishes the "California Manual on Uniform Traffic Control Devices (California MUTCD)" to provide uniform standards and specifications for all official traffic control devices in California. Zero Emission Vehicle Signs and Pavement Markings can be found in the New Policies & Directives Number 12-01. Website: http://www.dot.ca.gov/hq/traffops/policy/13-01.pdf 2. See Vehicle Code Section 22511 for EV charging space signage in off-parking facilities and for use of EV charging spaces. 3. The Governor's Office of Planning and Research (OPR) published a "Zero-Emission Vehicle Community Readiness Guidebook" which provides helpful information for local governments, residents and businesses. Website: http://opr.ca.gov/docs/ZEV_Guidebook.pdf
Division 4.2- ENERGY EFFICIENCY	
	Scope
4.201.1 & 5.201.1	• Energy efficiency requirements for low-rise residential (Section 4.201.1) and high-rise residential/hotels/motels (Section 5.201.1) are now in both residential and nonresidential chapters of CALGreen. • Standards for residential buildings do not require compliance with levels of minimum energy efficiency beyond those required by the 2016 California Energy Code.

RESIDENTIAL MANDATORY MEASURES
EFFECTIVE JANUARY 1, 2017
2016 CALGREEN CODE

SECTION	REQUIREMENTS
Division 4.3 – WATER EFFICIENCY AND CONSERVATION (INDOOR WATER USE)	
	Water conserving plumbing fixtures and fittings
4.303.1	Plumbing fixtures and fittings shall comply with the following: 4.303.1.1 Water Closets: ≤ 1.28 gal/flush 4.303.1.2 Wall Mounted Urinals: ≤ 0.125 gal/flush; all other urinals ≤ 0.5 gal/flush 4.303.1.3.1 Single Showerheads: ≤ 2.0 gpm @ 80 psi 4.303.1.3.2 Multiple Showerheads: combined flow rate of all showerheads controlled by a single valve shall not exceed 2.0 gpm @ 80 psi, or only one shower outlet is to be in operation at a time 4.303.1.4.1 Residential Lavatory Faucets: Maximum Flow Rate ≤ 1.2 gpm @ 60 psi; Minimum Flow Rate ≥ 0.8 gpm @ 20 psi 4.303.1.4.2 Lavatory Faucets in Common and Public Use Areas of Residential Buildings: ≤ 0.5 gpm @ 60 psi 4.303.1.4.3 Metering Faucets: ≤ 0.25 gallons per cycle 4.303.1.4.4 Kitchen Faucets: ≤ 1.8 gpm @ 60 psi; temporary increase to 2.2 gpm allowed but shall default to 1.8 gpm
	Standards for plumbing fixtures and fittings
4.303.2	Plumbing fixtures and fittings shall be installed in accordance with the California Plumbing Code, and shall meet applicable standards referenced in Table 1701.1 of the California Plumbing Code.
Division 4.3 – WATER EFFICIENCY AND CONSERVATION (OUTDOOR WATER USE)	
	Outdoor potable water use in landscape areas
4.304.1	After December 1, 2015, new residential developments with an aggregate landscape area equal to or greater than 500 square feet shall comply with one of the following: 1. A local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent, or 2. Projects with aggregate landscape areas less than 2500 square feet may comply with the MWELO's Appendix D Prescriptive Compliance Option.
Division 4.4 – MATERIAL CONSERVATION & RESOURCE EFFICIENCY (ENHANCED DURABILITY & REDUCED MAINTENANCE)	
	Rodent proofing
4.406.1	Annular spaces around pipes, electric cables, conduits or other openings in sole/bottom plates at exterior walls shall be closed with cement mortar, concrete masonry or a similar method acceptable to the enforcing agency to prevent passage of rodents.
Division 4.4 – MATERIAL CONSERVATION & RESOURCE EFFICIENCY (CONSTRUCTION WASTE REDUCTION, DISPOSAL & RECYCLING)	
	Construction waste reduction of at least 65%
4.408.1	• Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with either Section 4.408.2, 4.408.3 or 4.408.4; OR meet a more stringent local construction and demolition waste management ordinance.

RESIDENTIAL MANDATORY MEASURES
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SECTION	REQUIREMENTS
4.408.1 continued	• Documentation is required per Section 4.408.5. **Exceptions:** 1. Excavated soil and land-clearing debris. 2. Alternative waste reduction methods developed by working with local enforcing agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the jobsite. 3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.
	Construction waste management plan
4.408.2	Submit a construction waste management plan meeting Items 1 through 5 in Section 4.408.2. Plans shall be updated as necessary and shall be available for examination during construction.
	Waste management company
4.408.3	Utilize a waste management company, approved by the enforcing agency, which can provide verifiable documentation that diverted construction and demolition waste materials meet the requirements in Section 4.408.1.
	Waste stream reduction alternative
4.408.4 4.408.4.1	• (LR) Projects that generate a total combined weight of construction and demolition waste disposed in landfills, which do not exceed 3.4 pounds per square foot of the building area shall meet the minimum 65% construction waste reduction requirement in Section 4.408.1. • Projects that generate a total combined weight of construction and demolition waste disposed in landfills, which do not exceed 2 pounds per square foot of the building area, shall meet the minimum 65% construction waste reduction requirement in Section 4.408.1.
Division 4.4 – MATERIAL CONSERVATION & RESOURCE EFFICIENCY (BUILDING MAINTENANCE & OPERATION)	
	Operation and maintenance manual
4.410.1	At the time of final inspection, a manual, compact disc, web-based reference or other media acceptable to the enforcing agency which covers 10 specific subject areas shall be placed in the building.
	Recycling by occupants
4.410.2	Where 5 or more multifamily dwelling units are constructed on a building site, provide readily accessible area(s) that serves all buildings on the site and is identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive. **Exception:** Rural jurisdictions that meet and apply for the exemption in Public Resources Code Section 42649.82 (a)(2)(A) et. seq. are not required to comply with the organic waste portion of this section.

RESIDENTIAL MANDATORY MEASURES
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SECTION	REQUIREMENTS
Division 4.5 – ENVIRONMENTAL QUALITY (FIREPLACES)	
	General
4.503.1	Any installed gas fireplace shall be a direct-vent sealed-combustion type. Any installed woodstove or pellet stove shall comply with U.S. EPA New Source Performance Standards (NSPS) emission limits as applicable, and shall have a permanent label indicating they are certified to meet the emission limits. Woodstoves, pellet stoves and fireplaces shall also comply with all applicable local ordinances.
Division 4.5 – ENVIRONMENTAL QUALITY (POLLUTANT CONTROL)	
	Protection during construction
4.504.1	At the time of rough installation, during storage on the construction site and until final startup of the heating, cooling and ventilating equipment, all duct and other related air intake and distribution component openings shall be covered. Tape, plastic, sheetmetal or other methods acceptable to the enforcing agency to reduce the amount of water, dust and debris entering the system may be used.
	Adhesives, sealants and caulks
4.504.2.1	Adhesives, sealants and caulks used on the project shall meet the requirements of the following standards unless more stringent local or regional air pollution or air quality management district rules apply: 1. Adhesives, adhesive bonding primers, adhesive primers, sealants, sealant primers, and caulks shall comply with local or regional air pollution control or air quality management district rules where applicable, or SCAQMD Rule 1168 VOC limits, as shown in Tables 4.504.1 or 4.504.2, as applicable. Such products shall also comply with Rule 1168 prohibition on the use of certain toxic compounds (chloroform, ethylene dichloride, methylene chloride, perchloroethylene and trichloroentylene), except for aerosol products as specified in Subsection 2 below. 2. Aerosol adhesives, and smaller unit sizes of adhesives, and sealant or caulking compounds (in units of product, less packaging, which do not weigh more than 1 pound and do not consist of more than 16 fluid ounces) shall comply with statewide VOC standards and other requirements, including prohibitions on use of certain toxic compounds, of the California Code of Regulations (CCR), Title 17, commencing with Section 94507.
	Paints and coatings
4.504.2.2	Architectural paints and coatings shall comply with VOC limits in Table 1 of the Air Resources Board Architectural Suggested Control Measure, as shown in Table 4.504.3, unless more stringent local limits apply. The VOC content limit for coatings that do not meet the definitions for the specialty coatings catergories listed in Table 4.504.3 shall be determined by classifying the coating as Flat, Nonflat, or Nonflat-High Gloss coating, based on its gloss, as defined in subsections 4.21, 4.36, and 4.37, of the 2007 California Air Resources Board, Suggested Control Measure, and the corresponding Flat, Nonflat, or Nonflat-High Gloss VOC limit in Table 4.504.3 shall apply.

RESIDENTIAL MANDATORY MEASURES
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SECTION	REQUIREMENTS
	Aerosol paints and coatings
4.504.2.3	Aerosol paints and coatings shall meet the Product-Weighted MIR Limits for ROC in Section 94522(a)(2) and other requirements, including prohibitions on use of certain toxic compounds and ozone depleting substances, in Section 94522(e)(1) and (f)(1) of the CCR, Title 17, commencing with Section 94520; and in areas under the jurisdiction of the Bay Area Air Quality Management District shall additionally comply with the percent VOC by weight of product limits of Regulation 8, Rule 49.
	Carpet systems
4.504.3	Carpet installed in the building interior shall meet the testing and product requirements of 1 of the following: 1. Carpet and Rug Institute's Green Label Plus Program 2. California Department of Public Health, "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers," Version 1.1, February 2010 (also known as Specification 01350) 3. NSF/ANSI 140 at the Gold level 4. Scientific Certifications Systems Indoor Advantage™ Gold
	Carpet cushion
4.504.3.1	Carpet cushion installed in the building interior shall meet the requirements of the Carpet and Rug Institute's Green Label Plus Program.
	Carpet adhesive
4.504.3.2	Carpet adhesives shall meet the requirements of Table 4.504.1.
	Resilient flooring systems
4.504.4	Where resilient flooring is installed, at least 80% of floor area receiving resilient flooring shall comply with one or more of the following: 1. Products compliant with the California Department of Public Health, "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers," Version 1.1, February 2010 (also known as Specification 01350), certified as a CHPS Low-Emitting Material in the Collaborative for High Performance Schools (CHPS) High Performance Products Database 2. Products certified under UL GREENGUARD Gold (formerly the Greenguard Children & Schools Program) 3. Certification under the Resilient Floor Covering Institute (RFCI) FloorScore program 4. Meet the California Department of Public Health, "Standard Method for the Testing and Evaluation of Volatile Organic Chemical Emissions from Indoor Sources Using Environmental Chambers," Version 1.1, February 2010 (also known as Specification 01350)
	Composite wood products
4.504.5	• Hardwood plywood, particleboard and medium density fiberboard composite wood products used on the interior or exterior of the building shall meet the requirements

RESIDENTIAL MANDATORY MEASURES
EFFECTIVE JANUARY 1, 2017
2016 CALGREEN CODE

SECTION	REQUIREMENTS
4.504.5 continued	for formaldehyde as specified in the Air Resources Board's Air Toxics Control Measure for Composite Wood (17 CCR 93120 et. seq.), as shown in Table 4.504.5. Documentation is required per Section 4.504.5.1. • Definition of Composite Wood Products: Composite wood products include hardwood plywood, particleboard, and medium density fiberboard. "Composite wood products" do not include hardboard, structural plywood, structural panels, structural composite lumber, oriented strand board, glued laminated timber, prefabricated wood I-joists, or finger-joined lumber, all as specified in CCR, Title 17, Section 93120.1(a).
	Documentation
4.504.5.1	Verification of compliance shall be provided as requested by the enforcing agency, and as required in Section 4.504.5.1.
Division 4.5 – ENVIRONMENTAL QUALITY (INTERIOR MOISTURE CONTROL)	
	Concrete slab foundations
4.505.2	Concrete slab foundations or concrete slab-on-ground floors required to have a vapor retarder by the California Building Code, Chapter 19, or the California Residential Code, Chapter 5, respectively, shall also comply with this section.
	Capillary break
4.505.2.1	A capillary break shall be installed in compliance with at least 1 of the following: 1. A 4-inch thick base of 1/2-inch or larger clean aggregate shall be provided with a vapor retarder in direct contact with concreate and a concrete mix design which will address bleeding, shrinkage and curling shall be used. For additional information, see American Concrete Institute, ACI 302.2R-06. 2. Other equivalent methods approved by the enforcing agency. 3. A slab design specified by a licensed design professional.
	Moisture content of building materials
4.505.3	Building materials with visible signs of water damage shall not be installed. Wall and floor framing shall not be enclosed when the framing members exceed 19% moisture content. Moisture content shall be verified in compliance with the following: 1. Moisture content shall be determined with either a probe-type or a contact-type moisture meter. Equivalent moisture verification methods may be approved by the enforcing agency and shall satisfy requirements in Section 101.8. 2. Moisture readings shall be taken at a point 2 feet to 4 feet from the grade-stamped end of each piece to be verified. 3. At least 3 random moisture readings shall be performed on wall and floor framing with documentation acceptable to the enforcing agency provided at the time of approval to enclose the wall and floor framing. Insulation products which are visibly wet or have a high moisture content shall be replaced or allowed to dry prior to enclosure in wall or floor cavities. Manufacturers' drying recommendations shall be followed for wet-applied insulation products prior to enclosure.

CONTINUED ON A3

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LICENSED ARCHITECT PETER DAVID GILBERT C014496 Exp. Oct. 31, 2021 STATE OF CALIFORNIA

AUG 21, 2020

MANDATORY MEASURES

NEW SINGLE FAMILY RESIDENCE

VERONICA LIU
6735 SIMS DRIVE
OAKLAND, CA 94611

A2

CONTINUED FROM A2

RESIDENTIAL MANDATORY MEASURES
EFFECTIVE JANUARY 1, 2017
2016 CALGREEN CODE

SECTION	REQUIREMENTS
Division 4.5 – ENVIRONMENTAL QUALITY (INDOOR AIR QUALITY & EXHAUST)	
	Bathroom exhaust fans
4.506.1	Each bathroom shall be mechanically ventilated and shall comply with the following: 1. Fans shall be ENERGY STAR compliant and be ducted to terminate outside the building. 2. Unless functioning as a component of a whole house ventilation system, fans must be controlled by a humidity control. a) Humidity controls shall be capable of manual or automatic adjustment between a relative humidity range of less than 50% to a maximum of 80%. b) A humidity control may be a separate component to the exhaust fan and is not required to be integral or built-in. Note: For CALGreen a "bathroom" is a room which contains a bathtub, shower, or tub/shower combination. Fans or mechanical ventilation is required in each bathroom.
Division 4.5 – ENVIRONMENTAL QUALITY (ENVIRONMENTAL COMFORT)	
	Heating and air conditioning system design
4.507.2	Heating and air conditioning systems shall be sized, designed, and equipment selected using the following methods: 1. The heat loss and heat gain is established according to ANSI/ACCA 2 Manual J – 2011 (Residential Load Calculation), ASHRAE handbooks or other equivalent design software or methods. 2. Duct systems are sized according to ANSI/ACCA 1 Manual D – 2014 (Residential Duct Systems), ASHRAE handbooks or other equivalent design software or methods. 3. Select heating and cooling equipment according to ANSI/ACCA 3 Manual S – 2014 (Residential Equipment Selection) or other equivalent design software or methods. Exception: Use of alternate design temperatures necessary to ensure the systems functions are acceptable.
CHAPTER 7 – INSTALLER & SPECIAL INSPECTOR QUALIFICATION (QUALIFICATIONS, VERIFICATIONS)	
	Installer training
702.1	HVAC system installers shall be trained and certified in the proper installation of HVAC systems and equipment by a recognized training or certification program. Examples of acceptable HVAC training and certification programs include but are not limited to the following: 1. State certified apprenticeship programs. 2. Public utility training programs. 3. Training programs sponsored by trade, labor or statewide energy consulting or verification organizations. 4. Programs sponsored by manufacturing organizations. 5. Other programs acceptable to the enforcing agency.

RESIDENTIAL MANDATORY MEASURES
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SECTION	REQUIREMENTS
	Special inspection
702.2	Special inspectors must be qualified and able to demonstrate competence to the enforcing agency in the discipline in which they are inspecting.
	Documentation
703.1	Documentation of compliance shall include, but is not limited to, construction documents, plans, specifications, builder or installer certification, inspection reports, or other methods acceptable to the local enforcing agency. Other specific documentation or special inspections necessary to verify compliance are specified in appropriate sections of CALGreen.

NEW HOME RATING SYSTEM, VERSION 8.1 — Blueprint Scoresheet

Points Targeted: 30
Certification Level Targeted: None - Minimum Not Reached
Compliance Pathway Targeted: TBD
T24 Compliance Targeted: 0

Liu Residence New Home Single Family v. 8.1		Points Targeted	Possible Points: Community	Energy	IAQ/Health	Resources	Water	Responsible Party	Blueprint Page No.
CALGreen									
Yes	**CALGreen Res (REQUIRED)**	4		1	1	1	1		
A. SITE									
	A6. Stormwater Control: Prescriptive Path (section capped at 3 points)								
Yes	A6.3 Non-Leaching Roofing Materials	1					1		
B. FOUNDATION									
Yes	**B3. Foundation Drainage System**	2				2			
C. LANDSCAPE									
9.37%	Enter the landscape area percentage. Points capped at 6 for less than 15%.								
	C3. Resource Efficient Landscapes								
Yes	C3.1 No Invasive Species Listed by Cal-IPC	1				1			
	C4. Minimal Turf in Landscape								
Yes	C4.1 No Turf on Slopes Exceeding 10% and No Overhead Sprinklers Installed in Areas Less Than Eight Feet Wide	2					2		
≤10%	C4.2 Turf on a Small Percentage of Landscaped Area	2					2		
G. PLUMBING									
	G2. Install Water-Efficient Fixtures								
Yes	G2.2 WaterSense Bathroom Faucets ≤1.0 gpm	1					1		
≤1.28 gpf	G2.3 WaterSense Toilets with a Maximum Performance (MaP) Threshold of No Less Than 500 Grams and ≤1.28gpf OR ≤1.1 gpf	1					2		
H. HEATING, VENTILATION, AND AIR CONDITIONING									
	H1. Sealed Combustion Units								
Yes	H1.1 Sealed Combustion Furnace	1			1				
Yes	H1.2 Sealed Combustion Water Heater	2			2				
Yes	**H4. ENERGY STAR® Bathroom Fans Per HVI Standards with Air Flow Verified**	1			1				
	H6. Whole House Mechanical Ventilation Practices to Improve Indoor Air Quality								
Yes	H6.1 Meet ASHRAE 62.2-2016 Ventilation Residential Standards	Y	R	R	R	R	R		
Yes	**H10. No Fireplace or Sealed Gas Fireplace**	1			1				
J. BUILDING PERFORMANCE AND TESTING									
Yes	**J1. Third-Party Verification of Quality of Insulation Installation**	1			1				
K. FINISHES									
	K1. Entryways Designed to Reduce Tracked-In Contaminants								
Yes	K1.1 Individual Entryways	1			1				
L. FLOORING									
Yes	**L3. Durable Flooring**	1				1			
M. APPLIANCES AND LIGHTING									
Yes	**M1. ENERGY STAR® Dishwasher**	1					1		
N. COMMUNITY									
	N1. Smart Development								
Yes	N1.1 Infill Site	2	1			1			
	N5. Social Interaction								
Yes	N5.1 Residence Entries with Views to Callers	1	1						
Yes	N5.2 Entrances Visible from Street and/or Other Front Doors	1	1						
Yes	N5.3 Porches Oriented to Street and Public Space	1	1						
O. OTHER									
Yes	**O1. GreenPoint Rated Checklist in Blueprints**	Y	R	R	R	R	R		
Yes	**O2. Pre-Construction Kickoff Meeting with Rater and Subcontractors**	2		0.5		1	0.5		
Summary			Community	Energy	IAQ/Health	Resources	Water		
	Total Available Points in Specific Categories	315.5	28	97.5	59	82	49		
	Minimum Points Required in Specific Categories	50	2	25	6	6	6		
	Total Points Targeted	**30.0**	**4.0**	**1.5**	**8.0**	**7.0**	**9.5**		

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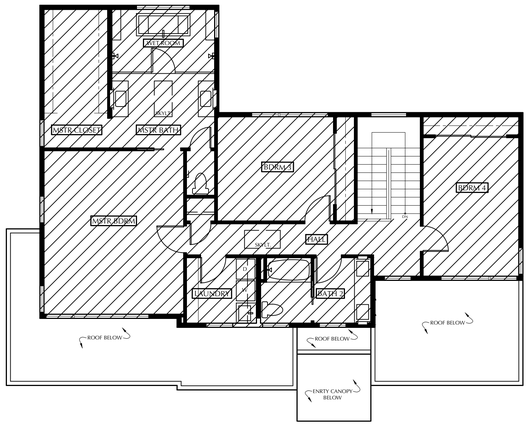
AUG 21, 2020

GREENPOINT RATING

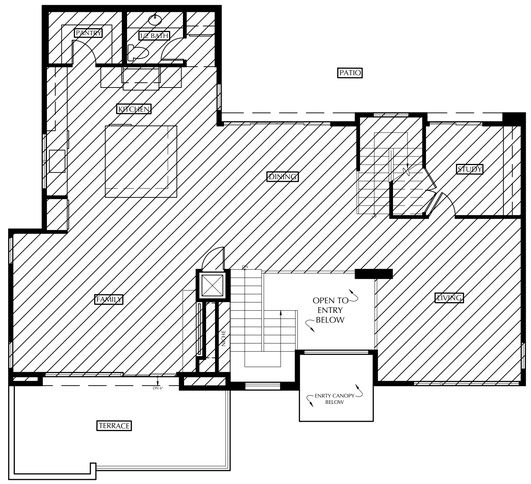
NEW SINGLE FAMILY RESIDENCE

VERONICA LIU
6735 SIMS DRIVE
OAKLAND, CA 94611

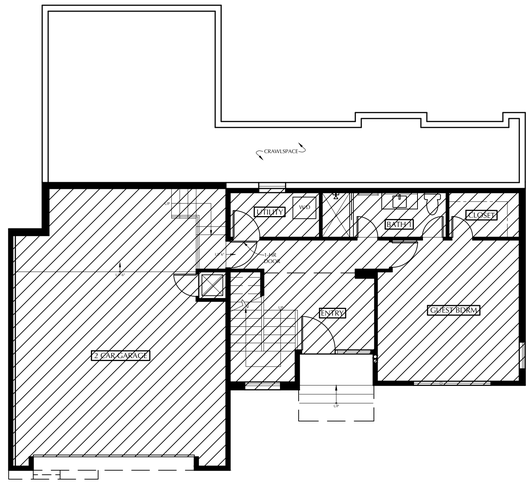
A3



UPPER LEVEL: 1,350 S.F.



MAIN LEVEL: 1,700 S.F.



LOWER LEVEL: 1,450 S.F.
LESS GARAGE ALLOWANCE: 440 S.F.
1,010 S.F.

1 LIVING AREA GRAPHIC 4,060 S.F. TOTAL
1/8"=1'-0"

LIVING AREA

GRAPHIC CALCULATIONS

LOT AREA	8,548 S.F.
LIVING AREA	
LOWER LEVEL (AFTER ALLOWANCE)	1,010 S.F.
MAIN LEVEL	1,700 S.F.
UPPER LEVEL	1,350 S.F.
TOTAL FLOOR AREA	4,060 S.F.
LOT COVERAGE - IMPERVIOUS SURFACE	
HOUSE (2,163 S.F.)	25.3%
PATIO (446 S.F.)	5.2%
DRIVEWAY (282 S.F.)	3.3%
WALKWAYS (277 S.F.)	3.2%
TOTAL (3,168 S.F.)	37.0%
LANDSCAPE (5,380 S.F.)	63.0%
FLOOR AREA RATIO	
FLOOR AREA TOTAL	4,060 S.F.
LOT AREA	8,548 S.F.
FLOOR AREA RATIO	47.5%

3 FLOOR AREA RATIO GRAPHIC
N.T.S.

2 LOT COVERAGE - IMPERMEABLE SURFACE GRAPHIC
N.T.S.

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AREA GRAPHIC CALCULATIONS

NEW SINGLE FAMILY RESIDENCE

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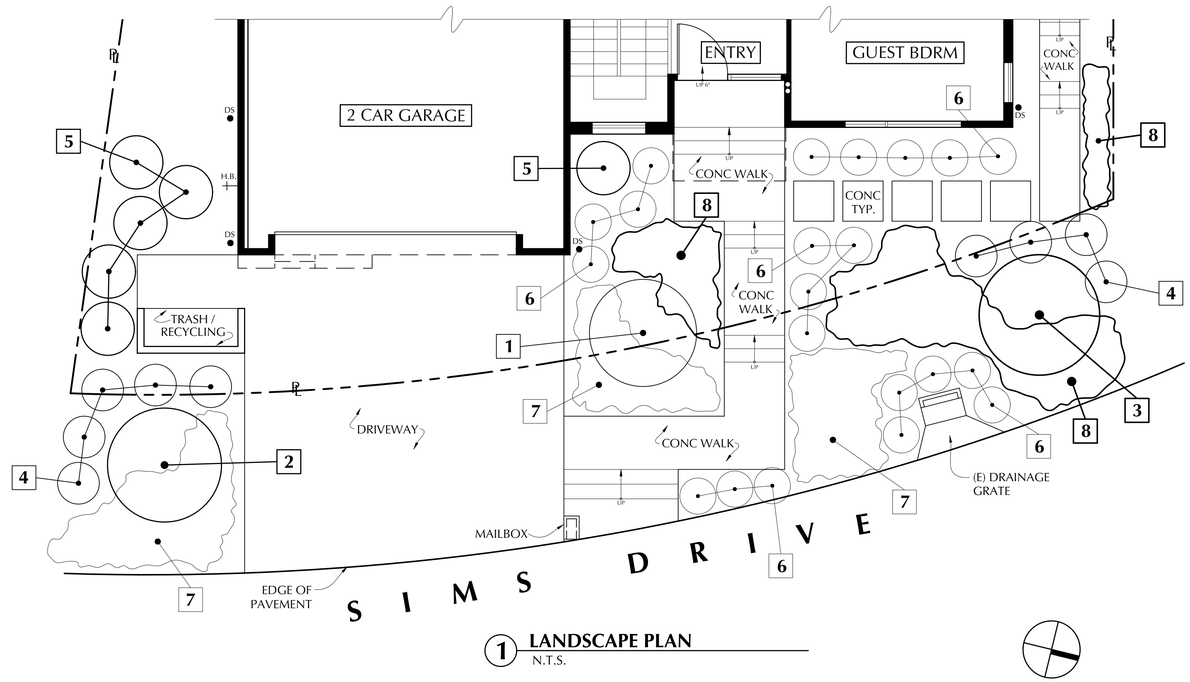

1 **LANDSCAPE PLAN**
N.T.S.

6735 SIMS DRIVE, OAKLAND. CA 94611
APN# 048C-7193-025
LANDSCAPING DOCUMENTATION PACKAGE

May 2, 2020

Landscape Area: 1107 SF (front yard only)
Private SFD: homeowner installed
Water Supply: EBMUD

CONTACT INFO
APPLICANT:
Peter David Gilbert
10415 Greenview Drive, Oakland, CA 94605
510-290-0445
PDGarchitect@comcast.net

OWNER
Michael Liu
6038 Snake Road Oakland, Ca 94611
510-773-8766
MichaelLiu29@comcast.net

I agree to comply with the following requirements of the prescriptive compliance option to MWELO

Peter David Gilbert, Applicant

Michael Liu, Owner

LANDSCAPE REQUIREMENTS

New Landscaping to
(1) Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test);
(2) Plant material shall comply with all of the following:
a. For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water
b. A minimum three-inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
(3) No turf is to be installed anywhere on the property as the slope of the property is too great.
(4) Irrigation systems shall comply with the following:
a. Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize a rain sensor.
b. Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.
c. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.
d. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.
e. All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. "Landscape Irrigation Sprinkler and Emitter Standard," All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
f. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
(5) At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

LANDSCAPE SCHEDULE

TREES:
1. OLEA EUROPEA
OLIVE TREE (DEER RESISTANT, DROUGHT TOLERANT)
2. CERCIS OCCIDENTALIS
WESTERN REDBUD (CA NATIVE, DEER RESISTANT, DROUGHT TOLERANT)
3. QUERCUS AGRIFOLIA
COAST LIVE OAK (CA NATIVE, DEER RESISTANT, DROUGHT TOLERANT)

SHRUBS
4. ARBUTUS UNEDO COMPACTA
STRAWBERRY TREE (CA NATIVE, DEER RESISTANT, DROUGHT TOLERANT)
5. CEONOTHUS JULIA PHELPS
CEONOTHUS (CA NATIVE, DEER RESISTANT, DROUGHT TOLERANT)
6. DIANELLA TASMANIA
TASMANIAN LILY. (DEER RESISTANT)

GROUND COVERS
7. CEANOTHUS GRISEUS HORIZONTALIS
CARMEL CREEPER (CA NATIVE, DROUGHT TOLERANT, DEER RESISTANT)
8. ARCTOSTAPHYLOS EDMUNDSII
CARMEL SUR MANSANITA (CA NATIVE, DROUGHT TOLERANT, DEER RESISTANT)

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LANDSCAPE PLAN

NEW SINGLE FAMILY RESIDENCE

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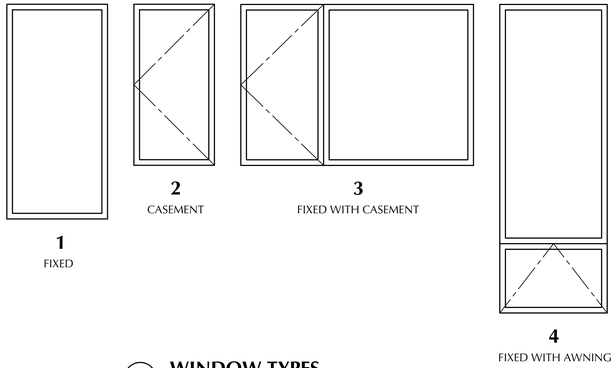


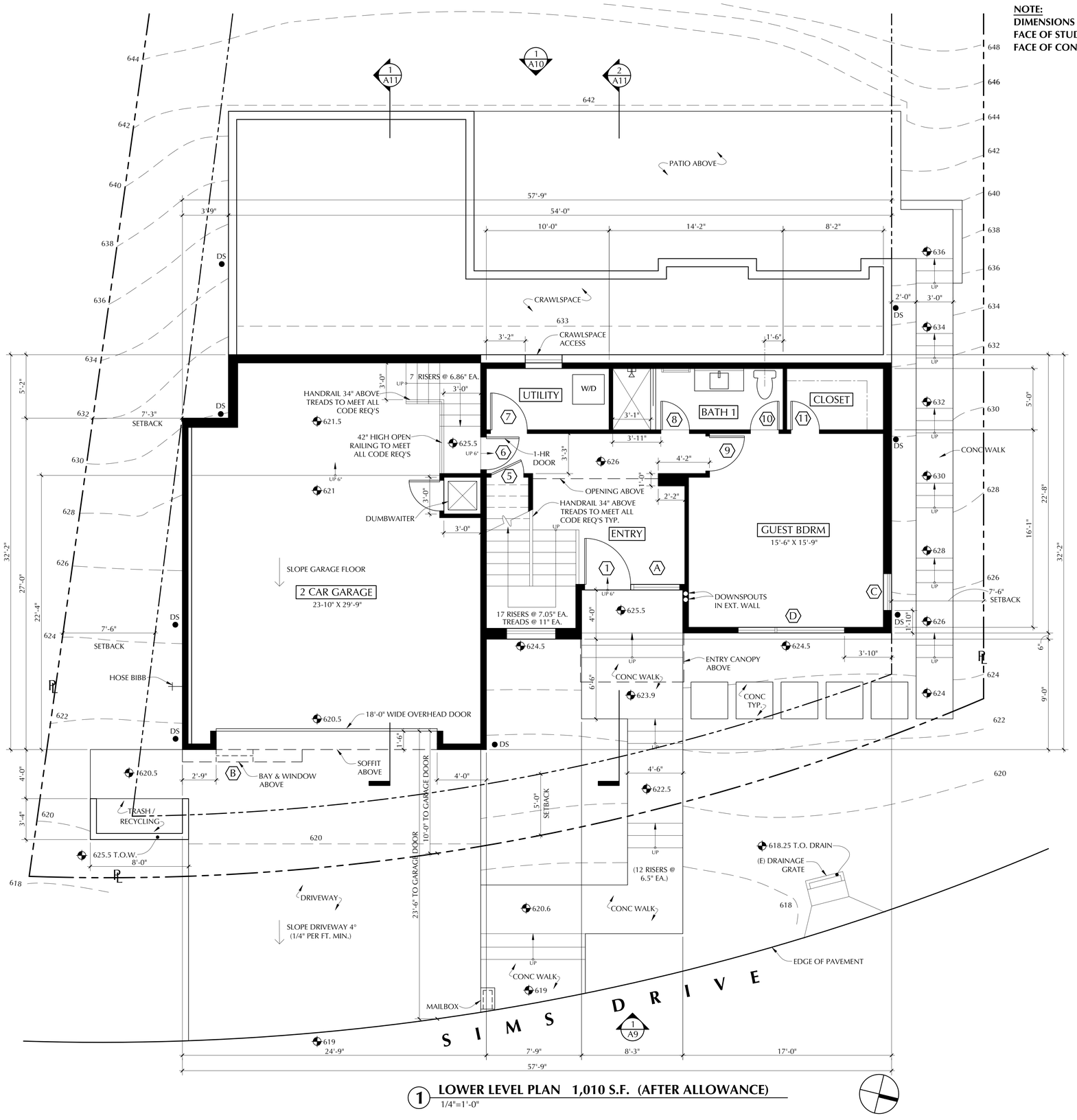
2 WINDOW TYPES
N.T.S.

WINDOW SCHEDULE 6735 SIMS DRIVE

#	LOCATION	SIZE	FUNCTION	TYPE	MATERIAL	NOTES
A	Entry	3'-9" x 8'-0"	fixed	1	fiberglass	tempered
B	Garage	3'-0" x 4'-0"	fixed	1	fiberglass	tempered
C	Guest Bdrm	3'-0" x 6'0" case + 5'-6" x 6'-0" fixed	case + fixed	3	fiberglass	exit/tempered
D	Guest Bdrm	3'-0" x 6'-0"	casemnt	2	fiberglass	exit/tempered
E	Entry	7'-9" x 7'-6"	fixed	1	fiberglass	tempered
F	Entry Stairs	2'-6" x 4'-0" awning + 9'-0" x4'-0" fixed	awning + fixed	4	fiberglass	tempered
G	Family	8'-0" x 8'-6"	fixed	1	fiberglass	tempered
H	Family	3'-0" x 6'-0"	casement	2	fiberglass	tempered
I	Family	3'-0" x 6'-0"	casement	2	fiberglass	tempered
J	Kitchen	(2) 3'-0" x 5'-0"	casement	2	fiberglass	tempered
K	Kitchen	3'-0" x 6'-0"	casement	2	fiberglass	tempered
L	Bedroom Stairs	2'-6" x 4'-0" awning + 8'-6" x 4'-0" fixed	awning + fixed	4	fiberglass	tempered
M	Living	3'-0" x 6'-0"	casement	2	fiberglass	tempered
N	Living	3'-0" x 6'0" case + 8'-9" x 6'0" fixed	case + fixed	3	fiberglass	tempered
O	Bath 2	3'-0" x 4'-0"	casement	2	fiberglass	tempered
P	Bath 2	3'-0" x 4'-0"	casement	2	fiberglass	tempered
Q	laundry	3'-0" x 4'-0"	casement	2	fiberglass	tempered
R	Mast Bdrm	3'-0" x 6'0" case + 8'-6"" x 6'0" fixed	case + fixed	3	fiberglass	exit/tempered
S	Mast Bdrm	3'-0" x 6'-0"	casement	2	fiberglass	exit/tempered
T	Mast Bdrm	3'-0" x 6'-0"	casement	2	fiberglass	exit/tempered
U	Mast Closet	3'-0" x 6'-0"	casement	2	fiberglass	tempered
V	Mast Bath	6'-0" x 6'-0"	fixed	1	fiberglass	tempered
W	Mast Bath	3'-0" x 6'-0"	casement	2	fiberglass	tempered
X	Bedroom 3	3'-0" x 6'0" case + 5'-6" x 6'-0" fixed	case + fixed	3	fiberglass	exit/tempered
Y	Bedrm 4	3'-0" x 6'-0"	casement	2	fiberglass	exit/tempered
Z	Bedrm 4	3'-0" x 6'0" case + 5'-6" x 6'-0" fixed	case + fixed	3	Fiberglass	exit/tempered
AA	Hall	3'-0" x 6'-0"	casement	2	fiberglass	tempered
AB	Hall	Velux VCM 2246	skylight			
AC	Mast Bath	Velux VCM 2246	skylight			

DOOR SCHEDULE 6735 SIMS DRIVE

DR #	LOCATION	SIZE	TYPE	LOCKSET	NOTES
1	Entry	3'-9" x 8'-0"	solid core flush	entry set	
2	Family	6'-0" x 8'-0"	patio slider	manuf	
3	Dining	12'-0 x 8'-0"	patio slider	manuf	
4	Study	6'-0" x 8'-0"	patio slider	manuf	exit
5	Entry	2'-8" x 8'-0"	solid core flush	passage	
6	Garage	2'-8" x 8'-0"	1 hr solid core	entry set	self closing
7	Utility	3'-0" x 8'-0"	solid core flush	passage	
8	Bath 1	2'-6" x 8'-0"	solid core flush	privacy	
9	Guest Bdrm	2'-8" x 8'-0"	solid core flush	privacy	
10	Bath 1	2'-6" x 8'-0"	solid core flush	privacy	
11	Closet Guest	2'-6" x 8'-0"	hollow core flush	passage	
12	Pantry	2'-8" x 8'-0"	hollow core flush	passage	
13	1/2 Bath	2'-6" x 8'-0"	solid core flush	privacy	
14	Study	2'-8" x 8'-0"	solid core flush	privacy	
15	Study	(2) 2'-6" x 8'-0"	hollow core flush	passage	
16	Bath 2	2'-8" x 7'-0"	solid core flush	privacy	
17	Bath 2	2'-8" x 7'-0"	hollow core flush	pocket	
18	Laundry	2'-8" x 7'-0"	solid core flush	passage	
19	Mast. Bdrm	2'-8" x 8'-0"	solid core flush	privacy	
20	Mast Bath	3'-0" x 8'-0"	solid core flush	pocket	
21	Mbath WC	2'-6" x 8'-0"	solid core flush	privacy	
22	Linen	2'-6" x 8'-0"	hollow core flush	passage	
23	Bdrm 3	2'-8" x 8'-0"	solid core flush	privacy	
24	Bdrm 3	8'-0" x 8'-0"	hollow core flush	bypass	
25	Bdrm 4	2'-8" x 8'-0"	solid core flush	privacy	
26	Bdrm 4	8'-0" x 8'-0"	hollow core flush	bypass	



1 LOWER LEVEL PLAN 1,010 S.F. (AFTER ALLOWANCE)
1/4"=1'-0"

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LICENSED ARCHITECT PETER DAVID GILBERT C014496 Exp. Oct. 31, 2021 STATE OF CALIFORNIA

AUG 21, 2020

LOWER LEVEL PLAN
WINDOW SCHEDULE
DOOR SCHEDULE

NEW SINGLE FAMILY RESIDENCE

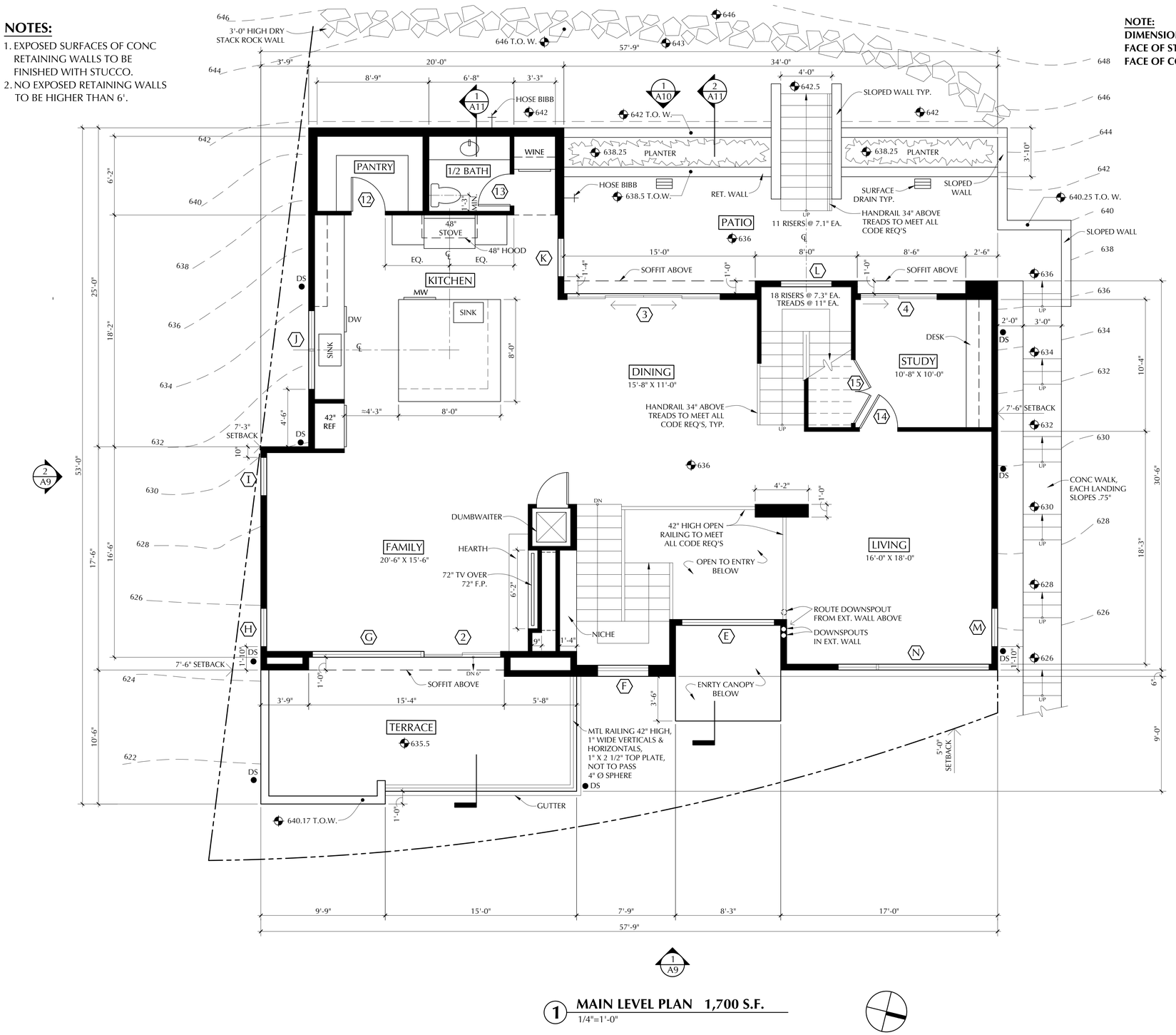
VERONICA LIU
6735 SIMS DRIVE
OAKLAND, CA 94611

A6

NOTES:

1. EXPOSED SURFACES OF CONC RETAINING WALLS TO BE FINISHED WITH STUCCO.
2. NO EXPOSED RETAINING WALLS TO BE HIGHER THAN 6'.

NOTE:
DIMENSIONS TO FACE OF STUDS OR FACE OF CONCRETE.



1 MAIN LEVEL PLAN 1,700 S.F.
1/4"=1'-0"

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PETER DAVID GILBERT
C014496
Exp. Oct. 31, 2021
STATE OF CALIFORNIA

AUG 21, 2020

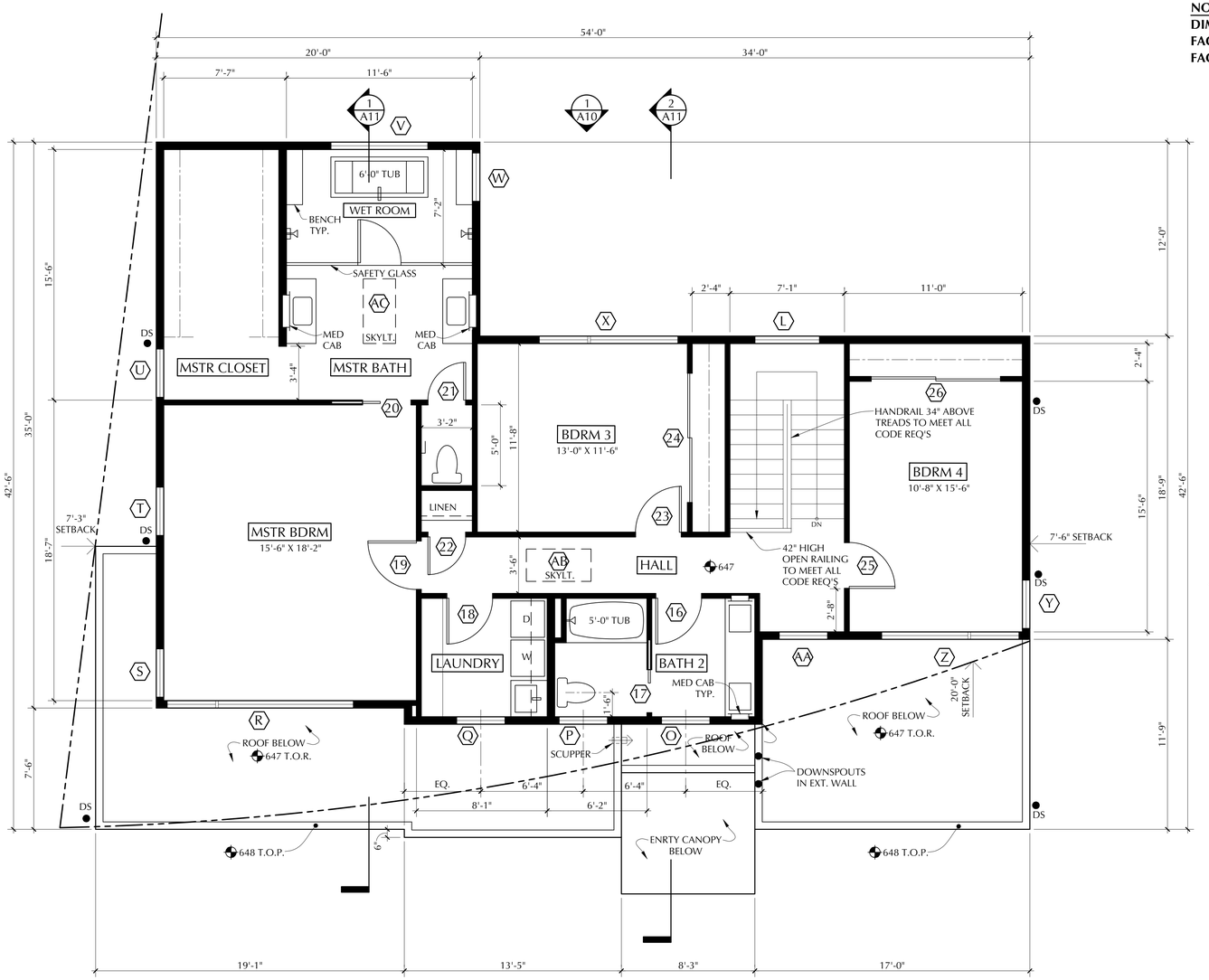
MAIN LEVEL PLAN

NEW SINGLE FAMILY RESIDENCE

VERONICA LIU
6735 SIMS DRIVE
OAKLAND, CA 94611

A7

NOTE:
DIMENSIONS TO FACE OF STUDS OR FACE OF CONCRETE.



1 A9

1 UPPER LEVEL PLAN 1,350 S.F.
1/4"=1'-0"

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Exp. Oct. 31, 2021
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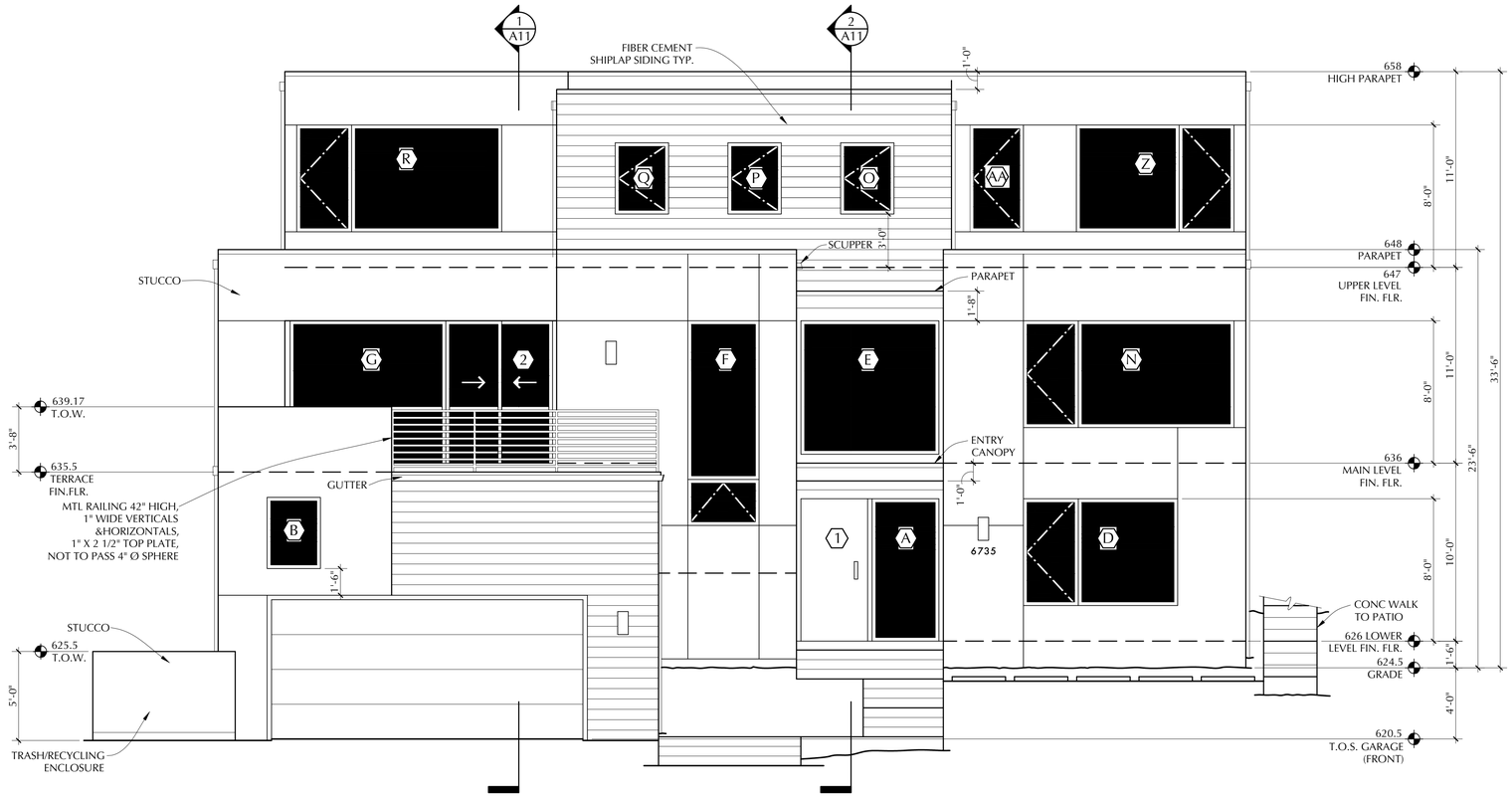
UPPER LEVEL PLAN

NEW SINGLE FAMILY RESIDENCE

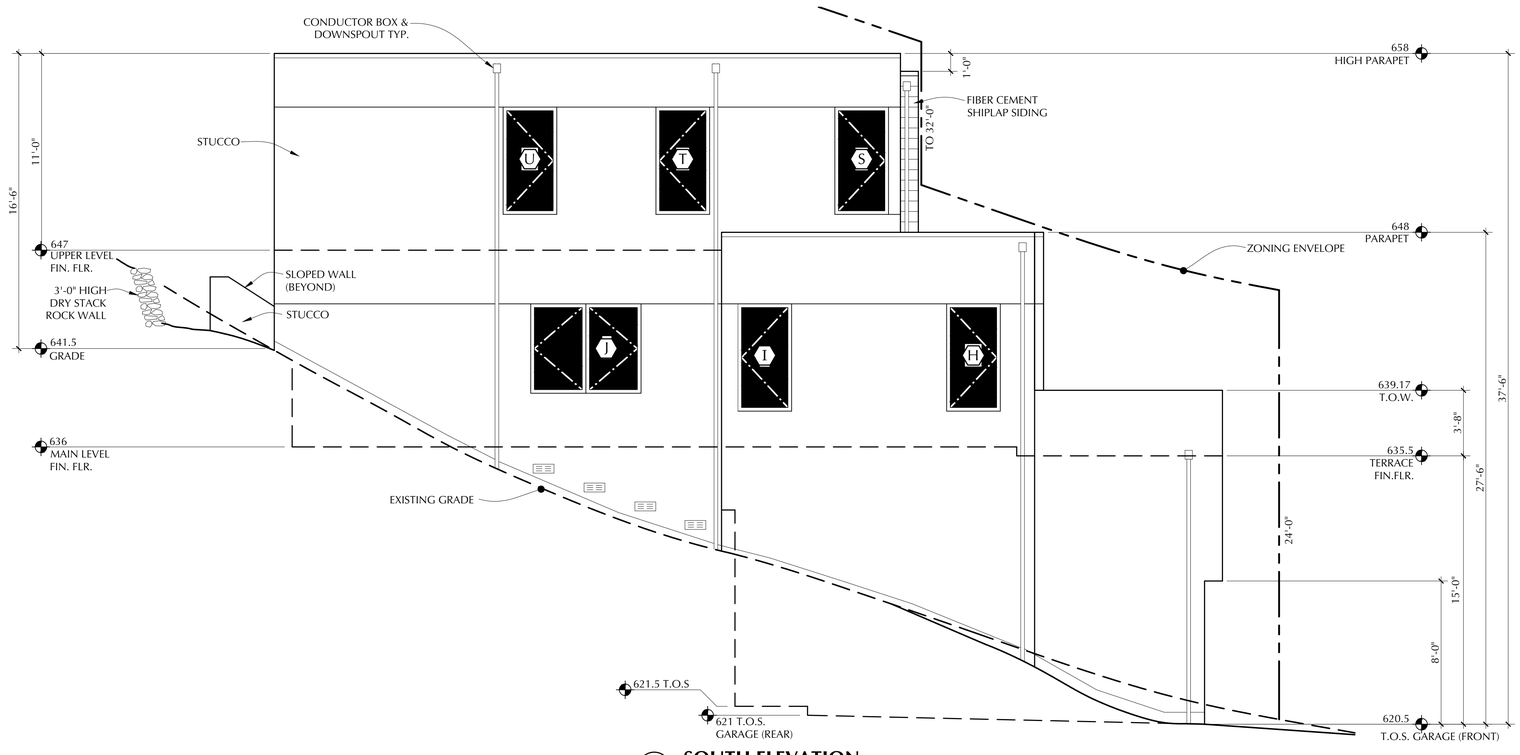
VERONICA LIU
6735 SIMS DRIVE
OAKLAND, CA 94611

A8



1 EAST (FRONT) ELEVATION

1/4"=1'-0"



2 SOUTH ELEVATION

1/4"=1'-0"

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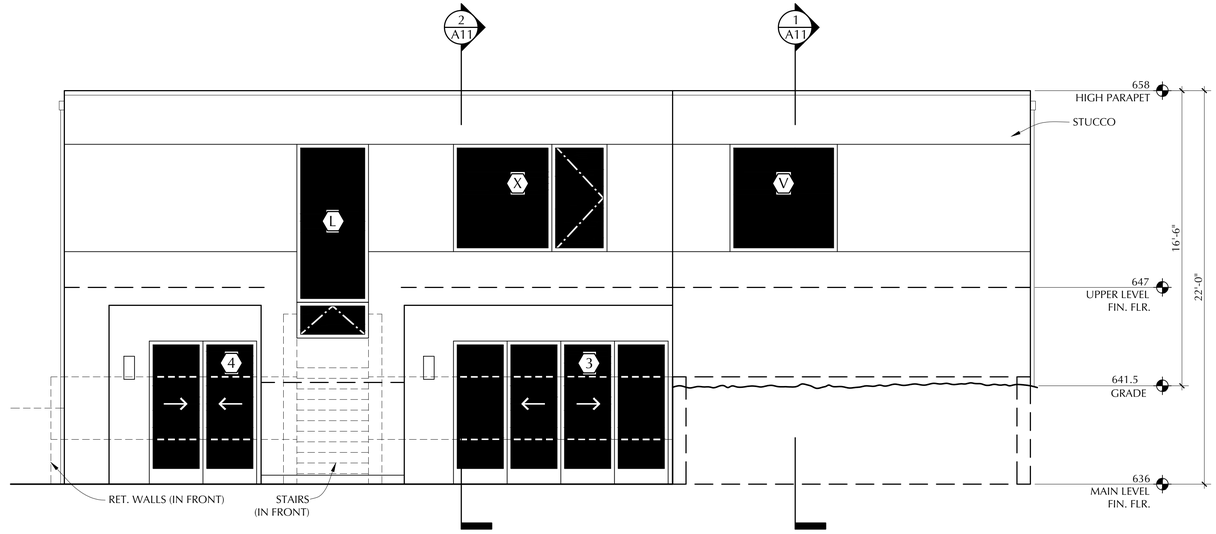
AUG 21, 2020

EAST (FRONT) & SOUTH ELEVATIONS

NEW SINGLE FAMILY RESIDENCE

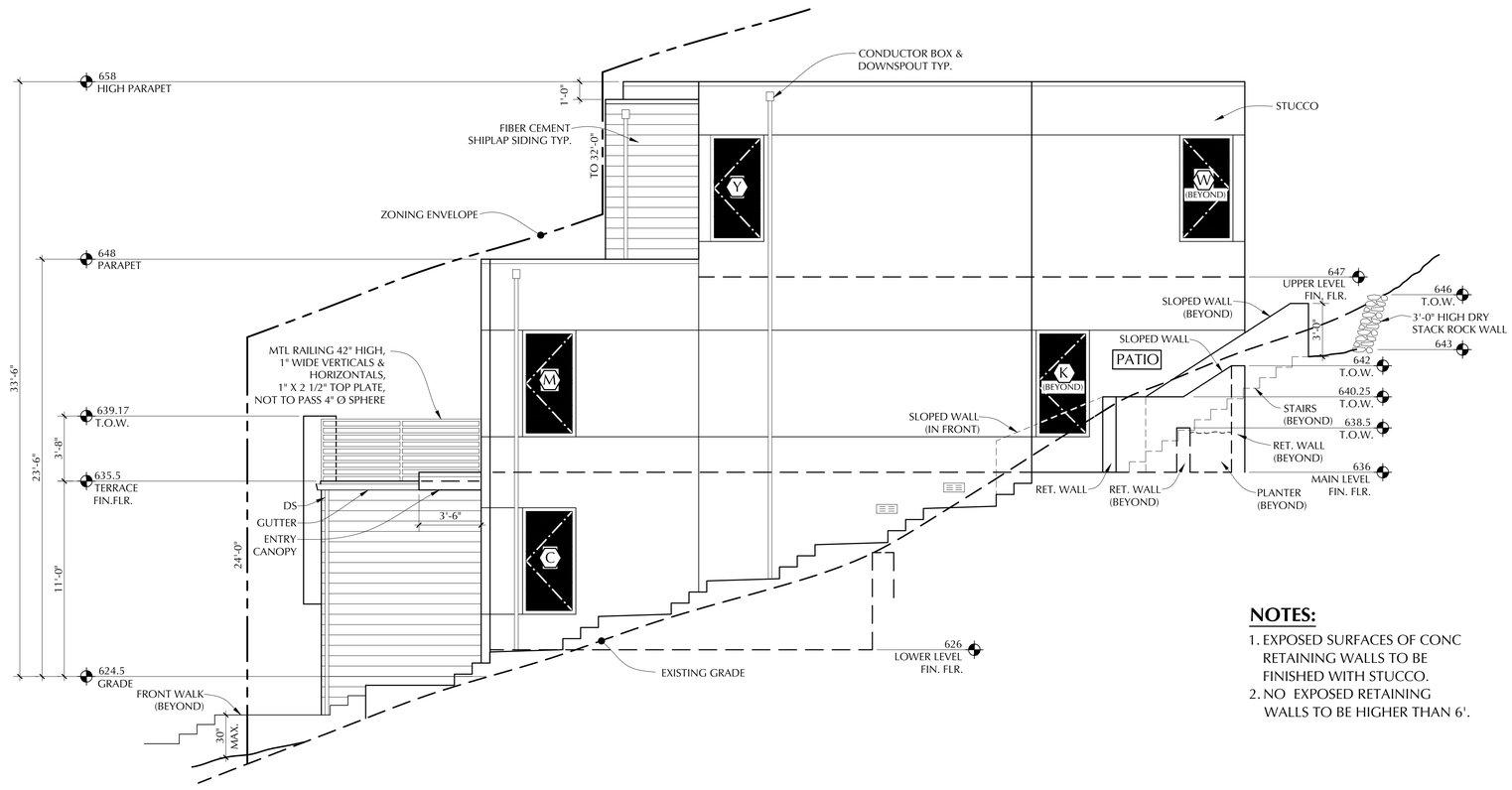
VERONICA LIU
6735 SIMS DRIVE
OAKLAND, CA 94611

A9



1 WEST (REAR) ELEVATION

1/4"=1'-0"



2 NORTH ELEVATION

1/4"=1'-0"

NOTES:

1. EXPOSED SURFACES OF CONC RETAINING WALLS TO BE FINISHED WITH STUCCO.
2. NO EXPOSED RETAINING WALLS TO BE HIGHER THAN 6'.

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STATE OF CALIFORNIA

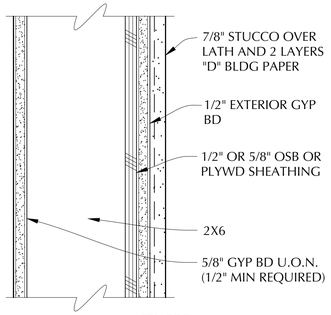
AUG 21, 2020

WEST (REAR) & NORTH ELEVATIONS

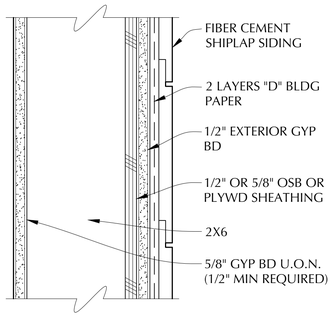
NEW SINGLE FAMILY RESIDENCE

VERONICA LIU
6735 SIMS DRIVE
OAKLAND, CA 94611

A10



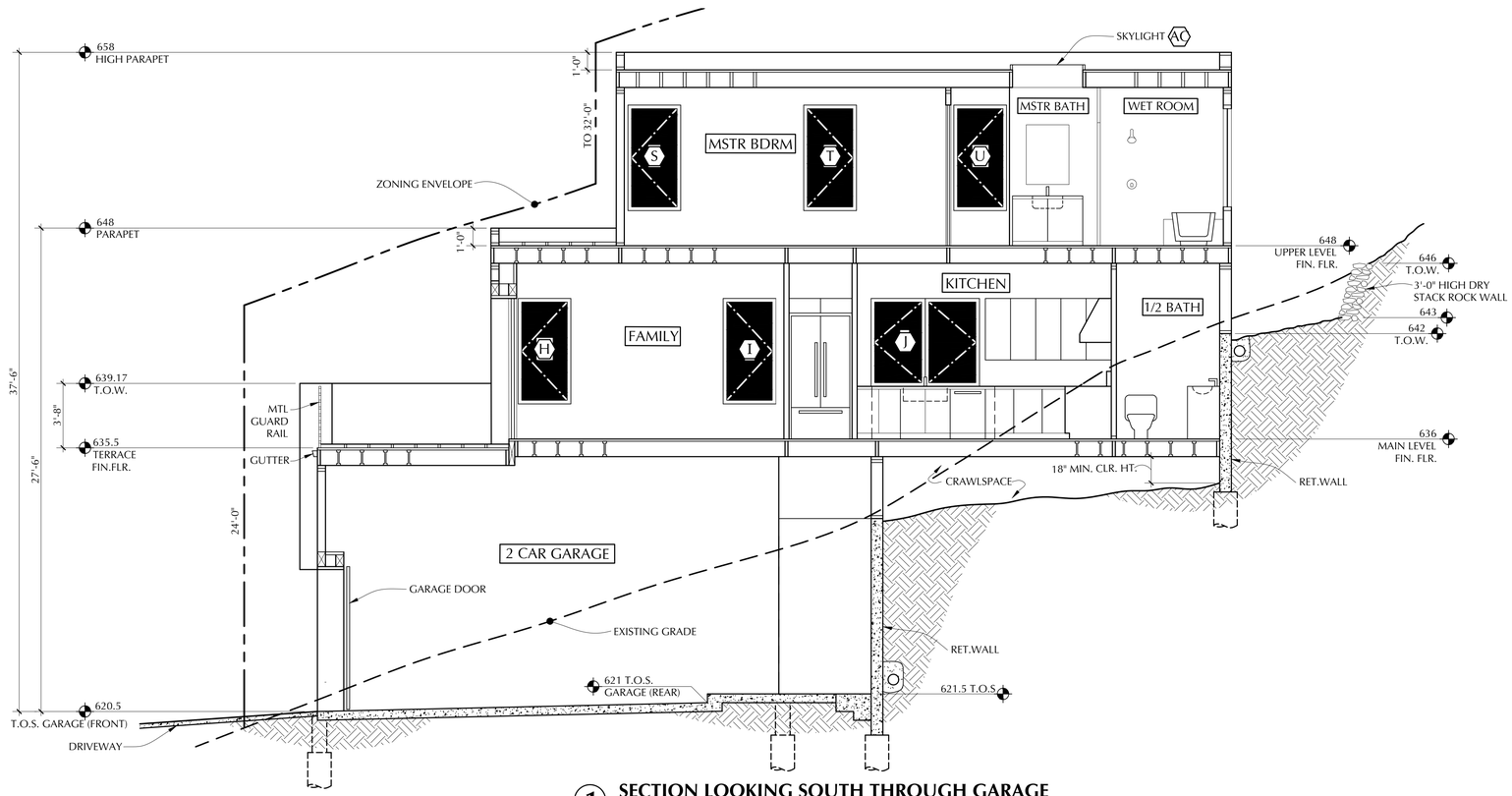
STUCCO



FIBER CEMENT SHIPLAP SIDING

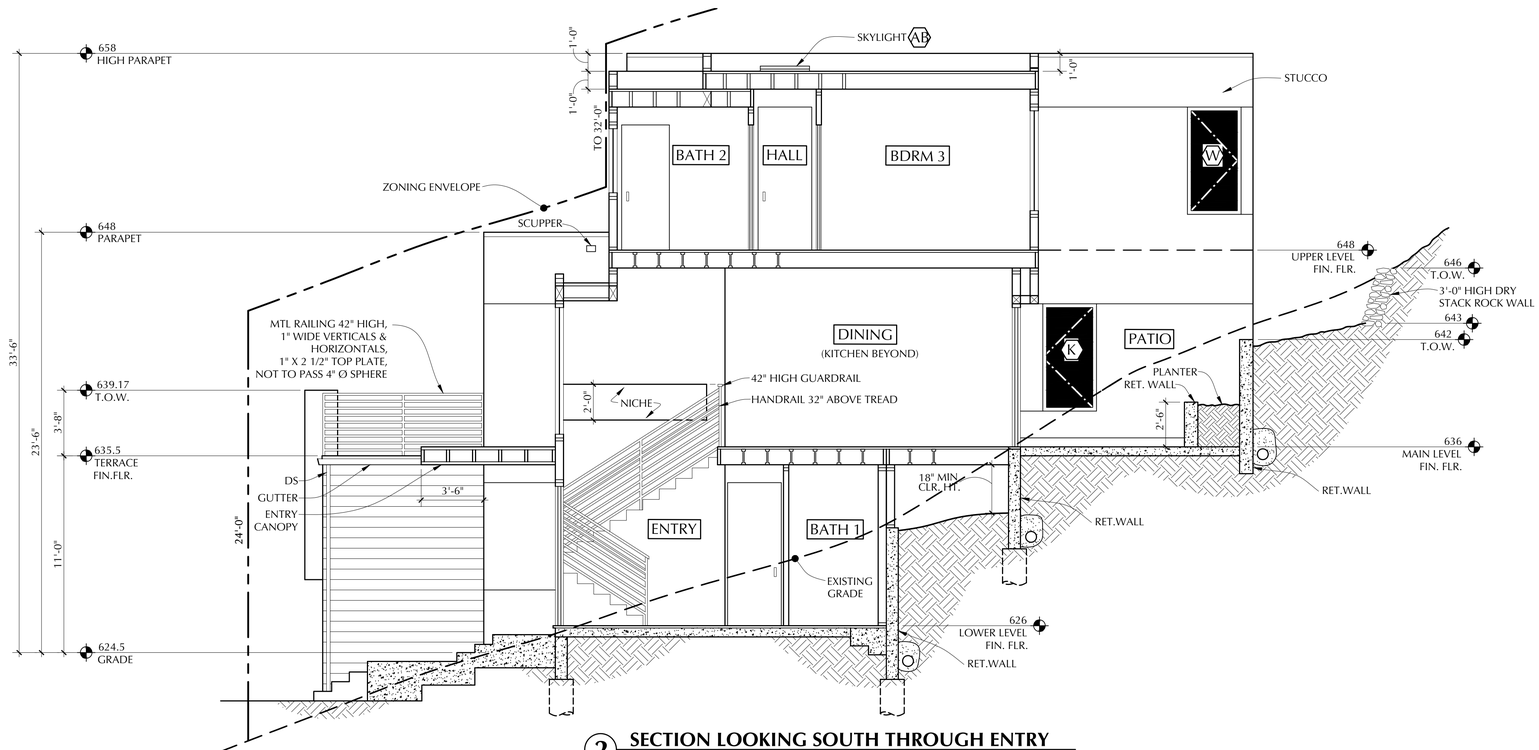
3 FIRE HAZARD EXTERIOR WALL TYPES

3"=1'-0"



1 SECTION LOOKING SOUTH THROUGH GARAGE

1/4"=1'-0"



2 SECTION LOOKING SOUTH THROUGH ENTRY

1/4"=1'-0"

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SECTIONS

NEW SINGLE FAMILY RESIDENCE

VERONICA LIU
6735 SIMS DRIVE
OAKLAND, CA 94611

A11

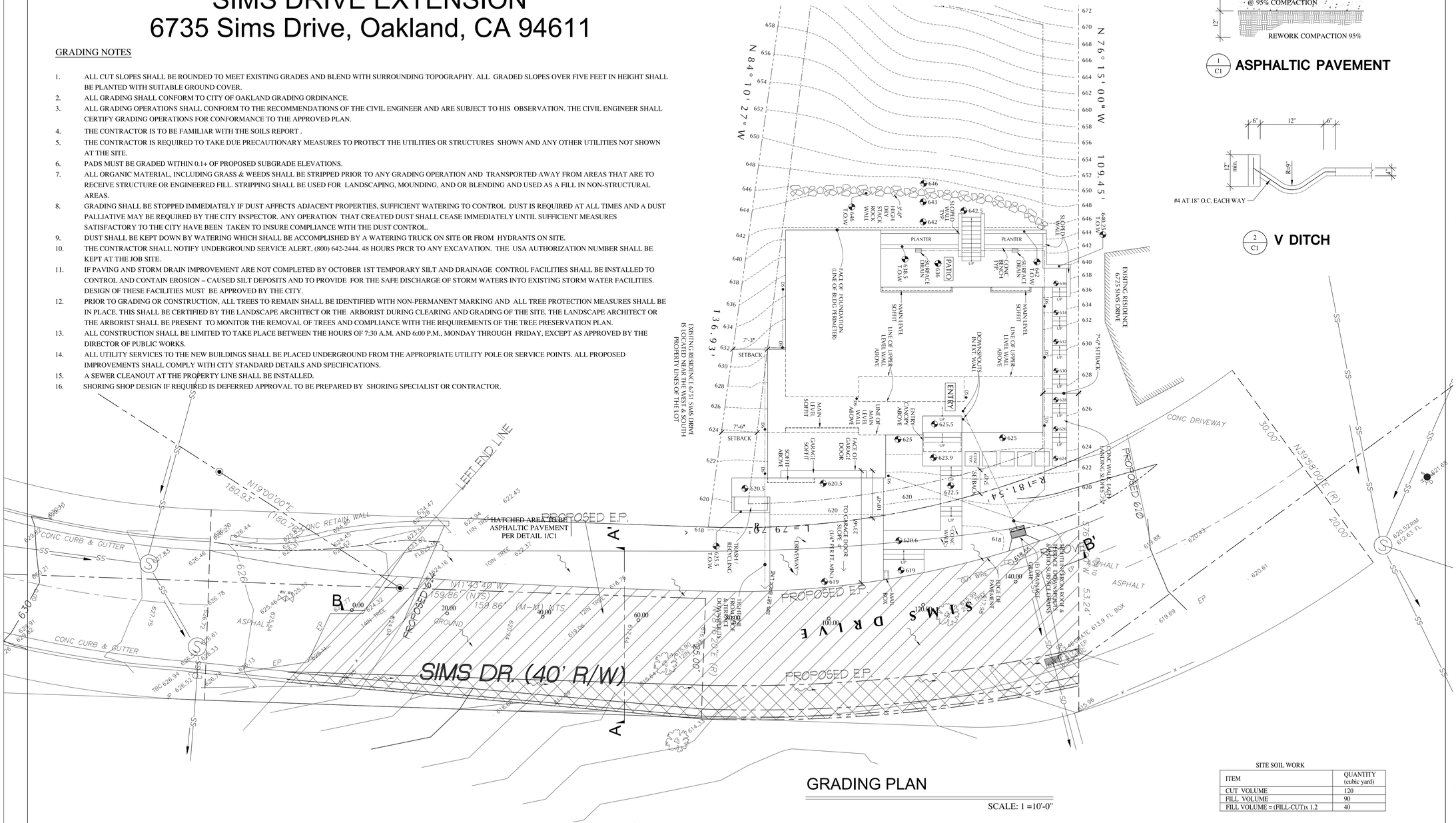
GRADING AND DRAINAGE PLAN

SIMS DRIVE EXTENSION

6735 Sims Drive, Oakland, CA 94611

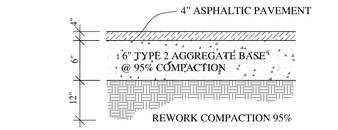
GRADING NOTES

1. ALL CUT SLOPES SHALL BE ROUNDED TO MEET EXISTING GRADES AND BLEND WITH SURROUNDING TOPOGRAPHY. ALL GRADED SLOPES OVER FIVE FEET IN HEIGHT SHALL BE PLANTED WITH SUITABLE GROUND COVER.
2. ALL GRADING SHALL CONFORM TO CITY OF OAKLAND GRADING ORDINANCE.
3. ALL GRADING OPERATIONS SHALL CONFORM TO THE RECOMMENDATIONS OF THE CIVIL ENGINEER AND ARE SUBJECT TO HIS OBSERVATION. THE CIVIL ENGINEER SHALL CERTIFY GRADING OPERATIONS FOR CONFORMANCE TO THE APPROVED PLAN.
4. THE CONTRACTOR IS TO BE FAMILIAR WITH THE SOILS REPORT .
5. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES OR STRUCTURES SHOWN AND ANY OTHER UTILITIES NOT SHOWN AT THE SITE.
6. PADS MUST BE GRADED WITHIN 0.1+ OF PROPOSED SUBGRADE ELEVATIONS.
7. ALL ORGANIC MATERIAL, INCLUDING GRASS & WEEDS SHALL BE STRIPPED PRIOR TO ANY GRADING OPERATION AND TRANSPORTED AWAY FROM AREAS THAT ARE TO RECEIVE STRUCTURE OR ENGINEERED FILL. STRIPPING SHALL BE USED FOR LANDSCAPING, MOUNDING, AND OR BLENDING AND USED AS A FILL IN NON-STRUCTURAL AREAS.
8. GRADING SHALL BE STOPPED IMMEDIATELY IF DUST AFFECTS ADJACENT PROPERTIES, SUFFICIENT WATERING TO CONTROL DUST IS REQUIRED AT ALL TIMES AND A DUST PALLIATIVE MAY BE REQUIRED BY THE CITY INSPECTOR. ANY OPERATION THAT CREATED DUST SHALL CEASE IMMEDIATELY UNTIL SUFFICIENT MEASURES SATISFACTORY TO THE CITY HAVE BEEN TAKEN TO INSURE COMPLIANCE WITH THE DUST CONTROL.
9. DUST SHALL BE KEPT DOWN BY WATERING WHICH SHALL BE ACCOMPLISHED BY A WATERING TRUCK ON SITE OR FROM HYDRANTS ON SITE.
10. THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT, (800) 642-2444. 48 HOURS PRCR TO ANY EXCAVATION. THE USA AUTHORIZATION NUMBER SHALL BE KEPT AT THE JOB SITE.
11. IF PAVING AND STORM DRAIN IMPROVEMENT ARE NOT COMPLETED BY OCTOBER 1ST TEMPORARY SILT AND DRAINAGE CONTROL FACILITIES SHALL BE INSTALLED TO CONTROL AND CONTAIN EROSION – CAUSED SILT DEPOSITS AND TO PROVIDE FOR THE SAFE DISCHARGE OF STORM WATERS INTO EXISTING STORM WATER FACILITIES. DESIGN OF THESE FACILITIES MUST BE APPROVED BY THE CITY.
12. PRIOR TO GRADING OR CONSTRUCTION, ALL TREES TO REMAIN SHALL BE IDENTIFIED WITH NON-PERMANENT MARKING AND ALL TREE PROTECTION MEASURES SHALL BE IN PLACE. THIS SHALL BE CERTIFIED BY THE LANDSCAPE ARCHITECT OR THE ARBORIST DURING CLEARING AND GRADING OF THE SITE. THE LANDSCAPE ARCHITECT OR THE ARBORIST SHALL BE PRESENT TO MONITOR THE REMOVAL OF TREES AND COMPLIANCE WITH THE REQUIREMENTS OF THE TREE PRESERVATION PLAN.
13. ALL CONSTRUCTION SHALL BE LIMITED TO TAKE PLACE BETWEEN THE HOURS OF 7:30 A.M. AND 6:00 P.M., MONDAY THROUGH FRIDAY, EXCEPT AS APPROVED BY THE DIRECTOR OF PUBLIC WORKS.
14. ALL UTILITY SERVICES TO THE NEW BUILDINGS SHALL BE PLACED UNDERGROUND FROM THE APPROPRIATE UTILITY POLE OR SERVICE POINTS. ALL PROPOSED IMPROVEMENTS SHALL COMPLY WITH CITY STANDARD DETAILS AND SPECIFICATIONS.
15. A SEWER CLEANOUT AT THE PROPERTY LINE SHALL BE INSTALLED.
16. SHORING SHOP DESIGN IF REQUIRED IS DEFERRED APPROVAL TO BE PREPARED BY SHORING SPECIALIST OR CONTRACTOR.



GRADING PLAN

SCALE: 1 =10'-0"

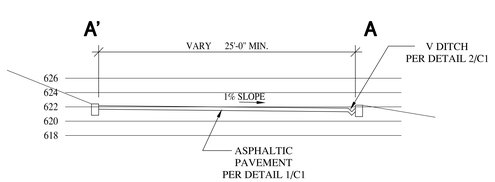


1/C1 **ASPHALTIC PAVEMENT**

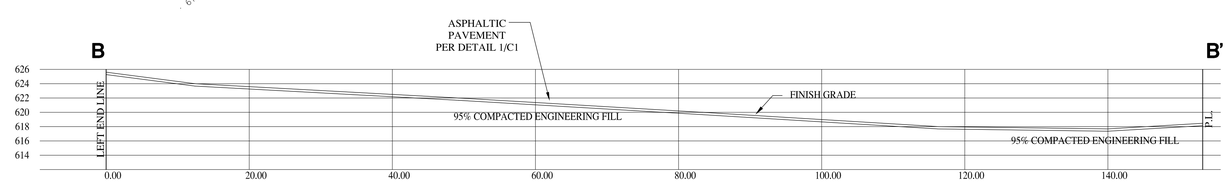
2/C1 **V DITCH**

SITE SOIL WORK

ITEM	QUANTITY (cubic yard)
CUT VOLUME	120
FILL VOLUME	90
FILL VOLUME = (FILL-CUT)x 1.2	40



SECTION A-A'



SECTION B-B'

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www.geotrinity.com
Email: info@geotrinity.com
Tel : 510-383-9950
Fax: 510-383-9957

REGISTERED PROFESSIONAL ENGINEER YIH-RONG YANG No. C 48655 Exp. 06/30/22 CIVIL STATE OF CALIFORNIA

Jerry Yang, P.E.; G.E.

OWNER:

Mr. Michael Liu

Tel : 510-773-8766

No.		Date
1	Rev1: 08/10/2020	

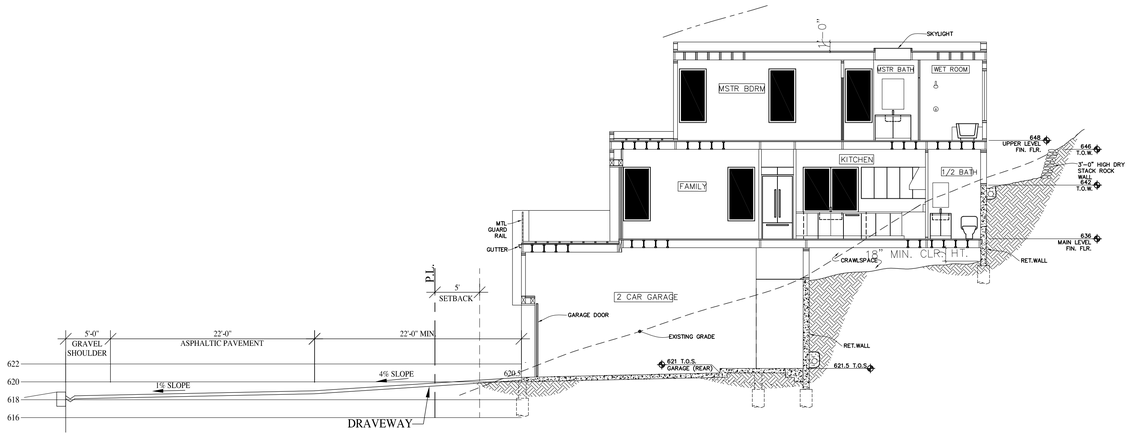
Project Name and Address

NEW SINGLE FAMILY RESIDENCE
AT
6735 SIMS DRIVE
OAKLAND,CA

Sheet Title

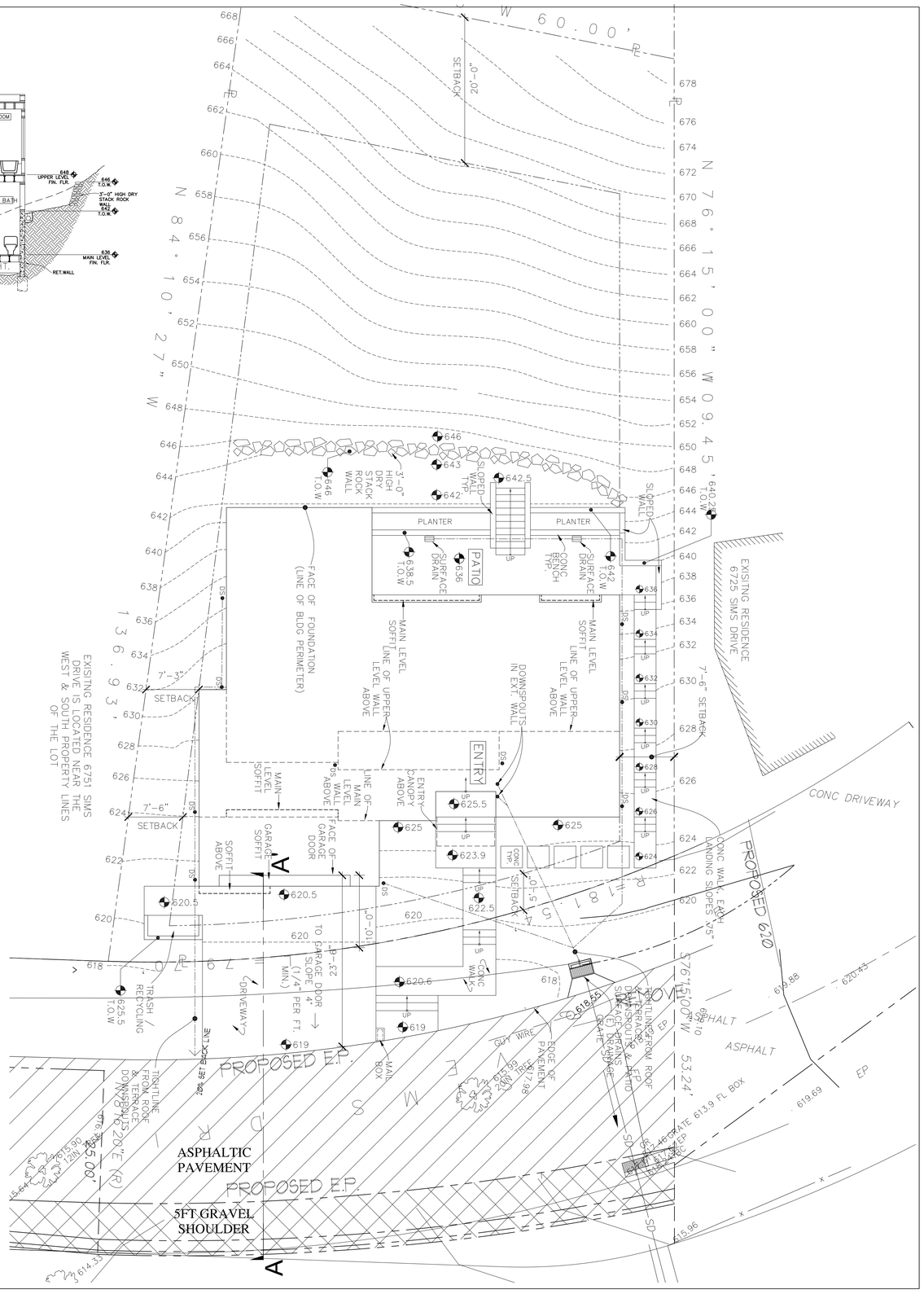
GRADING AND DRAINAGE PLAN

Project	GE2180A	Sheet	C1
Date	7/15/2020		
Scale			



SECTION A-A'

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



SITE PLAN

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

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7770 Pardee Lane, Suite 101
Oakland, CA 94621
www.geotrinity.com
Email: info@geotrinity.com
Tel : 510-383-9950
Fax: 510-383-9957

REGISTERED PROFESSIONAL ENGINEER
YIH-RONG YANG
No. C 48655
Exp. 06/30/22
CIVIL
STATE OF CALIFORNIA

Jerry Yang, P.E.; G.E.

OWNER:

Mr. Michael Liu

Tel : 510-773-8766

No.		Rev1: 08/10/2020	Date

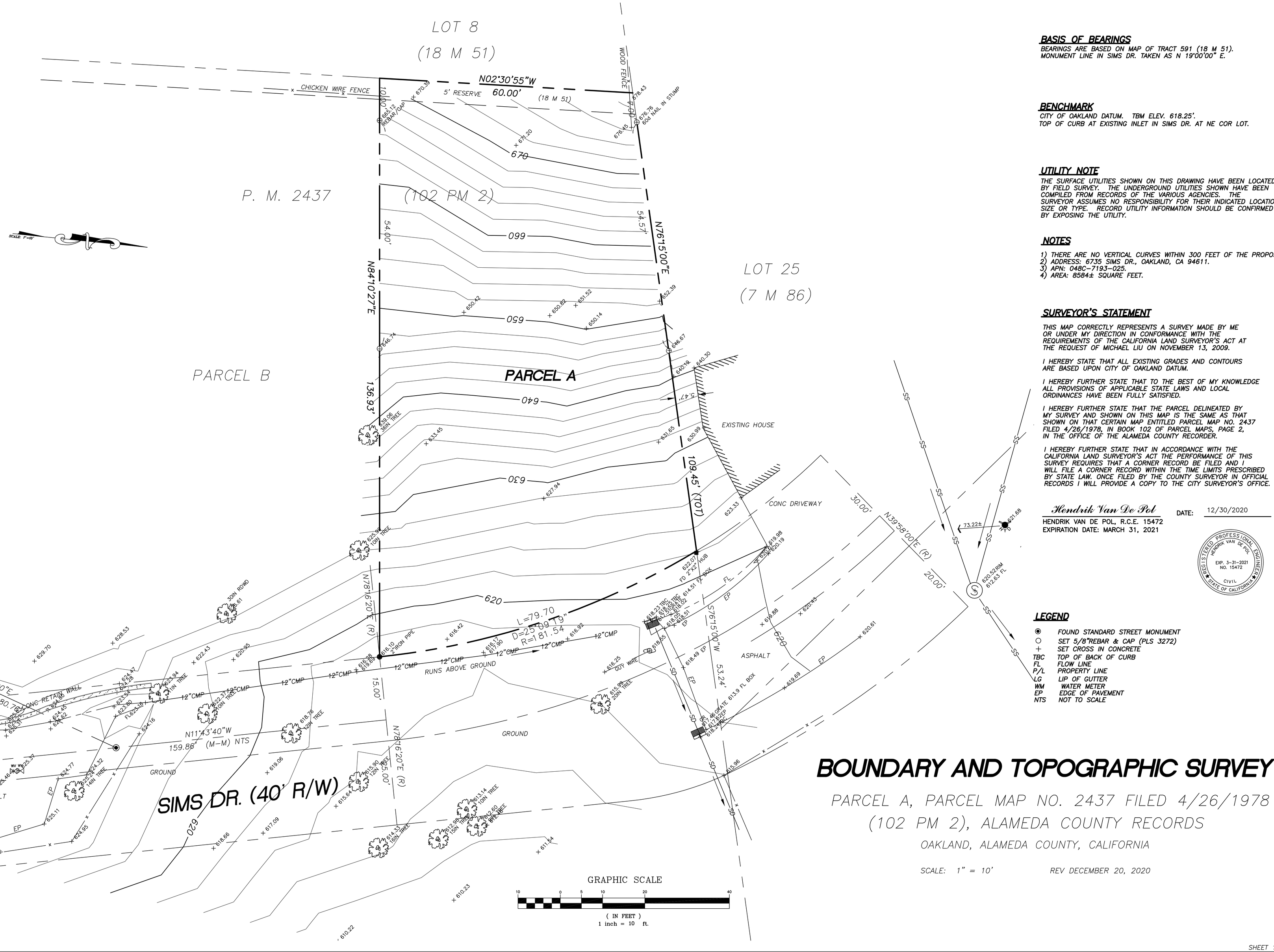
Project Name and Address

NEW SINGLE FAMILY RESIDENCE
AT
6735 SIMS DRIVE
OAKLAND,CA

Sheet Title

SITE SECTION

Project	GE2180A	Sheet	C1.1
Date	7/15/2020		
Scale			



BASIS OF BEARINGS

BEARINGS ARE BASED ON MAP OF TRACT 591 (18 M 51). MONUMENT LINE IN SIMS DR. TAKEN AS N 19°00'00" E.

BENCHMARK

CITY OF OAKLAND DATUM. TBM ELEV. 618.25'.
TOP OF CURB AT EXISTING INLET IN SIMS DR. AT NE COR LOT.

UTILITY NOTE

THE SURFACE UTILITIES SHOWN ON THIS DRAWING HAVE BEEN LOCATED BY FIELD SURVEY. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN COMPILED FROM RECORDS OF THE VARIOUS AGENCIES. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THEIR INDICATED LOCATION, SIZE OR TYPE. RECORD UTILITY INFORMATION SHOULD BE CONFIRMED BY EXPOSING THE UTILITY.

NOTES

1) THERE ARE NO VERTICAL CURVES WITHIN 300 FEET OF THE PROPOSED DRIVEWAY.
2) ADDRESS: 6735 SIMS DR., OAKLAND, CA 94611.
3) APN: 048C-7193-025.
4) AREA: 8584± SQUARE FEET.

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE CALIFORNIA LAND SURVEYOR'S ACT AT THE REQUEST OF MICHAEL LIU ON NOVEMBER 13, 2009.

I HEREBY STATE THAT ALL EXISTING GRADES AND CONTOURS ARE BASED UPON CITY OF OAKLAND DATUM.

I HEREBY FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE STATE LAWS AND LOCAL ORDINANCES HAVE BEEN FULLY SATISFIED.

I HEREBY FURTHER STATE THAT THE PARCEL DELINEATED BY MY SURVEY AND SHOWN ON THIS MAP IS THE SAME AS THAT SHOWN ON THAT CERTAIN MAP ENTITLED PARCEL MAP NO. 2437 FILED 4/26/1978, IN BOOK 102 OF PARCEL MAPS, PAGE 2, IN THE OFFICE OF THE ALAMEDA COUNTY RECORDER.

I HEREBY FURTHER STATE THAT IN ACCORDANCE WITH THE CALIFORNIA LAND SURVEYOR'S ACT THE PERFORMANCE OF THIS SURVEY REQUIRES THAT A CORNER RECORD BE FILED AND I WILL FILE A CORNER RECORD WITHIN THE TIME LIMITS PRESCRIBED BY STATE LAW. ONCE FILED BY THE COUNTY SURVEYOR IN OFFICIAL RECORDS I WILL PROVIDE A COPY TO THE CITY SURVEYOR'S OFFICE.

Hendrik Van De Pol DATE: 12/30/2020

HENDRIK VAN DE POL, R.C.E. 15472
EXPIRATION DATE: MARCH 31, 2021

LICENSED PROFESSIONAL ENGINEER
HENDRIK VAN DE POL
EXP. 3-31-2021
NO. 15472
CIVIL
STATE OF CALIFORNIA

LEGEND

◉	FOUND STANDARD STREET MONUMENT
○	SET 5/8"REBAR & CAP (PLS 3272)
+	SET CROSS IN CONCRETE
TBC	TOP OF BACK OF CURB
FL	FLOW LINE
P/L	PROPERTY LINE
LG	LIP OF GUTTER
WM	WATER METER
EP	EDGE OF PAVEMENT
NTS	NOT TO SCALE

BOUNDARY AND TOPOGRAPHIC SURVEY

PARCEL A, PARCEL MAP NO. 2437 FILED 4/26/1978
(102 PM 2), ALAMEDA COUNTY RECORDS
OAKLAND, ALAMEDA COUNTY, CALIFORNIA

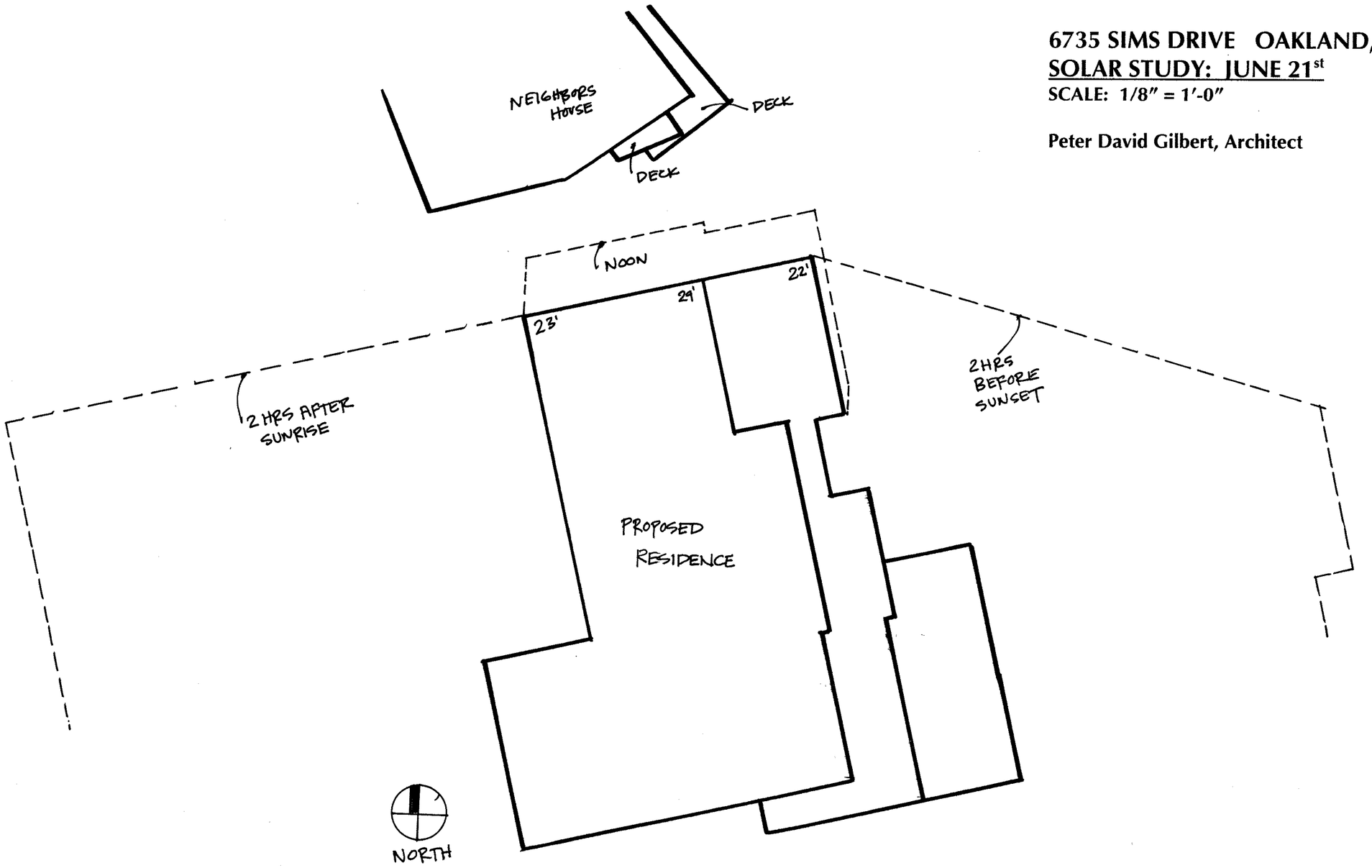
SCALE: 1" = 10' REV DECEMBER 20, 2020

6735 SIMS DRIVE OAKLAND, CA

SOLAR STUDY: JUNE 21st

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

Peter David Gilbert, Architect

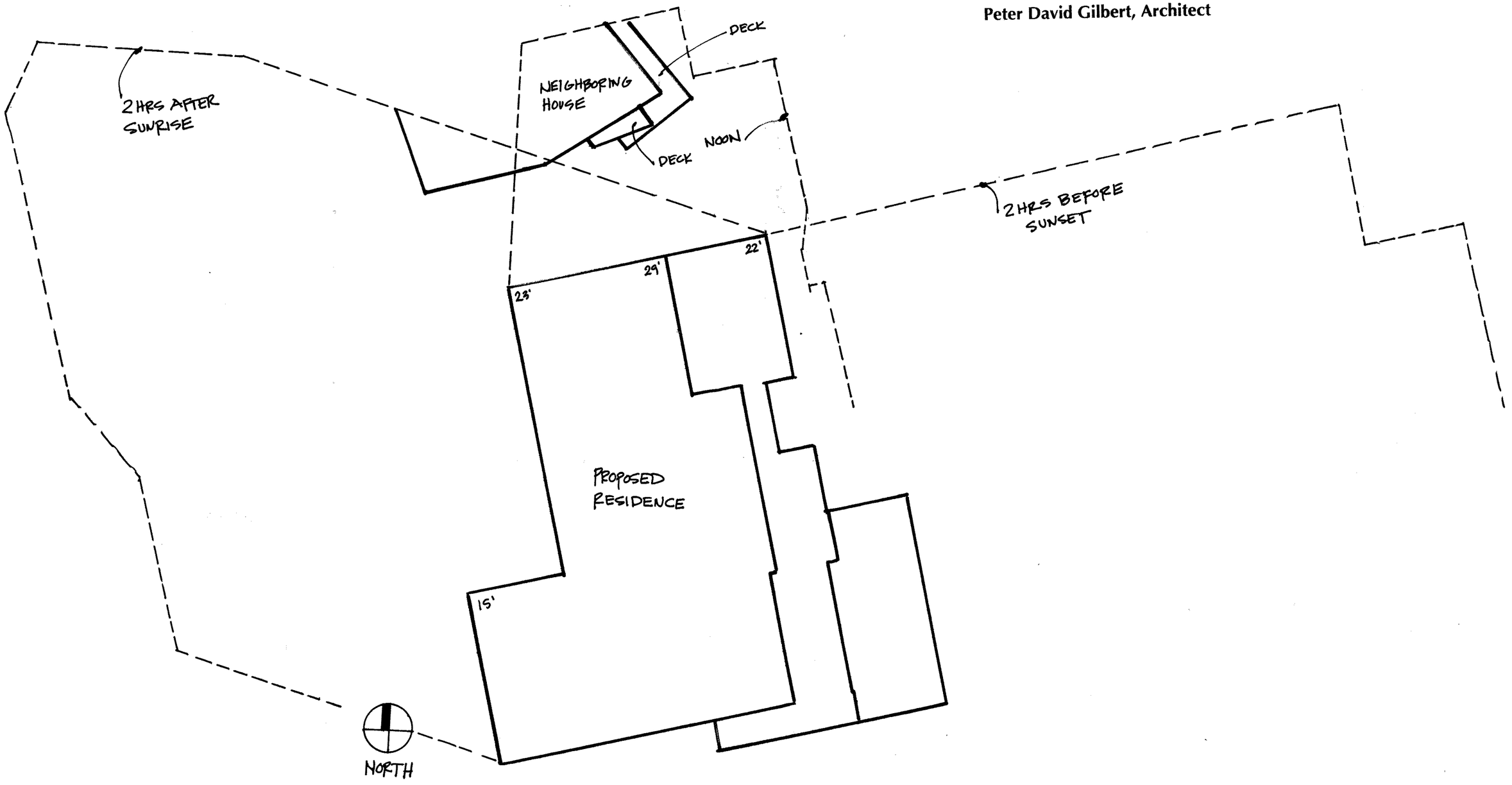


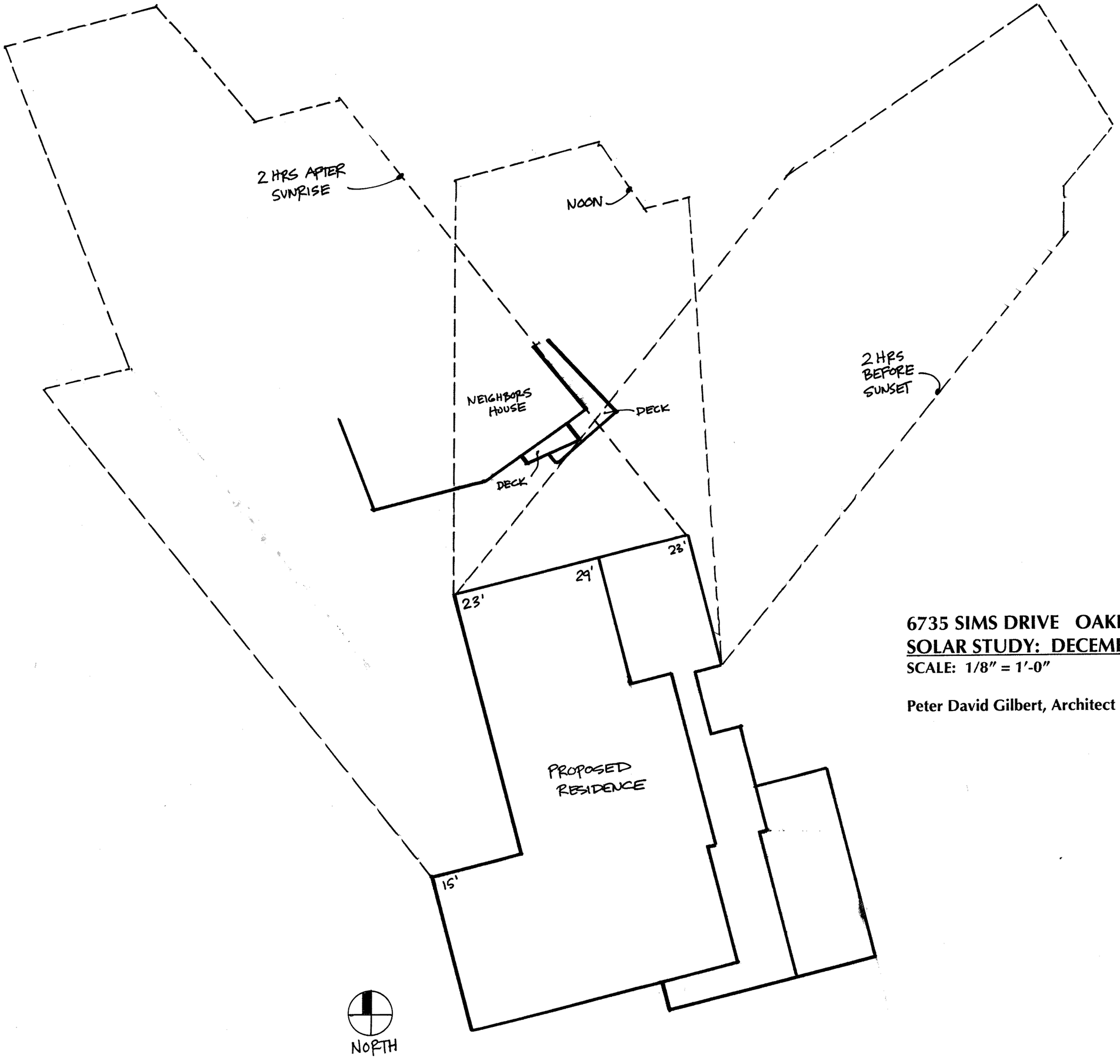
6735 SIMS DRIVE OAKLAND, CA

SOLAR STUDY: SEPTEMBER or MARCH 21st

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

Peter David Gilbert, Architect





6735 SIMS DRIVE OAKLAND, CA

SOLAR STUDY: DECEMBER 21st

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

Peter David Gilbert, Architect

CITY OF OAKLAND

DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • SUITE 3315 • OAKLAND, CALIFORNIA 94612

Planning and Building Department
Bureau of Planning

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

March 29, 2022

Peter David Gilbert
10415 Greenview Drive
Oakland, CA 94605

RE: Case File No. PLN21-100; Address: 6735 Sims Drive; (APN: 048C-7193-025-00)

Dear Mr. Gilbert:

Your application, as described below, has been **APPROVE** 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 single-family dwelling on a vacant upsloping lot
Planning Permits Required:	Regular Design Review to construct a new single-family dwelling on an existing vacant upsloping lot
General Plan:	Hillside Residential
Zoning:	RH-4 Hillside Residential
Environmental Determination:	Categorically Exempt: Section 15303, new construction of small structures; and 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	Vacant Lot - X
City Council District:	4

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten (10) calendar days from the date of this letter, by **4:00 p.m. on April 8, 2022**. An appeal shall be on a form provided by the Bureau of Planning of the Planning and Building Department, and submitted via email to: (1) **Maurice Brenyah-Addow, Planner IV at** mbrenyah@oaklandca.gov (2) **Robert Merkamp, Zoning Manager, at** Rmerkamp@oaklandca.gov**,** and (3) Catherine Payne, Development Planning Manager, at Cpayne@oaklandca.gov. The appeal form is available online at https://www.oaklandca.gov/documents/appeal-application-form. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or decision-making body or wherein the decision is not supported by substantial evidence. Applicable appeal fees in the amount of $**2,404.01** in accordance with the City of Oakland Master Fee Schedule must be paid within five (5) business days of filing the appeal. Failure to timely appeal (or to timely pay all appeal fees) 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. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager

prior to the close of the previously noticed public comment period on the matter. For further information, see the attached Interim City Administrator Emergency Order No. 3 and Interim Procedures for Appeals of City Planning Bureau Decisions for Development Projects.

If the ten (10) day appeal period expires without an appeal, you are expected to contact **Maurice Brenyah-Addow** in order to receive the signed Notice of Exemption (NOE) certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of **$50.00** made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Bureau of Planning, to the attention of **Maurice Brenyah-Addow, Planner IV**. Pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines, recordation of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA. The NOE will also be posted on the City website at https://aca.accela.com/OAKLAND/Welcome.aspx.

If you have any questions, please contact the case planner, **Maurice Brenyah-Addow, Planner IV** at (510) **238-6342** or **mbrenyah@oaklandca.gov,** however, this does not substitute for filing of an appeal as described above.

Very Truly Yours,

ROBERT D. MERKAMP
Zoning Manager

Attachments:

A. Findings
B. Conditions of Approval, including Standard Conditions of Approvals
C. Interim City Administrator Emergency Order No. 3 and Interim Procedures for Appeals of City Planning Bureau Decisions for Development Projects
D. Caltrans' Comments

cc: Barbara Berman <yrmother@earthlink.net>;
Ben Khoo <kimbenkhoo@gmail.com>;
Chiconda Davis <chiconda.davis@dot.ca.gov>;
Chris Lauer <chrislauer@gmail.com>;
Councilmember Sheng Thao, District 4 <sheng@shengforoakland.com>;
Helene Blatter <hblatter@yahoo.com>;
Jamie Dean <jamiesdean@mac.com>;
Jeff Gutkin <jgutkin@cooley.com>;
Jeff Klonoff <oaklandj2@sbcglobal.net>;
Karlin Sorensen <karlinsorenson@gmail.com>;
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Sarah Connick <sarah.connick@gmail.com>;
Sen Beever <senvettech@gmail.com>;
Stefanie - Owen & Jake Lew <stefanie.c.lew@gmail.com>;
Unhei Kang <unheikang@gmail.com>;
Parker, Barbara <BParker@oaklandcityattorney.org>;
cantude@gmail.com <cantude@gmail.com>;
danielw@acpwa.org <danielw@acpwa.org>;
District 4 <District4@oaklandca.gov>;
Manasse, Edward <EManasse@oaklandca.gov>;
mark.shindler@dot.ca.gov <mark.shindler@dot.ca.gov>;
junebug2621@hotmail.com;
Patrick Nagel <patrickdnagel@gmail.com>;
CC Holland <cc@ccholland.com>;
Debbie Cantu <cantude@gmail.com>;
Jill Broadhurst <jill_94109@yahoo.com>;
Stefanie Lew <stefanie.c.lew@gmail.com>;
Alex Ricci <mizzbeever@gmail.com>;
Katherine Jones <cyclekathy1@yahoo.com>;
Katrina Bayot <katrina.bayot@gmail.com>;
Mark Strosberg <mark_strosberg@hotmail.com>;
Peter Towner <petertowner2@gmail.com>;
Monica Berman Borochoff <monica@borochoff.org>;
danielw@acpwa.org <danielw@acpwa.org>;
Krista Lucchesi <hearthand1@gmail.com>;
emanesse@oaklandca.gov <emanesse@oaklandca.gov>;
mark.shindler@dot.ca.gov <mark.shindler@dot.ca.gov>;
Chiconda Davis <chiconda.davis@dot.ca.gov>;
tlimon.opc@gmail.com <tlimon.opc@gmail.com>;
cmanusopc@gmail.com <cmanusopc@gmail.com>
colindean@mac.com;
selmasic@gmail.com;
Yunsheng.Luo@dot.ca.gov

ATTACHMENT A: FINDINGS

This proposal meets all the required findings under Section 17.136.050, Design Review criteria, 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 **bold** type; reasons your proposal satisfies them are shown in normal 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 project has a design that harmonizes with the adjacent properties and surroundings in terms setting, scale, bulk, height, exterior materials and treatments.**

   Staff has worked with the applicant to refine the proposed design to better fit the steep upsloping site. The final design is composed of moderately-scaled geometric volumes and planes that are hierarchically organized and stepped with the hillside to minimize perceived bulk. The resulting design is consistent with the applicable design review criteria for hillside developments.

2. **That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics.**

   The project maintains the single-family residential character of the neighborhood and neither proposes a higher density nor introduces a prohibited activity at the site. The project will complement neighborhood characteristics such as detached single-family houses with useable outdoor spaces in a hillside setting, off-street parking, and attractive landscaping. The proposed improvements to the existing vacant site will provide a functional living space for the residents, make public improvements in the area such as improving the public right of way and connecting the two ends of Sims Drive. The additional new hose will increase the housing stock in Oakland.

3. **That the proposed design will be sensitive to the topography and landscape.**

   The project will involve some grading due to the steep uphill nature of the site and vegetation removal within the area of construction. Protected vegetation within the open areas are to remain. The driveway is sloped up to keep the floor levels as close to natural grade as possible as well as minimize amount of grading and retaining walls.

4. **That if situated on a hill, the design and massing of the proposed building relates to the grade of the hill.**

   Consistent with the hillside design guidelines, the proposed building design breaks the building envelope up into distinct geometric volumes and planes, arranged to minimize perceived bulk. The building volumes have been designed to align with the site contours to minimize both grading and height of exposed retaining walls.

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 project is a single-family residence on a vacant upsloping site within the Hillside Residential General Plan classification. Therefore, the project conforms in all significant respects to the General Plan, which encourages development of detached residential developments in hillside settings.

ATTACHMENT B: CONDITIONS OF APPROVAL

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

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans dated and received on **May 6, 2021 and as revised through March 1, 2022**, as amended by the following conditions of approval and mitigation measures, if applicable ("Conditions of Approval" or "Conditions").

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, 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 Approval, 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 or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Bureau of Building, Fire Marshal, Department of Transportation, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

4. Minor and Major Changes

a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning

b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. Compliance with Conditions of Approval

a. The project applicant and property owner, including successors, (collectively referred to hereafter as the "project applicant" or "applicant") shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant's expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.

c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. Signed Copy of the Approval/Conditions

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

7. Blight/Nuisances

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within sixty (60) days of approval, unless an earlier date is specified elsewhere.

8. Indemnification

a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project 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 project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

The Approval 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. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Monitoring

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with Engineering Services and/or the Bureau of Building, if directed by the Director of Public Works, Building Official, Director of City Planning, Director of Transportation, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

11. Public Improvements

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement ("p-job") permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, Engineering Services, Department of Transportation, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

12. Construction Management Plan

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department, Department of Transportation, and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

13. Regulatory Permits and Authorizations from Other Agencies

Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

AESTHETICS

14. Trash and Blight Removal

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

15. Graffiti Control

Requirement:

a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
    i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
    ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
    iii. Use of paint with anti-graffiti coating.
    iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
    v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
    i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
    ii. Covering with new paint to match the color of the surrounding surface.
    iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. Landscape Plan

a. Landscape Plan Required

Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply

with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf and http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf, respectively), and with any applicable streetscape plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. Landscape Installation

Requirement: The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of $2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. Landscape Maintenance

Requirement: All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

17. Lighting

Requirement: Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

AIR QUALITY

18. Dust Controls – Construction Related

Requirement: The project applicant shall implement all of the following applicable dust control measures during construction of the project:

a. Water all exposed surfaces of 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 feasible.
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. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
d. Limit vehicle speeds on unpaved roads to 15 miles per hour.
e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.
f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.
g. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

h. Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than one month. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
i. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
j. When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity.
k. Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.
l. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

19. Criteria Air Pollutant Controls - Construction Related

Requirement: The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:

a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code

of Regulations ("California Air Resources Board Off-Road Diesel Regulations").

c. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.

d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.

e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.

f. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

BIOLOGICAL RESOURCES

20. Tree Removal During Bird Breeding Season

Requirement: To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

When Required: Prior to removal of trees

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

21. Tree Permit

a. Tree Permit Required

Requirement: Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.

When Required: Prior to approval of construction-related permit

Initial Approval: Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Tree Protection During Construction

Requirement: Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.

ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.

iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, 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.

iv. 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.

v. 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 Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. 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.

vi. 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.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

c. Tree Replacement Plantings

Requirement: Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:

i. 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.

ii. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye), Umbellularia californica (California Bay Laurel), or other tree species acceptable to the Tree Division.

iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.

iv. Minimum planting areas must be available on site as follows:

a. For Sequoia sempervirens, three hundred fifteen (315) square feet per tree;

b. For other species listed, seven hundred (700) square feet per tree.

v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.

vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

CULTURAL RESOURCES

22. Archaeological and Paleontological Resources – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

23. Human Remains – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event 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 California Health and Safety Code. 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 and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

GEOLOGY AND SOILS

24. Construction-Related Permit(s)

Requirement: The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

25. Soils Report

Requirement: The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

26. Seismic Hazards Zone (Landslide/Liquefaction)

Requirement: The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

HAZARDS AND HAZARDOUS MATERIALS

27. Hazardous Materials Related to Construction

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:

a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
b. Avoid overtopping construction equipment fuel gas tanks;
c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
d. Properly dispose of discarded containers of fuels and other chemicals;
e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the

environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

28. Designated Very High Fire Severity Zone – Vegetation Management

a. Vegetation Management Plan Required

Requirement: The project applicant shall submit a Vegetation Management Plan for City review and approval, and shall implement the approved Plan prior to, during, and after construction of the project. The Vegetation Management Plan may be combined with the Landscape Plan otherwise required by the Conditions of Approval. The Vegetation Management Plan shall include, at a minimum, the following measures:

i. Removal of all tree branches and vegetation that overhang the horizontal building roof line and chimney areas within 10 feet vertically;

ii. Removal of leaves and needles from roofs and rain gutters;

iii. Planting and placement of fire-resistant plants around the house and phasing out flammable vegetation, however, ornamental vegetation shall not be planted within 5 feet of the foundation of the residential structure;

iv. Trimming back vegetation around windows;

v. Removal of flammable vegetation on hillside slopes greater than 20%; Defensible space requirements shall clear all hillsides of non-ornamental vegetation within 30 feet of the residential structure on slopes of 5% or less, within 50 feet on slopes of 5 to 20% and within 100 feet or to the property line on slopes greater than 20%.

vi. All trees shall be pruned up at least ¼ the height of the tree from the ground at the base of the trunk;

vii. Clearing out ground-level brush and debris; and All non-ornamental plants, seasonal weeds & grasses, brush, leaf litter and debris within 30 feet of the residential structure shall be cut, raked and removed from the parcel.

viii. Stacking woodpiles away from structures at least 20 feet from residential structures.

ix. If a biological report, prepared by a qualified biologist and reviewed by the Bureau of Planning, identifies threatened or endangered species on the parcel, the Vegetation Management Plan shall include islands of habitat refuge for the species noted on a site plan and appropriate fencing for the species shall be installed. Clearing of vegetation within these islands of refuge shall occur solely for the purpose of fire suppression within a designated Very High Fire Severity Zone and only upon the Fire Code Official approving specific methods and timeframes for clearing that take into account the specific flora and fauna species.

When Required: Prior to approval of construction-related permit

Initial Approval: Oakland Fire Department

Monitoring/Inspection: Oakland Fire Department

b. Fire Safety Prior to Construction

Requirement: The project plans shall specify that prior to construction, the project applicant shall ensure that the project contractor cuts, rakes and removes all combustible ground level vegetation project to a height of 6" or less from the construction, access and staging areas to reduce the threat of fire ignition per Sections 304.1.1 and 304.1.2 of the California Fire Code.

When Required: Prior to approval of construction-related permit

Initial Approval: Oakland Fire Department

Monitoring/Inspection: Oakland Fire Department

c. Fire Safety During Construction

Requirement: The project applicant shall require the construction contractor to implement spark arrestors on all construction vehicles and equipment to minimize accidental ignition of dry construction debris and surrounding dry vegetation. Per section 906 of the California Fire Code, during construction, the contractor shall have at minimum three (3) type 2A10BC fire extinguishers present on the job site, with current SFM service tags attached and these extinguishers shall be deployed in the immediate presence of workers for use in the event of an ignition.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

d. Smoking Prohibition

Requirement: The project applicant shall require the construction contractor to implement a no smoking policy on the site and surrounding area during construction per Section 310.8 of the California Fire Code.

When Required: During construction

Monitoring/Inspection: Bureau of Building and Oakland Fire Department

HYDROLOGY AND WATER QUALITY

29. Erosion and Sedimentation Control Plan for Construction

a. Erosion and Sedimentation Control Plan Required

Requirement: The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. Erosion and Sedimentation Control During Construction

Requirement: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

30. Drainage Plan for Post-Construction Stormwater Runoff on Hillside Properties

Requirement: The project applicant shall submit and implement a Drainage Plan to be reviewed and approved by the City. The Drainage Plan shall include measures to reduce the volume and velocity of post-construction stormwater runoff to the maximum extent practicable. Stormwater runoff shall not be augmented to adjacent properties, creeks, or storm drains. The Drainage Plan shall be included with the project drawings submitted to the City for site improvements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

31. Site Design Measures to Reduce Stormwater Runoff

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following:

a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas;
b. Utilize permeable paving in place of impervious paving where appropriate;
c. Cluster structures;
d. Direct roof runoff to vegetated areas;
e. Preserve quality open space; and
f. Establish vegetated buffer areas.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

32. Source Control Measures to Limit Stormwater Pollution

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:

a. Stencil storm drain inlets "No Dumping – Drains to Bay;"
b. Minimize the use of pesticides and fertilizers;
c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;
d. Cover trash, food waste, and compactor enclosures; and
e. Plumb the following discharges to the sanitary sewer system, subject to City approval:

i. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
ii. Dumpster drips from covered trash, food waste, and compactor enclosures;
iii. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
iv. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
v. Fire sprinkler teat water, if discharge to on-site vegetated areas is not feasible.

When Required: Ongoing
Initial Approval: N/A
Monitoring/Inspection: N/A

33. NPDES C.3 Stormwater Requirements for Small Projects

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate one or more of the following site design measures into the project:

a. Direct roof runoff into cisterns or rain barrels for reuse;
b. Direct roof runoff onto vegetated areas;
c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas;
d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas;
e. Construct sidewalks, walkways, and/or patios with permeable surfaces; or
f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

The project drawings submitted for construction-related permits shall include the proposed site design measure(s) and the approved measure(s) shall be installed during construction. The design and installation of the measure(s) shall comply with all applicable City requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

NOISE

34. Construction Days/Hours

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
c. No construction is allowed on Sunday or federal holidays.

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.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of

residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

35. Construction Noise

Requirement: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

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. Applicant shall use temporary power poles instead of generators where feasible.

d. Stationary noise sources shall be located as far from adjacent properties 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.

e. 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.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

36. Extreme Construction Noise

a. Construction Noise Management Plan Required

Requirement: Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:

i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;

ii. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;

iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;

iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and

v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Public Notification Required

Requirement: The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

37. Operational Noise

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 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 City.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

POPULATION AND HOUSING

38. Affordable Housing Impact Fee

Requirement: The project applicant shall comply with the requirements of the City of Oakland Affordable Housing Impact Fee Ordinance (chapter 15.72 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit; subsequent milestones pursuant to ordinance

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

PUBLIC SERVICES

39. Capital Improvements Impact Fee

Requirement: The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

TRANSPORTATION/TRAFFIC

40. Construction Activity in the Public Right-of-Way

a. Obstruction Permit Required

Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

b. Traffic Control Plan Required

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

c. Repair of City Streets

Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her 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 approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

41. Transportation Impact Fee

Requirement: The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

UTILITY AND SERVICE SYSTEMS

42. Construction and Demolition Waste Reduction and Recycling

Requirement: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of $50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

43. Underground Utilities

Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

44. Green Building Requirements

a. Compliance with Green Building Requirements During Plan-Check

Requirement: The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).

i. The following information shall be submitted to the City for review and approval with the application for a building permit:

- Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
- Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
- Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
- Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
- Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
- Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
- Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

ii. The set of plans in subsection (i) shall demonstrate compliance with the following:

- CALGreen mandatory measures.
- **53 Points** per the appropriate checklist approved during the Planning entitlement process.
- All green building points identified on the checklist approved during review of the PlanningandZoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
- The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. Compliance with Green Building Requirements During Construction

Requirement: The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.

The following information shall be submitted to the City for review and approval:

i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.

ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.

iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

c. Compliance with Green Building Requirements After Construction

Requirement: Prior to the finaling the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

45. Water Efficient Landscape Ordinance (WELO)

Requirement: The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For the specific ordinance requirements, see the link below:

http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf

For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less, the project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.

a. **Prescriptive Measures:** Prior to construction, the project applicant shall submit the Project Information (detailed below) and documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance (see website below starting on page 38.14(g) in the link above):
b. **Performance Measures:** Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following
   i. Project Information:
      - Date,
      - Applicant and property owner name,
      - Project address,
      - Total landscape area,
      - Project type (new, rehabilitated, cemetery, or home owner installed),
      - Water supply type and water purveyor,
      - Checklist of documents in the package,
      - Project contacts, and
      - Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."
   ii. Water Efficient Landscape Worksheet
      - Hydrozone Information Table
      - Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and EstimatedTotal Water Use
   iii. Soil Management Report
   iv. Landscape Design Plan
   v. Irrigation Design Plan, and
   vi. Grading Plan

Upon installation of the landscaping and irrigation systems, and prior to the final of a construction-related permit, the Project applicant shall submit a Certificate of Completion (see page 38.6 in the link above) and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Completion shall also be submitted to the local water purveyor and property owner or his or her designee.

For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below:

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

Project Specific Conditions of Approval

46. Roadway Widening and Improvement

Requirement: The project applicant shall submit plans showing a privately funded improvement (P-Job) proposal, to connect the two ends of Sims Drive. The P-Job plan shall be submitted to the Planning and Building Department and the Oakland Department of Transportation (OakDOT) for review and approval, and complete the road widening as part of the proposed development project.

The project applicant shall comply with the following OakDOT requirements:

- Applicant shall execute an encroachment permit for privately maintained structures encroaching into the Public Right-of-Way (ie. Portion of concrete stairs, driveway - if it is a bridge, etc)
- Applicant shall apply for and obtain a PX permit (with the OakDOT) for roadway construction.
    - Road widths must be a minimum of 26'
    - See Oakland Municipal Code Ch 16 for design considerations

When Required: Prior to application for a Building Permit; During construction; Ongoing

Initial Approval: Planning and Building Department and Oak DOT

Monitoring/Inspection: Bureau of Building

47. Exterior Materials and Finishes

The applicant shall provide the following details:

a. Samples of exterior materials, colors, and other finishes; and

b. Window details showing 2" minimum recess from surrounding exterior walls.

When Required: Prior to application for building permits

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

48. Privacy Window and Fence

The applicant shall adjust side-facing upper floor windows to address potential privacy impacts and incorporate details of a privacy fence (6 – 8 feet tall as appropriate) into the Building Permit plans and

install the fence along the side property lines as privacy screening between the subject site and adjacent properties.

When Required: Prior to application for building permits and ongoing

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

49. Caltrans' Comments

The applicant shall address Caltrans' comments as detailed in Attachment D.

When Required: Prior to application for building permits and ongoing

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

Applicant Statement

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

_____

Name of Project Applicant

_____

Signature of Project Applicant

_____

Date

Richard W. Lund
rlund@plagemanlund.com

Plageman, Lund & Cannon LLP

Attorneys at Law

1631 Telegraph Avenue Oakland, CA 94612
Tel 510/899-6100 Fax 510/899-6101

April 8, 2022

Robert D. Merkamp, Zoning Manager (via email to:Rmerkamp@oaklandca.gov)
Catherine Payne, Development Planning Manager (via email to:Cpayne@oaklandca.gov)
Bureau of Planning, Planning and Building Department
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Re: Appeal of Design Review Approval
PLN21-100; 6735 Sims Drive
Appellant: Patrick Nagel

Dear Mr. Merkamp and Ms. Payne:

Enclosed please find the Appeal Form and supporting Statement of Grounds for Appeal and Exhibits 1-14, submitted on behalf of appellant Patrick Nagel, appealing the above referenced approval that was noticed by Mr. Merkamp's letter of March 29, 2022.

We are submitting this by email to Mr. Merkamp and Ms. Payne per the email instructions from Mr. Merkamp dated April 8, 2022, which indicated that Mr. Brenyah-Addow no longer works for the City.

While I represent the appellant Patrick Nagel and plan to assist with the appeal, please direct the invoice for payment of fees (referenced in Mr. Merkamp's email of April 8) directly to Patrick Nagel at the addresses noted in the appeal form.

Thank you.

Very truly yours,

Richard W. Lund

Richard W. Lund

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

PROJECT INFORMATION

Case No. of Appealed Project: PLN21-100

Project Address of Appealed Project: 6735 Sims Drive (APN: 048C-7193-025-00)

Assigned Case Planner/City Staff: Robert D. Merkamp (formerly assigned to Maurice Brenyah-Addow)

APPELLANT INFORMATION:

Printed Name: Patrick Nagel Phone Number: 510-485-7216

Mailing Address: 6775 Sims Drive Alternate Contact Number: 925-895-5324

City/Zip Code Oakland, CA 94611 Representing: Self

Email: patrickdnagel@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) all other determinations made in connection with the notice of approval dated March 29, 2022

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 Sec. 17.152.150 &/or 17.156.160)
- ☒ Other (please specify) all other determinations made in connection with the notice of approval dated March 29, 2022.

(Continued on reverse)

(Continued)

❑ **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. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.

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.

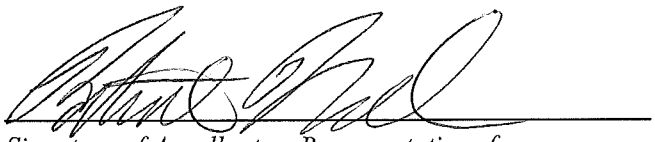
The appeal is based on the following*:* *(Attach additional sheets as needed.)*

See attached Statement of Grounds for Appeal and Exhibits 1-14 attached

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

April 8, 2022

Date

TO BE COMPLETED BY STAFF BASED ON APPEAL TYPE AND APPLICABLE FEE

APPEAL FEE: $_____

Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

Below For Staff Use Only

Date/Time Received Stamp Below:

Cashier's Receipt Stamp Below:

Revised 7/20/15

Statement of Grounds for Appeal

Case File No. PLN21-100; 6735 Sims Drive

Appellant Patrick Nagel appeals all approvals referenced in the March 29, 2022 notification of approval for the above referenced case file, which notice describes the approval as a Regular Design Review to construct a new single family dwelling (the "Approval").

This appeal is based upon the appeal form, includiing all of the grounds set forth in this Statement of Grounds of Appeal, and in each and every attachment hereto, and upon such other information and argument which may be submitted in connection with any hearings on this appeal.

The procedural bases for the appeal are that: (1) the CEQA compliance for the Approval is insufficient and defective and does not comply with CEQA; (2) the facts in the administrative record do not support the necessary factual findings for the Approval set forth in Attachment A of the Approval; (3) the Conditions of Approval set forth in Attachment B of the Approval are inadequate to bring the project into compliance with applicable laws and regulations, and fail to reflect adequate mitigation of environmental impacts of the project in accordance with CEQA and other applicable laws and regulations; and (4) the public notices given in connection with the Approval and actions preceding the Approval did not comply with applicable legal requirements.

The following facts and issues are brought to the City's attention in support of these grounds for appeal:

1. Inadequate Public Noticing

The relevant affected residents were not provided Notice of the Proposed Development. Altering Sims Drive from two separate cul-de-sac streets to a through street as proposed by the development will have a significant impact to the traffic conditions and neighborhood character, and will impact every resident located on Sims Drive. Sims Drive has never been a through street since its construction before 1950 (per aerial photo review discussed in Exh 3, see below). Thus, Sims Drive has been in the configuration of two separate cul-de-sac streets for over 70 years. However, public notice of this application was restricted only to those residing within a 300-foot radius from the property line of the proposed development. In July 2021, this question and concern was raised to Maurice Brenyah-Addow; however, there was no additional public noticing to include all residents affected by this development proposal.

The site posting also failed to Include the Public Comment Period. The public notice signage that was posted on the property did not include the dates for the comment period ending date, and therefore, the public notification on the subject property was not in compliance with city requirements. This issue was also raised to Maurice Brenyah-Addow; however, the City took no action to remedy.

2. CEQA Exemption 15303

The environmental determination supporting the Approval, which found the project to be categorically exempt under CEQA Guidelines Section 15303 (new small structures), should not be made because the exceptions noted in CEQA Guidelines 15300.2(a) (sensitive location) and 15300.2(c) (significant effect due to unusual circumstances) are applicable. The unusual circumstances here include, but are not limited to: (i) the unusual project approval condition to change the local traffic circulation pattern by opening Sims Drive to through traffic as part of approving a single family residential project; (ii) the

imposition of a significant and yet-to-be-designed privately funded public works project as a condition of approving a single family home construction; and (iii) the fact that the area where Sims Drive would be extended is a landslide area with all the geotechnical concerns reflected in Exhibits 2, 3 and 4.

The issues raised under items 4-11 below and in Exhibits 1 through 14 present the clear potential for significant environmental impacts that have not been properly analyzed under CEQA.

3. CEQA Exemption 15183

The environmental determination supporting the Approval, which found the project to be exempt from certain aspects of CEQA review under CEQA Guidelines Section 15183 (project consistent with general plan and zoning), does not preclude the need for additional project-specific CEQA review under CEQA Guideline 15183(b) of impacts peculiar to the project or the parcels on which the project would be located, or which were not analyzed as significant effects on the general plan or zoning adoption, or which involve potentially significant off-site impacts, or which involve new information not considered in the prior general plan or zoning environmental review. Prior EIRs for the general plan and zoning would not have specifically analyzed the impacts of changing the local traffic circulation pattern by opening Sims Drive to through traffic for the first time in over 70 years, or the issues raises by extending Sims Drive through a landslide area with all the geotechnical concerns reflected in Exhibits 2, 3 and 4.

The issues raised under items 4-11 below and in Exhibits 1 through 14 present the clear potential for significant environmental impacts that have not been properly analyzed under CEQA.

4. Significant Alteration to Existing Neighborhood Character and Traffic

One of the main concerns presented by this appeal is that the development proposal would establish a new through street by connecting two cul-de-sac segments of Sims Drive, a significant alteration to the existing neighborhood character. Sims Drive has always consisted of two cul-de sac segments, because landslides in 1950 and before blocked any through alignment. The existing neighborhood character is defined by this street configuration that has been in place for more than 70 years.

Through traffic on Sims Drive would destroy the neighborhood character as a quiet street, where traffic and noise is minimal, foot traffic is frequent, and neighborhood children can play safely without the threat of speeding vehicles.

Through traffic on Sims Drive would create traffic problems because it is an unusually narrow street. With two lanes of traffic, the City would eliminate all street parking and create a hazard for pedestrians. If Sims Drive becomes a through street, it cannot accommodate two lanes of traffic, unless all street parking and pedestrian traffic is banned.

Through traffic on Sims Drive would also significantly alter the traffic circulation in the neighborhood. Sims Drive would would undoubtedly become a popular shortcut for cars traveling from Park Blvd. to the Village to avoid the traffic calming installations along Liggett Drive. Increased traffic speeds are also a concern as drivers will utilize the Sims Drive cut through. These changes in traffic circulation will negatively impact the entire neighborhood, particularly the many families with young children who live in this area.

By contrast, nearby Liggett Drive includes traffic calming measures, e.g., speed bumps, between La Salle and Harbord Drive. The development proposal will introduce a new thoroughfare (Sims Drive) devoid of

any traffic calming measures parallel to Liggett Drive. Drivers will undoubtedly defer to the unobstructed Sims Drive route to the avoid the speed bumps resulting in increased traffic speeds. These changes in traffic circulation will adversely impact the entire neighborhood.

The Approval does not provide any CEQA analysis of these impacts on traffic and the character of the neighborhood, and the conditions of approval also fail to address any mitigations. Indeed, it is the conditions of approval, item 46, that IMPOSES the through traffic requirement without any analysis of the impacts or mitigations for same.

5. Geotechnical Concerns and Road Extension Through Landslide Area

The proposed house construction is located in a landslide area, and the parcel has been subject to prior geotechnical analysis in connection with earlier proposed development in 2010.

Attached as Exhibit 1 is a historical memo from July 1994, written by former vice mayor Dick Spees, which described some of the history of why through traffic was not established on Sims Drive due to a landslide that occurred "many years" before 1994. It indicates that the portion of Sims Drive blocked by the landslide was never built due to concerns about the continuing instability of the land.

Attached as Exhibit 2 is a geotechnical report from June 2010 by Hydro-Geo Consultants concerning an earlier residential project proposal at 6735 Simes Drive. This report concludes that the parcel is "constrained by a high potential for slope instability and an active landslide near the east portion of the property, downslope soil creep and slumping, expansive soil, eroision and the site's close proximity to the active trace of the Hayward Fault Zone." Exh 2, p.4.

Attached as Exhibit 3 is a geotechnical report from June 2010 by GeoTrinity Consultants concerning the same earlier project proposal. This report also notes that "The lower slope of the site has been affected by a landslide that was active in the 1940s and 1950s, based on our research. The landslide extends furtherd down the slope near the lower portions fo the property. The lower slopes of the site are underlain by relatively shallow landslide debris as explored during our subsurface investigation." Exh 3, p.3. The report at p. 6 notes elevated groundwater and related drainage issues. The report at p. 9-10 notes, from aerial photo review, that the landslide on site was last active in 1950. The report at p. 9 indicates, based on extensive review of historical aerial photos, that "Based on our review of aerial photgraphs, the north and south segments of Sims Drive were never connected through the landslide area."

Attached as Exhibit 4 is some mapping of the 1950 landslide area by GeoTrinity Consultants, that shows the currently existing "gap" in Sims Drive essentially overlaps with the footprint of the 1950 landslide. Approval condition 46 proposes construction of the new Sims Drive connection right through this historical landslide area.

No adequate study has been done to determine the feasibility or expense of stabilizing this landslide area to allow construction of the house project and the proposed extension of Sims Drive through the landslide area. The categorical exemption approach to CEQA compliance taken by this Approval is not warranted and not applicable given the adverse information already available in the geotechnical reports attached as Exhibits 2, 3 and 4. The categorical exemption approach also means that the existing information set forth in Exhibits 2, 3 and 4 were not properly evaluated or considered for purposes of this Approval.

Given the high cost of slope stabilization projects for public roadways, and the lack of any advance study of the slope stabilization aspects of the road extension, it could well be that the cost to the applicant of complying with condition 46 exceeds the cost of building their new home. The condition is being imposed with no idea of whether compliance would even be feasible, from an engineering or a financial point of view.

Will it be the City or the applicant personally that assumes financial liability for any future landslide event involving this new public roadway segment?

The slope stability concerns are also noted by Caltrans, in their comments addressed in Item 7 below and Exhibit 6.

Conditions 25 and 26 of the Approval require the applicant to provide a soils report and geotechnical report for the house project, but not for the Sims Drive extension and overall landslide area involved in the original closure and abandonment of a section of Sims Drive. Requiring those studies at a later date would be an impermissible deferral of the needed CEQA analysis that must occur before approving this home project with Condition 46, requiring the extension of Sims Drive through the landslide area.

The potential impacts of attempting to reconstruct Sims Drive through the zone of the former landslide are unusual circumstances that should be analyzed under CEQA, and which provide good reason not to make the findings set forth in Attachment A to the Approval.

6. Consideration of Alternative Design for Sims Driveway

In discussions with the neighbors, the project architect prepared the alternative driveway design attached as Exhibit 5. This would provide a dead end driveway turnaround for the subject property on Sims, without creating the through street connection proposed in the project approval conditions. While this change would not answer many of the other issues raised in this appeal, it would avoid the impacts associated with creating a through street on Sims Drive. This project alternative should have been considered in proper CEQA review, and considered for adoption as a condition of the project in lieu of the through street.

7. Incorporation of CalTrans comment issues

The issues raised in the CalTrans comments on the proposed Approval, attached as Exhibit D to the Approval and as Exhibit 6 hereto, reflect unresolved potential significant environmental impacts that have not been properly analyzed under CEQA, concerning construction related impacts, drainage, slope stability, and various construction related impacts.

Condition 49 of the Approval merely asks applicant to “address” the Caltrans comments, which is an improper deferral of CEQA analysis and approval finding analysis as to the significant questions raised by Caltrans.

These potential impacts should also preclude the City from making the findings in Attachment A of the Approval, especially before the issues have been studied appropriately and design changes or additional approval conditions to address the issues have been incorporated into the project.

9. Lack of Compliance with General Plan and Zoning

The proposed house structure is over 4000 square feet, far exceeding the roughly 2000 square foot size of other houses in the neighborhood. This seems inconsistent with applicable general plan and zoning for the area, and is not a "small structure" for CEQA exemption purposes. This also justifies the City not making any of the five required findings set forth in Attachment A of the Approval.

10. Additional Objections Raised in Comments by Other Neighbors

Appellant also incorporates by reference and relies upon the comments against the Approval by other neighbors of the project. These are attached hereto and incorporated as Exhibits 7 through 14. These include comments from Jamie and Colin Dean (Exhibit 7), Jeff Klonoff (Exhibit 8), Katherine Jones (Exhibit 9), Selma Masic and Joshua Funamura (Exhibit 10), Barbara Berman (Exhibits 11-13), and CC Holland (Exhibit 14).

11. Other Factual Evidence in the Administrative Record

Appellant also bases this appeal on all of the factual information in the administrative record for this Approval, including but not limited to any factual information provided by other commenting agencies and individuals.

Exhibit 1

CITY OF OAKLAND

Memorandum

TO: OFFICE OF PUBLIC WORKS
ATTN: TERRY ROBERTS
FROM: VICE MAYOR DICK SPEES
DATE: JULY 12, 1994

RE: SIMS DRIVE

Many years ago there was a landslide on Sims Drive (Piedmont side of Montclair) and a portion of the road between the 6600 block and the 6700 block "moved." The city laid an asphalt footpath linking the two blocks, but the road was not rebuilt due to the continuing instability of the land. (However, most maps, including official city maps still show Sims Drive connected.)

The land "below" the path drops down to the intersection of Trafalgar Place/Park Blvd. and the southbound Hwy. 13 Park Blvd. exit and is owned by CalTrans. The land "above" the path is privately owned and undeveloped.

Issues raised by the neighborhood:

1. Is the path public property, and if so, who maintains it?

2. The owner of the lot above the path has posted "no trespassing" signs at both entrances to the path; is this legal? If not, he needs to be notified to remove them.

3. The OPD and OFD should ensure that their maps are updated to show that the road is NOT a through road; city and public maps still show Sims Drive as a through road.

I would appreciate it if the pertinent sections of Public Works could address the various issues the neighborhood has raised. If you need more information, please contact Jennifer Allen at 238-3266 as she is most familiar with the matter. Thank you for your attention to this.

DS:JA

cc: Frank Fanelli, OPW-Real Estate
Barbara Berman, 6758 Sims Drive, 94611
Ricki Jaspovice, 6775 Sims Drive, 94611

Exhibit 2

GEOLOGIC PEER REVIEW
PROPOSED NEW SINGLE-FAMILY RESIDENCE
6735 SIMS DRIVE (APN 048C-7193-025)
OAKLAND, CALIFORNIA 94611

Project 10670-A

Prepared for

City of Oakland
1 Frank H. Ogawa Plaza
Oakland, California 94612

By

HYDRO-GEO CONSULTANTS, INC.
P.O. Box 4353
Mountain View, California 94040

JUNE, 2010

HYDRO-GEO CONSULTANTS, INC.
P.O. Box 4353, Mountain View, CA 94040-4353
(650) 428-0588 • FAX (650) 428-0589

June 22, 2010
Project 10670-A

Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, California 94612

Attention: Mr. Michael Liu

Subject: **Geologic Peer Review**
Proposed New Single-Family Residence
6735 Sims Drive (Parcel A Map No. 2437; APN 048C-7193-025)
Oakland, California 94611

Dear Mr. Liu,

Presented herein is our firm's peer review of the *"Potential Seismic Hazards Screening Investigation & Geologic and Geotechnical Evaluation"* by GeoTrinity Consultants, Inc., dated June 5, 2010. This limited peer review is undertaken in accordance with the attached "Schedule of Charges" and "Terms and Conditions of Agreement."

This review is limited to an evaluation of the above noted investigation and available information listed in the attached references. It must be understood that the purpose of our firm's peer review is to only provide general guidance to the regulatory agency based on the material provided to us by the developer and his geotechnical consultant. Data collection and effective geotechnical analysis, as well as the proposed mitigation measures are the sole responsibility of the GeoTrinity Consultants, and it must assume all liability for its findings and recommendations.

PROPOSED DEVELOPMENT

A new single family residence with an access driveway and attached garage on the eastern side of this approximately 8,584 square foot, rectangular-shaped parcel, is proposed. Moderate site grading and fills less than 2 feet in thickness will be required. An excavation of approximately 10 feet into the hillside and two 4 foot high retaining walls upslope of the proposed residence are also proposed. Sims Avenue does not extend up to the site, and a road to the driveway of this proposed residence will have to be constructed from the abutting property that fronts on Liggett Drive.

The captioned investigation recommends that the proposed residential structure and retaining walls be constructed on pier and grade-beam foundations. Landslide debris is to be removed and replaced with an engineered fill and subdrained. Cut slopes are to be retained with adequately designed retaining structures and the surface drainage is to be improved.

GEOLOGIC CONDITIONS

The subject property is located on a currently undeveloped parcel that slopes to the east at a uniform gradient of approximately 24 degrees (44%). Drainage across the site is toward Sims Drive by sheet flow, then southwest into Diamond Creek.

Andrew Lawson was the first person to map the geology of this area in 1914 and showed the site as being underlain by Francisca sandstone that is in contact with serpentine near the eastern boundary of the subject property. Subsequent detailed mapping of this site by Case and Radbruch (1967) and Radbruch (1969) indicate that the sandstone is in contact with silica-carbonate rocks derived from altered serpentine. Graymer, R.W., Jones, D.L., and Brabb, E.E. (1995), and Graymer (2000) all indicate that the site is underlain by sandstone and shale of the Franciscan Assemblage dipping 45 to 57 degrees to the northeast. This bedrock unit is covered by colluvium and landslide debris up to 6.5 feet thick in the southeastern corner of the subject property, according to the GeoTrinity Consultants.

A large landslide, active in the 1940's and 1950's, extends from Highway 13 onto the eastern portion of the captioned site as mapped by Nilsen (1975). Subsequently, this entire property has been placed within a designated Earthquake-Induced Landslide ("Blue") Zone by the California Seismic Hazards Mapping Act of 1990 (Public Resources Code Sections 2690 – 2699.6). Under this Act, a pseudostatic slope stability analysis (Factor of Safety) is generally required by the lead agency for any construction on slopes with prior landslide activity, or cut-fill slopes and slopes greater than 50% (Parrish, 2008).

Four borings along the south side of the property by GeoTrinity Consultants have defined a landslide failure plane dipping 20 to 30 degrees downslope at 3.3 to 6.5 feet below the ground surface and underlying the proposed new residence. This landslide extends into the site approximately 58 feet from the east property line. The western boundary of a landslide in the northern half of the property is assumed to extend only 20 feet into the property. Boring P-5 on the adjacent property, however, suggests that this landslide failure plane may extend more than 50 feet into the property with a failure plane at a depth of 15 feet (Provenzano & Associates, 1978).

Groundwater was encountered on-site at a depth of 11.5 feet in Boring B-3, and after 2 hours the piezometric water level had risen to 5 feet below the ground surface within this boring. The approximately 300 foot wide Hayward Fault Zone on the east side of this site (Lienkaemper, 1992) creates a significant clay barrier to the down gradient groundwater movement resulting in high groundwater conditions adjacent to the fault zone. High groundwater contributes to the slope instability along this fault zone, as indicated by groundwater seeping out of the ground in the southeast corner of the subject property near the toe of an on-site landslide.

The active strand of the northwest-trending Hayward Fault Zone is located approximately 700 feet east of the captioned site (Lienkaemper, 1992; Davis, 1982; Herd, 1978). A secondary trace of this wide fault zone was previously mapped along the contact between the sandstone and silica-carbonate rocks near the east side of the subject property (Slosson, 1974).

Movement along the Hayward Fault Zone is generally horizontal with the west side moving north relative to the east side. This results in stresses and thrust faulting in the adjacent bedrock; a related northeast dipping thrust fault is mapped approximately 1,500 feet southwest of this site (Dibblee, Jr., 2005). Tectonic movement along the Hayward Fault Zone in this area could generate a 10% exceedance in 50 years peak ground acceleration in the soft bedrock of 0.78 gravity (California Department of Conservation, 2003).

CONCLUSIONS AND RECOMMENDATIONS

The subject site is constrained by a high potential for slope instability and an active landslide near the east portion of the property, downslope soil creep and slumping, expansive soil, erosion and the site's close proximity to the active trace of the Hayward Fault Zone. The geotechnical evaluation by GeoTrinity Consultants addresses most of these issues in general terms.

The Consultant's evaluation of the landslide on the southern side of the property is delineated by four borings; the landslide on the north side of the property is not as well defined. A boring on the adjacent property suggests that this landslide may extend further into the property than shown on Plate 1. Shear strength and other soil test data as well as a pseudostatic Factor of Safety for the captioned property were not included in the GeoTrinity Consultants evaluation. Considering the high potential for seismically induced slope instability at this site, we believe that these items should be provided prior to any construction at this captioned site.

LIMITATIONS

This limited peer review is intended for the exclusive use of City of Oakland. Any use or reliance of this limited peer review, or any of the information herein, by a third party shall be at such party's sole risk.

Our firm's services consist of professional opinions and recommendations undertaken within the agreed to requirements and limitations stated in our attached "Terms and Conditions of Agreement". Our opinions are made in accordance with generally accepted engineering geology principles and practices. They are limited to the specific scope of this geological peer review. This warranty is in lieu of all other warranties, either expressed or implied.

This limited peer review cannot apply to conditions or changes of which we are not aware and have not had an opportunity to review in the field, evaluate and approve. Our firm assumes no responsibility for any data, findings, recommendations or site work performed by others.

There is an inherent risk for structural damage, ground failure and slope instability that should be recognized that is associated with construction in hillside areas in this seismically active region of California. It should also be noted that new ground rupture areas related to concealed faults can develop within or in close proximity of a known fault zone in the event of a major earthquake in this region.

CLOSURE

We have enjoyed working with you on this project. If you have any questions, please do not hesitate to call our office.

Very truly yours,
HYDRO-GEO CONSULTANTS, INC.

John T. O'Rourke

John T. O'Rourke
Engineering Geologist 419
Hydrogeologist 395

JO'R: jod.
Attached: "Schedule of Charges" and "Terms and Conditions of Agreement"

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SCHEDULE OF CHARGES &

TERMS AND CONDITIONS OF AGREEMENT

SCHEDULE OF CHARGES

PERSONNEL:

PRINCIPAL GEOLOGIST/ENGINEER	$150.00/HOUR
SENIOR GEOLOGIST/ENGINEER	$90.00/HOUR
STAFF GEOLOGIST/ENGINEER	$80.00/HOUR
TECHNICIAN	$70.00/HOUR
SUPPORT SERVICES	$50.00/HOUR

EQUIPMENT

COMPUTER TIME	$60.00/HOUR
AUTOMOBILE OR TRUCK	$0.40/MILE
GEOPHYSICAL EQUIPMENT	$90.00/HOUR
REPRODUCTION	$0.50/PAGE
SAMPLING EQUIPMENT	$25.00/SAMPLE

ALL CHARGES ARE PORTAL TO PORTAL. ALL OUTSIDE CHARGES WILL BE BILLED TO THE JOB AT COST PLUS 15%.

EXPERT WITNESS TESTIMONY:

COURT APPEARANCES AND DEPOSITIONS WILL BE CHARGED AT A DAILY RATE OF $1,000.00 PER DAY, WITH A HALF DAY MINIMUM. PREPARATION TIME WILL BE ADDED TO THE ABOVE CHARGES ON A TIME-AND-EXPENSE BASIS, IN ACCORDANCE WITH THE FEES LISTED HEREIN.

TERMS AND CONDITIONS OF AGREEMENT

The reports, letters, documents, and opinions presented by HYDRO-GEO CONSULTANTS, INC. are for the exclusive use of the Client. Any use or reliance upon these reports, letters, documents, and opinions, or the data contained therein, by a third party shall be at such party's sole risk.

Invoices are due and payable in full on the date shown on the invoice. After 30 days, a service and late charge of 2% per month will be added to any unpaid amount. Payments thereafter, will be applied first to the accrued charges and then to the principal amount. All documents remain the property of HYDRO-GEO CONSULTANTS, INC. until paid for in full by the Client.

If suit or action is instituted to collect any past due payments, the client will be liable for all costs including, but not limited to, consultant's time, attorney fees, expert witness fees, and court costs. It is expressly agreed and understood that venue for any such action shall be at the discretion of HYDRO-GEO CONSULTANTS, Inc. in any court of competent jurisdiction located within Santa Clara County, California.

The Client recognizes and understands that engineering geology, geotechnical engineering and environmental assessments are not exact sciences and that subsurface conditions can vary significantly from those encountered at the times and locations where data is obtained by HYDRO-GEO CONSULTANTS, INC. This variability and the constraints of limited data can result in a level of uncertainty with respect to the interpretation and mitigation of the site conditions, despite the use of due professional diligence.

HYDRO-GEO CONSULTANTS, INC. represents that its services shall be performed within the limits prescribed by the Specific Scope of Services, in a manner consistent with that level of care and skill ordinarily exercised by other professional consultants, under similar circumstances, at the time this service is performed. No other presentation is made to the Client, either expressed or implied, and no warranty or guarantee is included or intended thereunder, or in any report, opinion, document or otherwise.

TERMS AND CONDITIONS OF AGREEMENT (CONTINUED)

Client agrees to hold harmless and defend HYDRO-GEO CONSULTANTS, INC., its principals, employees, agents and subcontractors from and against any and all loss and expenses, including, but not limited to attorney's fees, court costs, injury, damage, liability or cost claims arising out of the services performed, except where it is proven to be the sole negligence or willful misconduct of HYDRO-GEO CONSULTANTS, INC. If Client makes a claim against HYDRO-GEO CONSULTANT, INC., its principals, employees, agents or subcontractors and fails to prove such claim in a timely manner, then the Client shall pay any and all costs incurred by HYDRO-GEO CONSULTANTS, INC. and others in defending itself against the claim.

No claim or action out of, or connected with a project may be brought against HYDRO-GEO CONSULTANTS, INC. unless such action is commenced within 1 year of the final billing to the Client. The Client must give HYDRO-GEO CONSULTANTS, INC. prompt written notice of any suspected defect in service.

In view of the inherent risks involved with subsurface conditions, the Client agrees to limit total liability for any claim against HYDRO-GEO CONSULTANT, INC. to the original cost of the fee paid for the services. and to indemnify HYDRO-GEO CONSULTANTS, their principals, employees and agents for all liabilities in excess of this monetary limit, including costs of defense.

Unless otherwise agreed, the Client will provide HYDRO-GEO CONSULTANTS, INC. with all available site information including, but not limited to, previous soils reports, contamination information, locations and depths of all buried utilities and structures, and other pertinent information. Client will also furnish right-of-entry on land for planned field operations.

HYDRO-GEO CONSULTANTS, INC. will not be liable for damage or injury arising from damage to subterranean structures or other problems which are not called to its attention and correctly shown on the plans furnished to us. HYDRO-GEO CONSULTANTS, INC. will take every reasonable precaution to minimize damage to the Client's land from the use of equipment, but its fee does not include the cost of restoration of damage, or compaction of exploratory trenches and borings resulting from its exploration operations, unless specifically indicated in its proposal.

HYDRO-GEO CONSULTANTS, INC., except for its own services, shall not specify construction procedures, manage or supervise construction, implement or be responsible for health and safety procedures. It shall not be responsible for the acts or omissions of contractors, for other parties on the project or for safety precautions and programs.

Exhibit 3

Potential Seismic Hazards Screening Investigation
&
Geologic and Geotechnical Evaluation

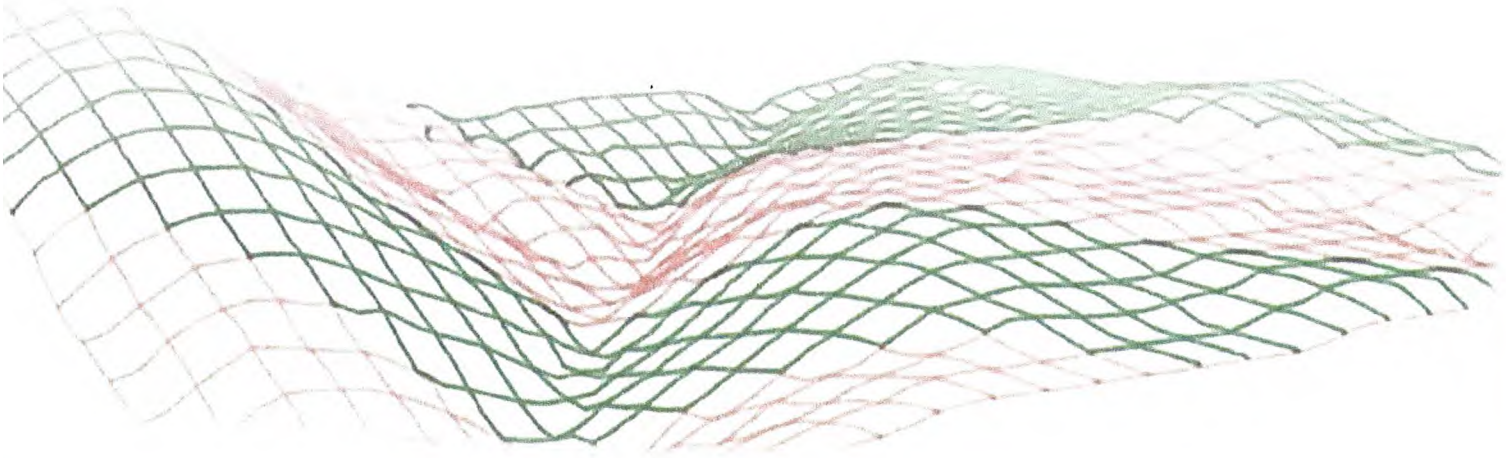
6735 Sims Drive
Oakland, CA
GeoTrinity Project No.: GE-2180

Prepared for

Ms. Veronica Liu

Prepared by

GTC GeoTrinity Consultants, Inc.



Potential Seismic Hazards Screening Investigation
&
Geologic and Geotechnical Evaluation

6735 Sims Drive
Oakland, CA
GeoTrinity Project No.: GE-2180

Revised June 29, 2010
June 5, 2010

Prepared For:

Ms. Veronica Liu
1036 5th Street
Oakland, California

Prepared By:

GeoTrinity Consultants, Inc.
7770 Pardee Lane, Suite 101
Oakland, CA 94621

Jerry Yang, P.E., G.E.
Project Manager

Patrick L. Drumm, PG, CEG, CHG
Consulting Engineering Geologist

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1.0 INTRODUCTION

This report presents the results of our: (1) potential seismic hazards screening investigation as outlined in the California Geological Survey Special Publication 117 (CGS, 1997); and (2) geologic and geotechnical evaluation for the vacant property at 6735 Sims Drive in Oakland, California, as shown on the Vicinity Map, Figure 1. The property is not located within a State of California Earthquake Fault Zone for seismically active faults, nor is it within a State of California Seismic Hazard Zone for liquefaction (Hart and Bryant, 1997; and State Geologist, 2003). However, the property is within a State of California Seismic Hazard Zone for seismically-induced landslides (State Geologist, 2003), as shown on Figure 2, and the site is within a previously mapped landslide (Nilsen, 1975).

The lower portion of subject property and the segment of Sims Drive adjacent to the property have been affected by a landslide that was active in the 1940s and 1950s, based on our review of aerial photographs and documents available at the City of Oakland. Sims Drive in front of the site is currently not a through street and exists as a foot path connecting both segments of Sims Drive. The purpose of our evaluation was to generally assess the potential future landslide hazards at the site, characterize the foundation soils, and to provide recommendations to mitigate identified hazards and to address the geotechnical engineering aspects of the project.

For our use, we have received a recent topographic survey prepared by Paul Canumay, dated December 1, 2009, with a 2-foot contour interval. Based on the information provided to us, it is our understanding that the project will consist of the development of the lower portion of the hillside lot near the Sims Drive right-of-way to accommodate a single-family residence and attached garage. Access for the proposed residence is to be provided by a new driveway extending from the end of Sims Drive. We have used this topographic survey as our base map to plot exploratory boring locations and areal landslide limits of the property (see Plate 1).

Structural loads are yet to be determined; however, we assumed structural loads be representative for this type of construction. Based on the proposed elevation plans, moderate grading and excavation into the hillside of approximately 10 feet in height and minor fills of no greater than 2 feet in thickness will be required to develop the project. Retaining walls are planned along the access driveway and uphill of the proposed residence. In addition, surrounding walkways, patios, underground vessels, conduits, and pipelines will be installed as part of the development.

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2.0 SCOPE OF WORK

Our scope of services was presented in detail in our agreement with you dated March 23, 2010. To assess the potential seismic hazards at the site and to prepare a geologic and geotechnical investigation report, we have provided the following services.

- Investigation of the subsurface conditions by drilling four borings. We retrieved relatively undisturbed soil and rock samples from our borings for observation and laboratory testing.

- Evaluation of the physical and engineering properties of the subsurface soils and bedrock types by visually classifying the samples.

- Completion of a geologic reconnaissance of the site area, review of unpublished geotechnical reports by other consultants for nearby sites, review of published geologic maps, and review of aerial photographs of the site area.

- Preparation of a site geologic map and geologic cross section depicting our interpretation of the subsurface geologic conditions at the site.

- Engineering analysis to evaluate the feasibility of the proposed site development, seismicity, landslide mitigation measures, and building foundations.

- Preparation of this geotechnical investigation report as a summary of our findings and to present our conclusions and recommendations.

This report is a design document that has been prepared in accordance with generally accepted geotechnical engineering practices for the exclusive use of specific application to the proposed improvements. In the event that there are any changes in the nature, design or location of the building, or if any future additions are planned, the conclusions and recommendations contained in this report shall not be considered valid unless (1) we are contacted in writing, (2) the project changes are reviewed by us, and (3) conclusions and recommendations presented in this report are modified or verified by writing.

This report does not necessarily represent all of the information that has been communicated by us to Ms. Veronica Liu during the course of this engagement and our rendering of professional services to the proposed improvements. Reliance on this report by parties other than those described above must be at their own risk unless we are first consulted as to the parties' intended use of this report and only after we obtain the written consent of Ms. Veronica Liu to divulge information that may have been communicated to Ms. Veronica Liu.

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3.0 SITE INVESTIGATION

Our subsurface exploration program was planned so that a series of borings could be drilled along an alignment from the top of the slope to the base of the slope. The subsurface exploration was performed using a portable hydraulic-powered minuteman drill with 3½-inch diameter solid flight auger. Four exploratory borings, designated as B-1, B-2, B-3, and B-4, were drilled at the site on May 19, 2010 to depths ranging from 10.5 to 22.5 feet below existing ground surface. We collected samples at approximate 3-foot intervals in each boring to develop a representative profile of the subsurface soil and rock conditions within the site. The approximate locations of the exploratory borings are shown on the Site Geologic Map with Boring Locations, Plate 1. Our Geologic Cross Section through the site, as shown on Figure 4, was developed using the subsurface information collected from this investigation. Logs of the borings and details regarding the field investigation are included in Appendix A.

In addition to our subsurface exploration program, we conducted an extensive desktop study of the project site and adjacent areas, and performed a geologic reconnaissance of the site and surroundings. We reviewed published and unpublished geologic and geotechnical literature available from various sources. This included previous geotechnical reports with exploratory boring logs for the development of the existing homes adjacent to the project site. We reviewed historic aerial photographs of the project site and surroundings, and visited the site to compare the observed features with existing topography (see Figures 3, 5, and 6).

3.1 Summary of Surface Reconnaissance

The property is located along the upslope side of the Sims Drive right-of-way (Sims Drive does not exist along the front of the project site) and extends up the hill to the backyard of the abutting property that fronts onto Liggett Drive. The lot is nearly a rectangle with plan dimensions of approximately 60 feet along the west property boundary by 137 feet along the south property boundary. The site is bordered by single-family residences on the south, west, and north. According to our research, the lot has never been developed.

The topography slopes downward from the west property boundary toward Sims Drive right-of-way at approximately a 2:1 (horizontal to vertical) gradient. The elevations range from approximately 676 feet near the northwest property corner to about 616 feet near the southeast property corner. The lower slope of the site has been affected by a landslide that was active in the 1940s and 1950s, based on our research. The landslide extends further down the slope to the east toward Highway 13. Landslide movements near the upper portion of the slide have apparently created somewhat flatter slopes near the lower portions of the property. The lower slopes of the site are underlain by relatively shallow landslide debris as explored during our subsurface investigation.

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We performed a geologic reconnaissance of the subject property and the surrounding areas to observe the surface topography in order to identify any landslide-related features observed from our aerial photographic analysis and to examine any rock exposures. We observed that the area immediately downslope of the property, including the unpaved section of the Sims Drive right-of-way, appears to be in a generally sunken condition, suggestive of movement near the headscarp of a landslide. We did not observe any signs of scarps or broken ground within the depressed area that would indicate recent landslide movement. Further downslope from the property and above Trafalgar Place, the terrain is barren of trees, generally hummocky, and dissected by erosional ravines. These features are characteristics of landslide terrain and corroborate our observations from a review of aerial photographs.

Also suggestive of landslide terrain near the property was the termination of Somerset Road, located downslope and approximately 400 feet southeast of the project site. Here, the street has been abruptly terminated and fenced off. Remnants of the continuation of the street continue past the dead end street signs where the area has been allowed to become overgrown with trees and other vegetation. Continuing along the abandoned street segment, we observed a prominent break in the slope of the lower portions of the adjacent properties at 6758 and 6764 Sims Drive. We interpret this slope break as the pull-away zone of a landslide. Our review of aerial photographs suggest that this abandoned portion of Somerset Road was severed from landslide activity in the early 1950s and that the lower slopes of the adjacent residential properties were also affected by the same landslide as shown on Figure 5.

There are no rock outcrops within or adjacent to the site. However, we observed sheared serpentinite, shale, and graywacke sandstone exposed in a road cut along the west side of Trafalgar Place approximately 450 feet to the east of the site. These materials appear to be part of the landslide debris that originated near Sims Drive. Similar rock types were encountered in our exploratory borings within the site and indicated on the boring logs for the previous geotechnical studies for neighboring homes from our review of available documents at the City of Oakland.

We also observed a series of concrete-lined surface drainage ditches located above the cut slope along the west side of Trafalgar Place at the same location discussed above. These drainage ditches were presumably installed as part of the construction of Highway 13 and the grading of the lower portion of the landslide in the late 1950s as determined from our aerial photographic analysis and from our review of document available at the City of Oakland as discussed in later sections of this report.

3.2 Summary of Subsurface Investigation

During our subsurface exploration program, we encountered a thin layer of topsoil-colluvium, ranging from 2.0 feet thick in the upper portion of the site to 4.3 feet thick in the central portion of the site. In the upper and central portions of the site, the topsoil-colluvium was over weathered

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bedrock. In the lower portion of the site, we encountered colluvium, ranging from 1.0 to 5.0 feet thick, over landslide debris (3.3 to 6.5 feet) resting on bedrock. All of the borings drilled encountered bedrock at depths ranging from 2.0 to 6.5 feet below the existing ground surface. Bedrock was shallower in the upper portion of the lot and deeper in the lower portion of the site.

The upper topsoil-colluvium layer generally consisted of sand with silt and some gravel. These materials were easily excavated and generally encountered in a loose to moderately dense and moist condition. Detailed descriptions of the soils encountered in each of the exploratory borings are presented on the boring logs in Appendix A.

The bedrock generally consisted of clayey sandstone with minor thin interbeds of hard graywacke sandstone. The graywacke sandstone interbeds were observed in relatively undisturbed drive samples as very fractured and identified in drill cuttings as angular graywacke gravel. Some of the clayey sandstone samples exhibited a shear fabric, possibly representing relic bedding, generally dipping 40 to 50 degrees from the horizontal. Other clayey sandstone samples appeared massive and without any perceived fabric. The bedrock was generally in a weathered, but dense condition. Drilling generally became more difficult with depth. Likewise, relative blowcounts also increased with depth. Detailed descriptions of the bedrock encountered in each of the exploratory borings are presented on the boring logs in Appendix A.

Two shear zones interpreted as landslide planes were encountered in B-3 at a depth of 3.3 and in B-4 at a depth of 6.5 feet. These landslide shear zones generally consisted of a very thin (0.13 to 0.25 inch) layer of soft blue gray sandy silt with some organics, including a root mat. The landslide plane in B-3 was inclined from 20 to 30 degrees from the horizontal. The landslide plane in B-4 was steeper and inclined at approximately 50 degrees from the horizontal. The depths of the two identified landslide planes, the inclinations of the planes, and the locations of the borings containing the planes suggest that they underlie two landslides as shown on our Geologic Cross Section on Figure 4.

The attached boring logs and related information depict location specific subsurface conditions, encountered during our field investigation as shown in Appendix A. The approximate locations of the borings were determined by measuring along the surveyed property boundaries and they should be considered accurate only to the degree implied by the method used. It should be noted that the passage of time could result in changes in the subsurface conditions due to environmental changes.

3.3 Ground Water, Seepage, and Surface Drainage

Standing water was encountered in two of our four borings drilled at the site, both located at the lower portion of the property. We initially encountered standing water in Boring B-3 at 1.5 feet during drilling. Immediately after completion of the boring, standing water was measured at approximately 11.5 feet below the existing ground surface. The water surface rose in B-3 to

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a depth of 5.0 feet below the existing ground surface over a period of approximately two hours prior to backfilling the boring. The standing water encountered at 1.5 feet in B-3 was likely perched water related to the upper secondary landslide as shown on the Geologic Cross Section on Figure 4. The actual ground water table is likely near the 11.5 feet depth in Boring B-3.

In Boring B-4, we initially encountered standing water at 15.0 feet below the existing ground surface. The boring was immediately backfilled after drilling. The standing water encountered in Boring B-4 at 15.0 feet was likely the ground water table for the lower portion of the site. It should be noted that due to time constraints, the borings may not have been open for a sufficient period of time to establish equilibrium ground water conditions and therefore, the depths and presence of standing water encountered in the exploratory borings at the site should be used as guidelines only. Additionally, fluctuations in the free groundwater level could occur due to change in seasons, variations in rainfall, and other factors.

We observed that the area near the southeast corner of the property upslope of the foot path that connects the two segments of Sims Drive was visibly wet and muddy. We anticipate that a slight seepage is responsible for this wet area. The location of this seepage coincides with the anticipated toe of the secondary landslide as shown on the Geologic Cross Section on Figure 4 and the perched water encountered in Boring B-3 as discussed above.

The lower portion of the site is located in a topographic low between two segments of Sims Drive. Runoff from the south segment of Sims Drive is collected in an elevated 12-inch diameter CMP and carried along the right-of-way for Sims Drive to a drainage inlet structure. The location of this above-ground 12-inch CMP relative to the property is shown on the Site Geologic Map on Plate 1. Runoff from the north segment of Sims Drive flows directly into the same drainage inlet structure located near the northeast corner of the project site. The collected runoff from both areas is carried in another above-ground pipe down the slope and away from the site. These drainage structures were presumably installed as part of the construction of Highway 13 and the grading of the lower portion of the landslide in the late 1950s as determined from our aerial photographic analysis and from our review of available documents at the City of Oakland as discussed in later sections of this report.

3.4 Geology and Seismicity

3.4.1 Geologic Setting

The property is located within the central portion of the Coast Ranges geomorphic province of California, a region characterized by northwest-southeast trending mountain ranges and intervening valleys underlain by a variety of rock types. The structural grain of the Coast Ranges was created by predominately lateral movements along the northwest-striking San Andreas fault and related faults. The San Andreas is a system of seismically active faults that include the Hayward fault, located

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closest to the site, the Calaveras, Concord, and Greenville faults. The San Francisco Bay area is recognized as one of the most seismically active regions in the world where small earthquakes (M<4) are frequent, moderate earthquakes (M 4–6) are sometimes felt, and large earthquakes (M>6) occur, but are rare.

3.4.2 Published Fault and Historic Earthquake Literature

The property is not located within an Earthquake Fault Zone as designed by the State of California for seismically active faults under the Alquist-Priolo Earthquake Fault Zoning Act of 1972 (Hart and Bryant, 1997; and State Geologist, 1982). However, the site is located approximately 950 feet west of the nearest splay of the active Hayward fault zone as measured on the City of Oakland parcel coverage map (City of Oakland, 1988 [see Figure 5]). The Hayward fault has offset sedimentary, igneous, and metamorphic rocks along this segment of the Oakland Hills.

No surface fault rupture features have been documented within or adjacent to the site from large historic earthquakes such as the 1868 Hayward (M 6.8) and the 1906 San Francisco (M 8.3) events (Youd and Hoose, 1978). To our knowledge, no such earthquake-related damages were reported within or adjacent to the site resulting from the most recent large earthquake to affect the Bay Area, the 1989 Loma Prieta earthquake (M 7.1).

3.4.3 Published Bedrock Maps

According to the published geologic maps reviewed, the project site and neighboring properties are underlain by a variety of rock types assigned to the Franciscan Complex of Upper Jurassic to Lower Cretaceous age. The rocks generally consist of shale and graywacke sandstone with lesser amounts of chert, greenstone, and serpentinite (see Figure 3). Mapped outcrops near the site consist mainly of chert (Case, 1968; Dibblee, 2005; Ellen and Wentworth, 1995; Graymer, 2000; Graymer and others, 1996; Radbruch, 1969; and Radbruch and Case, 1967). The bedrock types encountered in our exploratory borings and observed in a road cut along Trafalgar Place topographically below the site to the east are consistent with published descriptions of the Franciscan Complex.

The published geologic maps suggest that the Franciscan rocks generally dip down to the east from 45 to 58 degrees. Discontinuous shear zones have been mapped along Dimond Canyon south of the site, and northwest-striking faults have been mapped to the east and west of the project site. However, none of the shear zones or mapped fault projects through the property (Case, 1968; Dibblee, 2005; Graymer, 2000; Graymer and others, 1996; Radbruch, 1969; and Radbruch and Case, 1967). Field analysis of samples collected from our recent exploratory drilling program suggest that the bedrock structure generally dips from 40 to 50 degrees with some samples exhibiting much steeper dips. This is consistent with bedrock inclinations shown on the published geologic maps. However, the dip direction could not be determined from our observations of the samples.

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3.4.4 Published Landslide Maps

Landslide maps published by the U.S. Geological Survey identify the site as being within a large landslide complex. The landslide complex encompasses most of the existing homes along the Sims Drive to the north of the site, including the properties of 6715 and 6725 Sims Drive. The headscarp area of the landslide in shown to be slightly upslope of Sims Drive. The areal limits of the landslide have been mapped as extending down the slope to Highway 13 (Nilsen, 1975).

The subject property and neighboring properties are also mapped within a State of California Seismic Hazard Zone for earthquake-induced landslides as outlined in the Seismic Hazards Mapping Act of 1990. The mapped earthquake-induced landslide zone extends from the site to the north beyond La Salle Avenue, up the slope to the west near Estates Drive, and includes the section of Liggett Drive north of the site. Generally, the potential earthquake-induced landslides hazard zone includes most of the slope along the west side of Highway 13 for a distance of approximately 2,500 feet (State Geologist, 2003 [see Figure 2]).

No earthquake-induced landslides have been documented within or adjacent to the site from large historic earthquakes such as the 1868 Hayward (M 6.8) and the 1906 San Francisco (M 8.3) events (Youd and Hoose, 1978). To our knowledge, no such earthquake-related damages were reported within or adjacent to the site resulting from the most recent large earthquake to affect the Bay Area, the 1989 Loma Prieta earthquake (M 7.1).

3.4.5 Published Liquefaction Literature

The site is not within a State of California Seismic Hazard Zone for liquefaction as outlined in the Seismic Hazards Mapping Act of 1990. The nearest mapped liquefaction zone is along the upper portion of Sausal Creek approximately 1,000 feet south of the property (State Geologist, 2003 [see Figure 2]).

No liquefaction features, such as sand boils or lateral spreads, have been documented within or adjacent to the site from large historic earthquakes such as the 1868 Hayward (M 6.8) and the 1906 San Francisco (M 8.3) events (Youd and Hoose, 1978). To our knowledge, no such earthquake-related damages were reported within or adjacent to the site resulting from the most recent large earthquake to affect the Bay Area, the 1989 Loma Prieta earthquake (M 7.1).

3.4.6 CBC Seismic Factors

Based on the 2007 California Building Code (CBC) criteria, factors S_1, S_s, F_a, and F_v are required to determine the code design response spectra for the site. The soil profile at the site is determined to be type S_c, corresponding to approximately very stiff soils. For seismic design using the 2007 CBC according to the 2003 NEHRP Recommended Provisions for Seismic Regulations for New Buildings and Structures, the site has S_1 =0.793, S_s = 2.029, F_a =1.0, F_v =1.3, approximately.

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3.5 Aerial Photograph and City of Oakland Document Review

3.5.1 Aerial Photograph Review

We have reviewed selected vertical stereo pairs of aerial photographs covering the site and vicinity for the years 1946, 1947, 1950, 1953, 1957, 1959, 1963, 1969, 1974, 1977, 1983, 1991, 1998, and 2005. We have also reviewed available single frames of 1930 and 1939 vertical aerial photographs of the site and vicinity to supplement our study. The horizontal scales of the aerial photographs ranged from 1:7,200 to 1:36,000. A complete list of photographs reviewed and their sources is provided in the back of this report. The purpose of our aerial photographic review was to assess the relative stability of the previously mapped landslide over time and to delineate the approximate areal limits of the landslide relative to the project site (see Figure 5). The following paragraphs briefly summarize the development history of the site vicinity and landslide-related features potentially affecting the site, based on a review of aerial photographs.

Chronology of Development: Sims Drive and most of the adjacent streets, such as Liggett Drive and Estates Drive up hill and to the west of the project site, appear in the earliest photographs reviewed for this evaluation dated 1930. Residential development began in the neighborhood in the 1940s with a row of homes located along the east or downslope side of Liggett Drive, topographically above the project site, as observed on the 1946 and 1947 aerial photographs. As seen on the 1947 aerial photographs, a long driveway was in the construction phase extending from the south segment of Sims Drive toward the north along the rear yards of the 1940s Liggett Drive homes to reach the lot at 6751 Sims Drive (adjacent to south side of the project site). A building pad was developed at the end of this long driveway as observed in the 1950 aerial photographs, and a house appears for the first time on the 1953 aerial photographs.

Most of the residential development along both segments of Sims Drive dates to the mid-1950s, based on our review of aerial photographs. The portion of the present-day Warren Freeway (Highway 13) near the site was under construction by 1950 as seen on the aerial photographs. Based on our review of aerial photographs, the north and south segments of Sims Drive were never connected through the landslide area. If at some point in the past the street segments were connected, the link between the segments was short-lived and not captured on any of the photographs reviewed for this evaluation. The project site was never developed and it has remained vacant of any structures based on our review of aerial photographs.

Landslide Geomorphology: The lower portion of the landslide mass near Highway 13 can be identified by generally barren and uneven ground (i.e., hummocky terrain) as compared to adjacent slope areas in the 1940s and early 1950s aerial photographs. The south margin of the landslide near the project site is prominently marked by an abrupt end to the south segment of Sims Drive forming a short scarp as best seen on the 1946 and 1947 aerial photographs. The north landslide margin is

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more difficult to determine from the aerial photographs because of a dense grove of trees beginning along the north side of the project site. This dense grove of trees once occupied the adjacent properties of 6700 Liggett Drive, 6725 Sims Drive, and 6772 Sims Drive forming an east-west line marking the south end of a small forest. The presence of the grove of trees suggests relative long-term stability of the slopes adjacent to the north side of the project site. Most of these trees have been removed to accommodate residential development of the site area.

The north portion of the old landslide was active in and around 1950 as seen on the aerial photographs. At this time, reactivation of the landslide appeared to extend up the slope and to the west of the Sims Drive right-of-way where a slight depression can be seen. The lower portion of the property was likely involved in the landslide movement at that time, however, no obvious ground scarps were observed on the aerial photographs attributed to the slight depression. The south margin of the landslide is more prominent that the north margin of the landslide. Landslide movement was toward Trafalgar Place. The approximate areal limits of the 1950 landslide are shown on Figure 5. The 1957 aerial photographs show that the lower portion of the landslide was graded to some degree by the construction of Highway 13 and the south continuation of Trafalgar Place, but the magnitude of the grading operation could not be determined from our review of the aerial photographs. Near the same time, a series of surface drainage ditches have been installed along the upslope side of Trafalgar Place within the old landslide mass as seen on the 1957 aerial photographs. We observed these concrete-lined ditches during our geologic reconnaissance.

Another landslide occurred to the southwest of the project site in and around 1953 as observed on the aerial photographs. This landslide severed the east portion of Somerset Road and appears to have been a separate landslide from the landslide affecting the project site. The headscarp of this landslide appears to have been along the lower slopes of the properties at 6758 and 6764 Sims Drive as shown on Figure 5. The landslide extended down the slope to the intersection of Park Boulevard and Trafalgar Place. We observed the abandoned section of Somerset Road and the headscarp area during our geologic reconnaissance.

A densely vegetated swale appears on the 1950 aerial photographs along the south property boundary of the subject lot. This area is identified by a nearly continuous blanket of low vegetation, lacking any obvious ground breaks, and it is generally slightly lower in elevation than the adjacent areas. The approximate location of this swale may line up with reported slope stability problems affecting the adjacent property at 6751 Sims Drive as mentioned in a later section of this report. Our geologic reconnaissance at the suggests that this was an old drainage swale possibly caused by a debris flow triggered by development of the adjacent properties. The approximate aerial limits of this swale are shown on Plate 1.

3.5.2 Public Record File Review at City of Oakland

We have researched and reviewed previous geotechnical reports and documents for the project site

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and neighboring sites available at the City of Oakland Permit Center. Generally, these items consist of various permits previously issued by the City of Oakland for the project site, a City of Oakland document briefly describing the landslide history of the site and neighboring sites, and three geotechnical investigation reports for the two existing homes along the upslope side of Sims Drive closest to the project site. We have reviewed the available documents, taken notes regarding report conclusions/opinions, reconstructed ten exploratory boring logs, and plotted the approximate boring locations from these previous geotechnical studies on our Site Geologic Map with Boring Locations (see Plate 1). The City of Oakland does not allow reproduction of the geotechnical reports. The contents of these documents are summarized below in chronological order.

City of Oakland Report, 1954: This report consists of a 2-page letter accompanying 24 pages of exploratory boring and sample blowcount data for two subsurface exploration programs completed in 1946 and 1952, performed adjacent to and possibly within the site. We were unable to determine the locations of borings with any degree of accuracy due to the lack of recognizable property boundaries. The focus of the study was to investigate the landslide adjacent to the project site and a design a drainage trench to mitigate the landslide. The drainage trench was reportedly not installed because the property owners on Liggett Drive objected to signing liability waivers from the City of Oakland.

The report states that the landslide created problems before and after Tract 591 was developed (approximately 1946 – 1955) and that the street construction from Sims Drive across the landslide was only temporary because the developer did not wish to stabilize the landslide to the satisfaction of the City of Oakland. We did not observe any through-going street continuation of Sims Drive during this time interval from our aerial photographic analysis as discussed in the above section. According to the report, slope stability problems developed at 6751 Sims Drive (located adjacent to the project site to the south) and in the rear yards of 6716 Liggett Drive and possibly 6708 Liggett Drive (located adjacent to the project site to the west) in 1958. The slope stability problems mentioned in the report seem to coincide with the location of a densely vegetated swale near the property boundary of the project site as observed during our review of the 1950 aerial photographs (see Plate 1). The construction of Highway 13 reportedly removed and replaced the greater part of the landslide below Sims Drive. It was the 1954 report author's opinion that the stablization of the landslide by removal and replacement was probably successful subject to minor reactivations of the upper portions of the landslide.

Provenzano & Associates, Inc., Report, 1978: A geotechnical investigation was performed for the construction of the existing residence located at 6725 Sims Drive, adjacent to the north side of the project site. Five exploratory borings were drilled and two probes were advanced. Gound water was encountered in four of the five borings at depths ranging from 5.6 to 19.5 feet below the existing ground surface. Various types of bedrock were encountered in all of the borings drilled at depths ranging from 9.0 to 13.5 feet. The bedrock consisted of clay shale, silty claystone, serpentine, clayey sandstone, and sandstone. The report concluded that the site was underlain by relatively thick

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deposits of overburden soils with variable loose densities. It was the geotechnical engineer's opinion that some of these soils appear to consist of ancient landslide debris. Possible old slip surfaces were noted on the borings logs for P-4 at 10.0 feet; and for P-5 at 6.0, 9.0, and 15.0 feet. We did not observe any obvious signs of slope instability of this property from our aerial photographic analysis as discussed earlier in this report. In fact, the dense grove of trees seen initially in the 1930 aerial photographs as occupying this and adjacent properties suggest some form of stability of this site overtime.

Abel R. Soares and Associates Reports, 1986: Two exploratory geotechnical drilling investigations by the same firm were performed within the same property approximately 6 months apart for the construction of the existing residence at 6715 Sims Drive. This property is two doors to the north from the project site along the same side of Sims Drive. Two borings were drilled and one probe was advanced during the first exploration. Three more borings were drilled during the second exploration program. Four of the five borings encountered sandstone bedrock and one encountered shale at depths ranging from 5.0 to 9.0 feet. Overlying the bedrock was presumably topsoil and colluvium and possibly very weathered bedrock. No ground water information was noted on the boring logs.

Site Permits, 1987, 2001, and 2009: According to the permit history, a new wood-famed single family residential development was proposed at the site in 03/23/87, but the permit was allowed to expire in 11/10/88. Another attempt was made to develop the site in 01/05/01 when a proposed 3-story single family dwelling with an attached 2-car garage went through design review. A grading permit was also applied for on 05/21/01. However, these permits were allowed to expire in 03/11/03. Another permit, filled on 04/03/01, was for the removal of a total of 8 trees within the property. The last permit for the site was in 09/12/09 for the installation of a pole anchor per AT&T.

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4.0 CONCLUSIONS AND RECOMMENDATIONS

It is our opinion based on the explored subsurface conditions as described in Section 3.2 and substantiated by data collected and reviewed during the course of our study as presented in other section of this report, the primary geological and geotechnical considerations for developing the site include the upper portion of a landslide that was active in the 1940s and 1950s. The aerial limits of the landslide within the property are should on Plate 1. The depths of the landslide within the property from our recent subsurface exploration program varied from 3.3 feet in Boring B-3 to 6.5 feet in Boring B-4 as illustrated on our Geologic Cross Section in Figure 4. Based on information collected and analyzed during the course of our study, we judge that the project site has been successfully screened for potential seismic hazards as per the California Geological Survey Special Publication 117 (CGS, 1997) and that a qualitative evaluation for potential seismic hazards is not necessary. Further, it is our opinion that the site is suitable for the proposed development from a geotechnical engineering standpoint as long as the conclusions and recommendations presented in this report are incorporated in the design and construction of the project in order to minimize possible soil and/or foundation related problems.

We recommend that the proposed residence and retaining walls be entirely supported on a drilled pier and grade beam foundation system as shown on Section 4.2. The proposed retaining walls located upslope of the home should also be supported on drilled piers and provided with subdrains. All ancillary structures, such as patios and decks should also be supported on a deepened foundation system if slope movements can not be tolerated for such structures.

Based on the elevation plans provided to us, the majority of the landslide, except for part of the garage area, will be removed to reach the finished grade. The landslide materials below the garage area should be over- excavated and reworked as recommended in Section 4.1. The lateral extent of rework should be at least 5 feet beyond the building footprint. Keyway and subdrain system as recommended in Section 4.1.9 should be incorporated in the earthwork below the garage.

Along with the foundation design, it is important to manage surface water runoff on each building pad. This should include drainage improvements to provide positive drainage away from building, and collect and channel surface water runoff to suitable outlets. In addition, prudent landscaping and irrigation are important for managing the moisture changes around structures. Detailed grading and foundation recommendations addressing these concerns are presented in Sections 4.1.6 and 4.2.3 of this report.

Detailed earthwork and foundation recommendations for use in design and construction of the project are presented below. We recommend that our firm review the final design and specifications to check that the earthwork and foundation recommendations presented in this report have been

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properly interpreted and implemented in the design and specifications. We can assume no responsibility for misinterpretation of our recommendations if we do not review the plans and specifications.

4.1 Earthwork

4.1.1 Clearing and Site Preparation

The site should be cleared of all obstructions, including trees and associated root systems, and debris. Holes resulting from the removal of underground obstructions extending below the proposed finish grade should be cleared and backfilled with suitable material compacted to the requirements in Section 4.1.4, *Compaction*. We recommend backfilling operations for any excavations to remove deleterious material be carried out under the observation of the Engineer.

After clearing, the portions of the site containing surface vegetation or organic laden topsoil should be stripped to an appropriate depth to remove these materials. At the time of our field investigation, we estimated that a stripping depth of approximately 2 inches would be required. The amount of actual stripping should be determined in the field by the Engineer at the time of construction. Stripped materials should be removed from the site, or stockpiled for later use in landscaping, if desired.

4.1.2 Subgrade Preparation

After the completion of clearing and stripping, soil exposed in areas to receive structural fill, slabs-on-grade, or pavements should be scarified to a depth of 6 inches, moisture conditioned to slightly above optimum water content, and compacted to the requirements for structural fill.

In order to achieve satisfactory compaction in the subgrade and fill materials, it may be necessary to adjust the water content at the time of construction. This may require that water be added to soils that are too dry, or that scarification and aeration be performed in any soils that are too wet.

4.1.3 Fill Material

On-site soil below the stripped layer and having an organic content of less than 3 percent by volume can be used as fill except where non-expansive import is required beneath the slabs. All fill placed at the site, including on-site soils, should not contain rocks or lumps larger than 6 inches in greatest dimension, with not more than 15 percent larger than 2½ inches. In addition, imported fill should be predominantly granular, with a plasticity index of 14 or less.

4.1.4 Compaction

All fill, as well as scarified surface soils in those areas to receive fill or slabs-on-grade, should be compacted to at least 90 percent relative compaction as determined by ASTM Test

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Designation D1557, latest edition, at a moisture content near the laboratory optimum, except for the native expansive clays. Fills greater than 5 feet in thickness should be compacted to at least 93 percent for the portion within the upper 5 feet. Fill should be placed in lifts no greater than 8 inches in uncompacted thickness. Each successive lift should be firm and non-yielding under the weight of the construction equipment. The native expansive clays should be compacted to 87 to 92 percent relative compaction at a moisture content at least 3 percent over optimum.

In pavement areas, the upper 6 inches of subgrade and full depth of aggregate base should be compacted to at least 95 percent relative compaction (ASTM D1557-91). Aggregate base and all import soils should be compacted at a moisture content near the laboratory optimum.

4.1.5 Trench Backfill

Bedding and shading materials to be used around underground utility pipes should be predominantly granular and should be placed and compacted in accordance with the project specifications, local requirements, or governing jurisdiction. General fill to be used above shading materials should be placed and compacted in accordance with local requirements or the recommendations contained in this section, whichever is more stringent.

The surficial soils encountered during this investigation may be used as general fill above shading materials provided they meet the requirements of Section 4.1.3 – Fill Material. General fill should be placed in lifts not exceeding 8 inches in uncompacted thickness and should be compacted to at least 90 percent relative compaction (ASTM D1557, latest edition) by mechanical means only; jetting of trench backfill is not recommended. The upper 12 inches of general fill in building pad and pavement areas subject to wheel loads should be compacted to at least 95 percent relative compaction. However, thicker lifts can be used, provided the method of compaction is approved by the Engineer, and the required minimum degree of compaction is achieved.

Where utility trenches backfilled with sand enter building pads, the trenches should be backfilled by an impermeable plug at the exterior wall foundation. The plugs can be composed of compacted clayey soil, compacted bentonite, or a bentonite-cement or sand-cement slurry mixture. The plugs should be at least 2 feet thick and should extend at least 2 feet beyond the edges and bottom of the trench to 'key in' the plug. The plug should also extend to within 1 foot of the lowest adjacent grade.

All utility trenches that extend below curbs and gutters should also be plugged as described above. The plug should be located below the curb and gutter.

4.1.6 Surface Drainage

Positive surface gradients should be provided adjacent to the structures to direct surface water away from foundations and slabs toward suitable discharge facilities. Similarly, roof downspouts should be connected to solid collector pipes that discharge to appropriate facilities. Ponding of

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surface water should not be allowed adjacent to the structures or on pavements.

4.1.7 Temporary Slopes and Shoring

The Contractor should be familiar with applicable local, state, and federal regulations, including the current OSHA Excavation and Trench Safety Standards. The following information is presented for preliminary design purposes and is intended to indicate subsurface conditions in order to appropriately design and construct temporary construction slopes.

Temporary cut slopes should not exceed an inclination of ½:1 (horizontal to vertical). It is important to note that the soils to be excavated may vary significantly across the site. The Contractor should verify that similar conditions exist throughout the proposed area of excavations. If different subsurface conditions are encountered at the time of construction, we recommend that we be contacted immediately to evaluate the conditions encountered.

The Contractor's "responsible person," as defined in 29 CFR Part 1926, should evaluate the soil exposed in the excavations as part of the Contractors safety procedures. If an excavation, including trenches, is extended to a depth of more than twenty (20) feet, it will be necessary to have the side slopes designed by a Registered Engineer.

As an alternative to temporary construction slopes, vertical excavations can be temporarily shored using braced or cantilevered sheet pile shoring schemes for placement of the structures. The shoring should be adequately rigid to minimize damage to the adjacent ground surface. The Contractor or Specialty Subcontractor should be responsible for the design of the temporary shoring in accordance with applicable regulatory requirements. We recommend that GTC review any temporary shoring plans. In addition, we recommend that the Geotechnical Engineer observe the installation of the temporary shoring system.

4.1.8 Permanent Cut and Fill Slopes

We recommend cut slopes in relatively low-expansive bedrock not exceed an inclination of 3:1 (horizontal to vertical) and fill slopes be designed and constructed no steeper than 3:1 (horizontal to vertical). If the fill is composed of granular soils or soil/rock mixtures of very low expansion potential, then the fill slopes can be constructed at an inclination of 2:1 with proper keyway with subdrain. We recommend that fill slopes be over-built approximately 2 feet horizontally and then trimmed back to finished grades.

If steeper slopes without retaining wall support are desired in the final grading, we should be consulted and further study would be required to assess the stabilities. All exposed slopes will be subject to minor sloughing and erosion requiring periodic maintenance. We recommend that erosion control measures be installed on all exposed slopes to minimize erosion on the slope surface.

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A positive surface gradient of at least 2 percent at top of slopes should be provided to direct surface runoff away from the top of slopes and towards a suitable discharge facility.

4.1.9 Keyway and Subdrain

Once the weak landslide debris is removed and/or reworked, the exposed subgrade should be keyed and benched. Considering the extent of mapped landslide, a keyway should be installed and should extended at least 5 feet into competent bedrock or engineered imported fill. A subdrain should be placed near the rear of the keyway. The base of keyway should slope toward the subdrain at a gradient of about 2 percent.

The subdrains should consist of perforated pipe surrounded by free draining, uniformly graded, ½ to ¾ inch crushed gravel wrapped in filter fabric such as Mirafi 140N or equivalent. The filter fabric should overlap approximately 12 inches or more at joints. The subdrain pipe should consist of perforated, at least 4 inch diameter, rigid ABS (SDR-35) or PVC A-2000, or equivalent pipe, with perforations placed down. Subdrain trenches should be at least 18 inches wide and 4 feet deep.

The lateral subdrains should be connected to a solid collector pipe with a minimum diameter of 6 inches. The collector pipe should be connected to a drainage outlet that is able to transmit the collected water to a proper drainage facility. Subdrain clean-outs should be provided and the locations should be based upon the reach of rotary cleaning system and the restrictions of pipe bends.

4.1.10 Construction During Wet Weather Conditions

If construction proceeds during or shortly after wet weather conditions, the moisture content of the on-site soils could be appreciably above optimum. Consequently, subgrade preparation, placement and/or reworking of on-site soil as structural fill might not be possible. Alternative wet weather construction recommendations can be provided by the geotechnical engineer in the field at the time of construction, if appropriate.

4.1.11 Guide Specifications

All earthworks should be performed in accordance with the Guide Specifications - Site Earthwork presented in Appendix C. These specifications are general in nature and the final specifications should incorporate all recommendations presented in this report.

4.2 Foundation Support

4.2.1 Drilled Piers

We recommend that the proposed development be entirely supported on drilled, cast-in-place, straight shaft piers that develop their load carrying capacity by side resistance between the pier

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concrete and the surrounding materials underlying the site. The piers should have a minimum diameter of 18 inches, and a minimum center-to-center spacing of three times the shaft diameter. Pier reinforcing should be based on structural requirements.

The actual design depth of the piers should be determined using an averaged allowable side resistance of 650 pounds per square foot (psf) with a one-third increase for all loads including wind or seismic. Eighty percent of side resistance can be used to resist uplift. The piers should be at least 20 feet in length or 10 feet into the competent soil along the entire footprint. The upper one feet of pier shaft should be neglected in design, unless the adjacent grade is completely covered by concrete or pavement. Grade beams should be designed to span between piers. The bottoms of the pier excavations should be relatively dry, and free of all loose cuttings or slough prior to placing reinforcing steel and concrete. Any accumulated water in pier excavations, if occur, should be removed prior to placing concrete.

Structural loads were not available for our review at the time of our investigation. Based on the maximum allowable side resistance and end bearing recommended above, we estimate that post-construction differential movement between adjacent columns will be no greater than ½ inch. We should be retained to review the final foundation plans and structural loads to verify the above settlement estimates.

4.2.2 Interior Slabs-on-Grade

We recommend that interior slabs-on-grade, if used, be supported on a minimum of 12 inches of imported non-expansive compacted fill. Alternatively, if the slab is reinforced with a minimum of #4 bars on 18-inch centers both ways for shrinkage control, the slab could be supported on 6 inches of non-expansive fill. However, for either alternative, slab reinforcing should be provided in accordance with the anticipated use and loading of the slab. Slab-on-grade subgrade surfaces should be proof-rolled to provide a smooth, unyielding surface for slab support.

Below interior slabs-on-grade in living spaces, a moisture barrier should be provided between the slab and subgrade. We recommend that such a moisture barrier consist of 4 inches of free draining gravel covered with a 10-mil thick impermeable membrane (or Moistop) placed between the subgrade soil and the slab. The membrane should be covered with 2 inches of sand for protection during construction. The sand should be lightly moistened just prior to placing the concrete. The moisture barrier can be used in lieu of the upper 6 inches of recommended non-expansive fill. If a wall or footing is not present at the edge of the slab to provide a water cutoff for the moisture barrier, a minimum 12-inch wide concrete barrier or "thickened edge" that is supported directly on the subgrade materials should be provided at the perimeter of the slab.

Concrete slabs retain moisture and often take many months to dry. We recommend that carpets that allow air to pass through them be used over concrete floor slabs. If vinyl or wood floor tiles

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are to be used, the concrete floor slab should be given sufficient time to air dry before the tiles are installed. Alternatively, a floor sealant could be applied over the concrete to minimize moisture from accumulating under the floor tiles.

4.2.3 Retaining Walls and Below Grade Walls

We recommend that the unrestrained walls be designed to resist an equivalent fluid pressure of 35 pounds per cubic foot. This assumes a level backfill. Restrained walls, such as walls located adjacent to slab foundations, should be designed to resist an equivalent fluid pressure of 45 pounds per cubic foot plus a uniform pressure of 6H pounds per square foot where H is the height of the wall in feet. Walls with inclined backfill should be designed for an additional equivalent fluid pressure of 1 pound per cubic foot for every 2 degree of slope inclination. Walls subjected to surcharge loads should be designed for an additional uniform lateral pressure equal to one-third and one-half the anticipated surcharge load for unrestrained and restrained walls, respectively.

The recommended lateral pressures assume walls are fully-backdrained to prevent the build-up of hydrostatic pressures. Adequate drainage may be provided by a subdrain system positioned behind the walls. This system should consist of a 4-inch minimum diameter, perforated pipe placed near the base of the wall (perforations placed downward). The pipe should be bedded and backfilled with Class 2 Permeable Material of Caltrans Standard Specifications, latest edition. The permeable backfill should extend at least one foot out from the wall and to within one foot of the finished grade. Alternatively, ½-inch to ¾-inch crushed rock may be used in place of the Class 2 Permeable Material provided the crushed rock and pipe are enclosed in filter fabric, such as Mirafi 140N or equivalent. The upper one foot of wall backfill should consist of relatively impervious compacted on-site clayey soil. The subdrain outlet should be connected to a free-draining outlet or sump. In addition, damp-proofing of the walls should be included in areas where wall moisture would be undesirable.

Miradrain, Geotech Drainage Panels, or Enkadrain drainage matting may be used for wall drainage as an alternative to the Class 2 Permeable Material or drain rock backfill. The drainage panel should be connected to the perforated pipe at the base of the wall.

4.2.4 Lateral Load Resistance

Lateral load resistance for the proposed improvements can be developed by mobilizing passive resistance against the drilled pier shafts. We recommend a passive resistance equal to an equivalent fluid weighing 500 pounds per cubic foot to a maximum value of 5,000 psf acting against twice the projected area of the individual pier shafts be used for design. The uppermost one feet of soil should be neglected for passive pressure design, unless the adjacent grade is directly overlain by slab or pavement.

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4.2.5 Special Consideration – Exterior Slabs

To minimize the impact of the relatively heterogeneous near surface soils, consideration should be given to reinforcing the exterior slabs, sidewalks, driveways, and curb and gutter with steel bars in lieu of wire mesh. Number 4 bars at 18-inch centers each way could be used. Dowels should be provided at all expansion and cold joints. Although, sidewalks which are adequately reinforced will still crack, trip hazards requiring replacement of the slabs would be minimized. Alternatively, a flexible flatwork system, such as interlocking paving stones could be used for sidewalks and driveways. Paving stones can be releveled or replaced if settlement occurs. Adequate clearance should be provided between the exterior slabs and building elements that overhang these slabs, such as window sills or doors that open outward. This may be accomplished by using a strip of 30-pound felt divider material between the slab edges and the adjacent structures.

In addition, the public sidewalks, street curb and gutter, and driveway slabs should be supported directly on the native soils or compacted fills. Eliminating the rock base beneath these slabs will minimize the potential for migration of the landscape irrigation water into the street subgrade, which could be detrimental to the pavement section. One to two days prior to placing concrete, the subgrade soils should be soaked to bring their moisture content to at least 5 percent above laboratory optimum moisture (ASTM D-1557). The water content of the subgrade soils should be verified by field testing by the Geotechnical Engineer prior to placing concrete.

4.3 Construction Observation

The analysis, designs, opinions, and recommendations submitted in this report are based in part upon the data obtained from our four soil borings and data presented in the previous reports and upon the conditions existing when services were performed. Variations of subsurface conditions from those analyzed or characterized in the report are possible as may become evident during construction. In that event it may be advisable to revisit certain analyses or assumptions.

We recommend that our firm be retained to provide geotechnical services during site preparation and foundation installation, to observe compliance with the design concepts, specifications and recommendations presented in this report. Our presence will also allow us to modify design if unanticipated subsurface conditions are encountered.

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5.0 References

Abel R. Soares and Associates, Inc, 1986a, *Geotechnical Investigation for Assessors's Parcel No. 78C-7193-7, Sims Drive in the City of Oakland*: Consultants Unpublishcd Technical Report, Job #1013-1, dated June 12, 1986, 9 p., 2 figs., 1 appendix.

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AERIAL PHOTOGRAPHS REVIEWED

DATE	FLIGHT LINE	FRAMES	SCALE	TYPE
1930*	GY	30-86	1:9,500	Single Frame
08-02-39†	BUT-BUU	289-46	1:20,000	Single Frame
10-28-46†	GS-CP	6-38 & 39	1:24,000	B & W Stereo
03-24-47*	AV-11	03-14 & 15	1:20,000	B & W Stereo
04-14-50*	AV-28	18-08 & 09	1:7,200	B & W Stereo
08-15-53*	AV-119	13-20 & 21	1:10,000	B & W Stereo
05-03-57*	AV-253	11-28 & 29	1:12,000	B & W Stereo
07-08-59*	AV-337	09-28 & 29	1:9,600	B & W Stereo
07-25-63*	AV-550	09-21 & 22	1:36,000	B & W Stereo
05-02-69*	AV-902	08-21 & 22	1:12,000	B & W Stereo
10-14-74†	AREA 9	13-137 & 138	1:23,600	Color Stereo
07-07-77*	AV-1377	08-28 & 29	1:12,000	B & W Stereo
06-21-83*	AV-2300	08-22 & 23	1:12,000	B & W Stereo
10-23-91*	AV-4138	2-6 & 7	1:12,000	B & W Stereo
08-24-98*	AV-6100	112-32 & 33	1:12,000	B & W Stereo
03-09-05*	KAV-9010	42-11 & 12	1:10,000	B & W Stereo

*Photographs available at Pacific Aerial Surveys, Oakland, California

†Photographs available at the U.S. Geological Survey, Menlo Park, California

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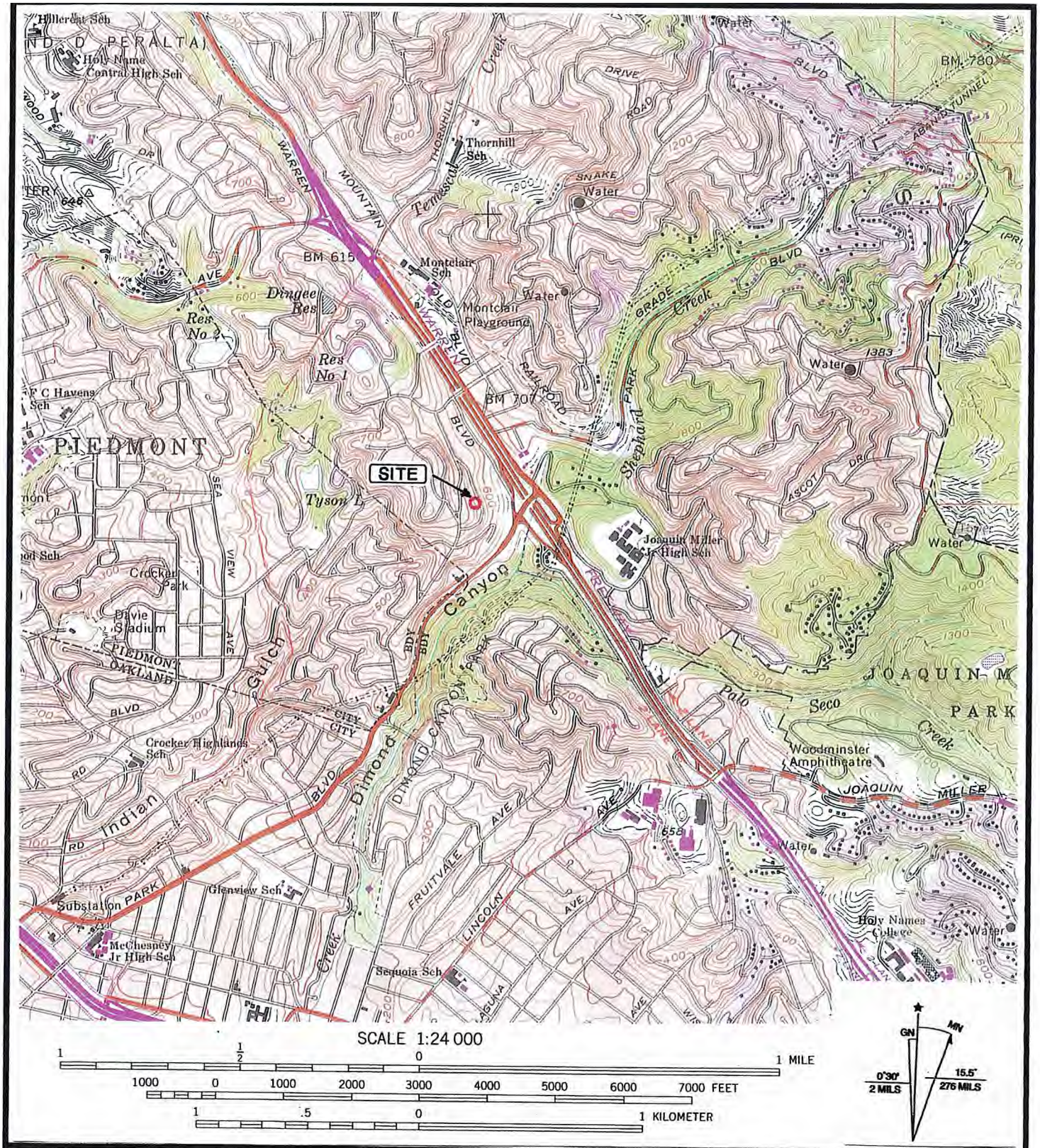
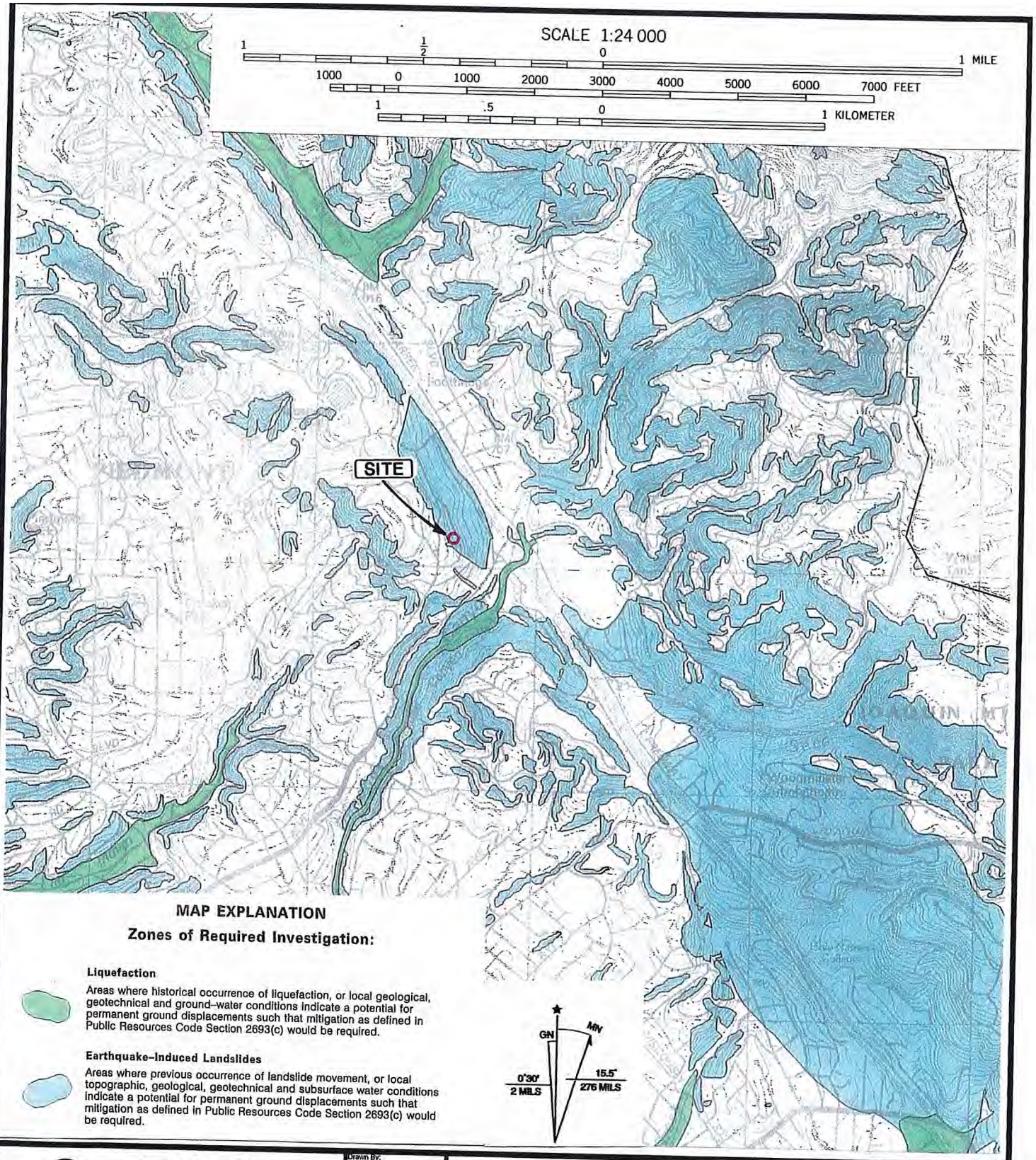
FIGURES



GeoTrinity *Consultants, Inc.* 7770 Pardee Lane, St 101 Oakland, California 94621 Tel: (510) 383-9950 - Fax:(510)383-9957	Drawn By: / Prepared By: / Approved By: / Scale: / Date: / Drawing File: JY	**LOCATION MAP** NEW RESIDENCE 6735 SIMS DRIVE OAKLAND, CA	FIGURE 1 PROJECT NO. GE 2180



MAP EXPLANATION

Zones of Required Investigation:

Liquefaction

Areas where historical occurrence of liquefaction, or local geological, geotechnical and ground–water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

Earthquake–Induced Landslides

Areas where previous occurrence of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required.

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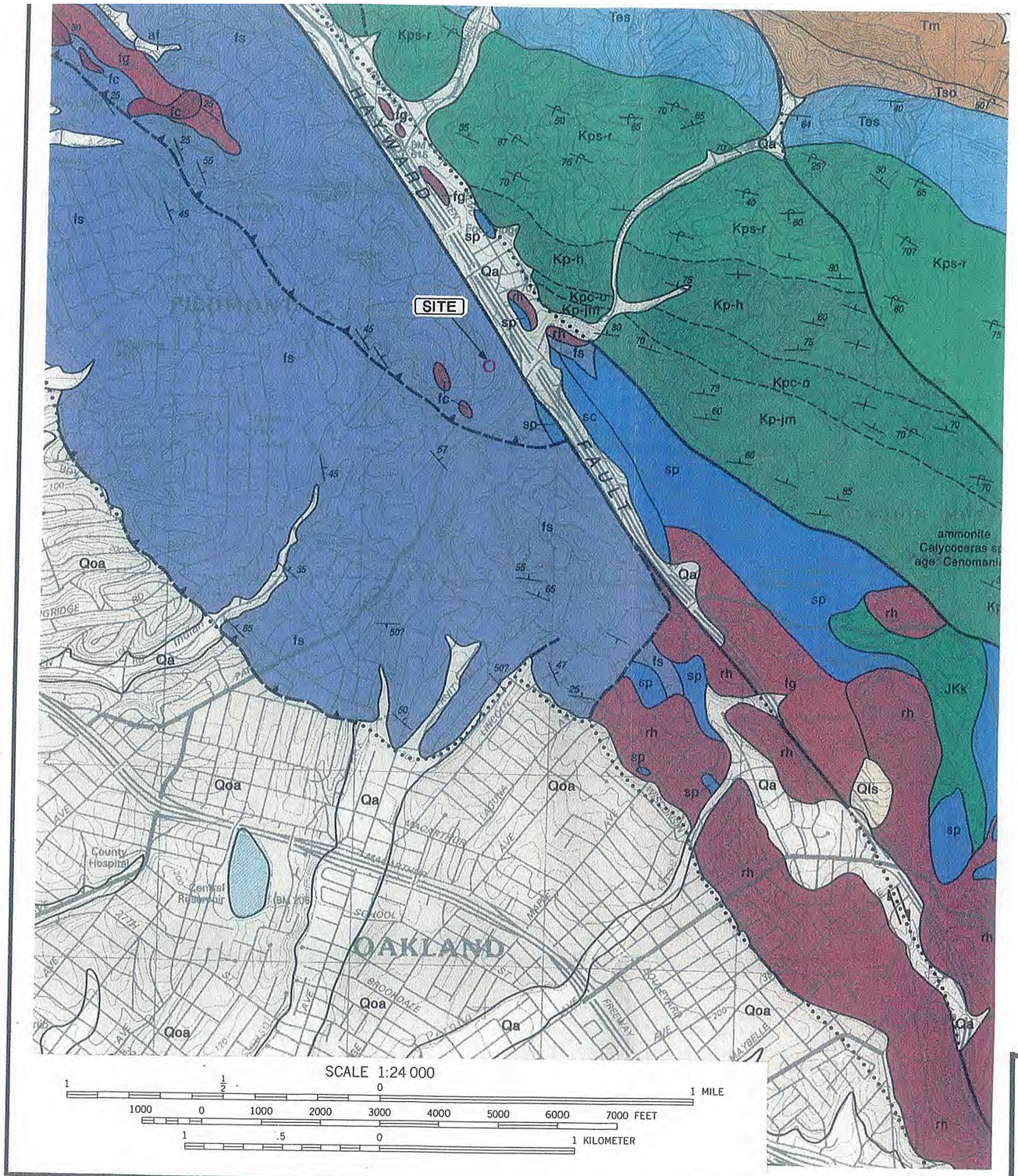
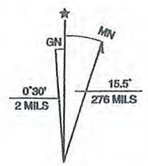
SEISMIC HAZARDS MAP

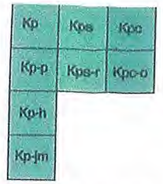
NEW RESIDENCE
6735 SIMS DRIVE
OAKLAND, CA

FIGURE
2

PROJECT NO.
GE 2180







PANOCHE FORMATION

Kps, Kp, and Kpc - lithologic units of Great Valley Sequence; marine clastic, lithified; age late Cretaceous

Kps *Sandstone, light gray to light brown, bedded, fine to medium grained, arkosic, locally contains some thin layers of clay shale*

Kp *Clay shale, dark gray, micaceous, bedded, crumbly, contains a few thin layers of sandstone*

Kpc *Conglomerate (Oakland Conglomerate) brown, of smooth cobbles and pebbles of porhyritic metavolcanic rocks, hard plutonic and dioritic rocks and few of black chert and quartzite*

Kp-p *Pinehurst Shale, lithology same as Kp, age formerly interpreted as Paleocene (Case, 1968, Radbruch, 1968) now interpreted as Maastrichtian latest-Cretaceous, lithology same as Kp, includes some sandstone, includes thin basal layer of variegated red and green clay with abundant foraminifera diagnostic of Maastrichtian or slightly older age (Case, 1968)*

Kps-r *Redwood Canyon Formation, lithology same as Kps; age interpreted to be Campanian-Maastrichtian as suggested by a Baculites fragment (Case, 1968)*

Kp-h *Shepard Creek Formation, lithology same as Kp, unfossiliferous, age possibly Turonian (Case, 1968)*

Kpc-o *Oakland Conglomerate (of Lawson 1914) lithology same as Kpc, unfossiliferous, age possibly Turonian (Case, 1968)*

Kp-jm *Joaquin Miller Shale, formerly assigned to Knoxville Formation (by Lawson, 1914), lithology claystone like Kp, but includes many thin layers of arkosic sandstone, like Kps. Age, as interpreted from an ammonite found near top of unit on Skyline Boulevard (see map, central area) identified as Calycoceras sp. diagnostic of Cenomanian age, early-late Cretaceous (Jones, D.V. and Durham, J.W., in Case 1968, p J13)*

KNOXVILLE FORMATION

(of Lawson, 1914, Radbruch, 1968)

Marine clastic, lithified; age late Jurassic to early Cretaceous

JKk *Clay shale, dark gray, thin bedded, micaceous, includes thin interbeds of olive brown fine grained graywacke sandstone and olive brown dolomitic limestone*

— UNCONFORMITY OR FAULT —

COAST RANGE OPHIOLITE COMPLEX

Igneous complex, in part intrusive into JKk; age late Jurassic

rh *Leona Rhyolite (of Lawson, 1914, then interpreted to be of Pliocene ? age); now radiometrically dated as late Jurassic; intrusive into JKk; rock ranges from rhyolite to dacite, tan, hard, felsitic to very fine grained, massive*

sp *Serpentinite, hydrothermally metamorphosed from mafic igneous rocks, such as dunite and diabase, hydrous magnesium silicate, massive, amorphous, blue-green gray, much fractured and slickensided*

ob *Ultramafic rocks, mostly gabbro and diorite, fine grained, massive, in part altered to greenstone*

FRANCISCAN ASSEMBLY

Submetamorphosed eugeosynclinal marine sedimentary and mafic igneous rocks; age Jurassic and Cretaceous

fs *Graywacke sandstone, gray, massive to locally bedded, fine grained, hard but fractured, includes gray silty to arenaceous shale; in large part sheared to melange with small tectonic fragments of chert, greenstone, graywacke and serpentinite, too small to map*

fc *Chert, varicolored red and green, thin bedded, brittle, contorted*

fg *Greenstone (metabasalt), black, massive*

sc *Complexly sheared Franciscan rocks, including serpentinite altered to iron stained, siliceous*

CRETACEOUS ?

JURASSIC AND CRETACEOUS

MESOZOIC

DIBBLEE, T.W., JR., 2005, GEOLOGIC MAP OF THE EAST QUAD

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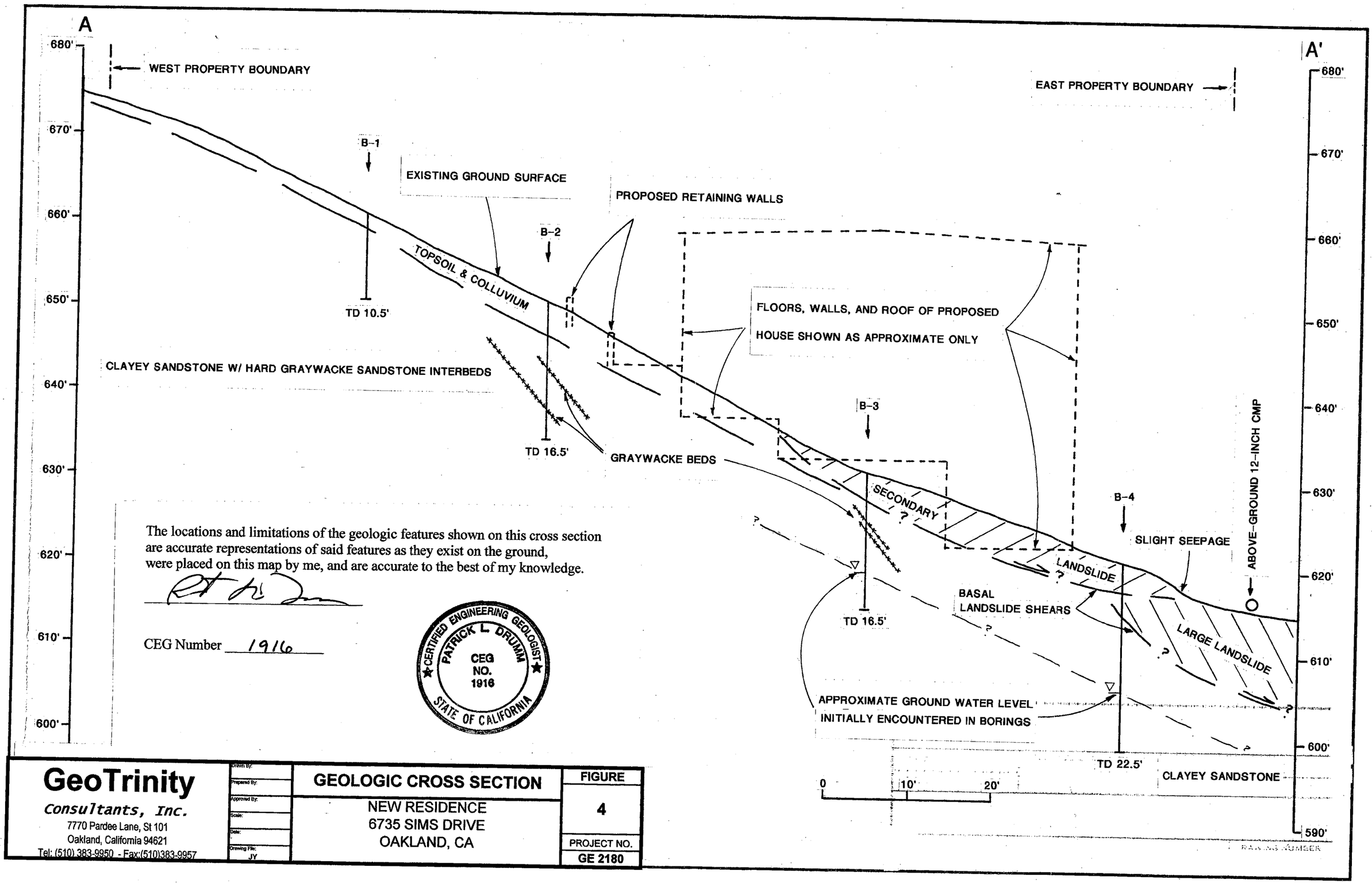
REGIONAL GEOLOGIC MAP

NEW RESIDENCE
6735 SIMS DRIVE
OAKLAND, CA

FIGURE
3

PROJECT NO.
GE 2180



The locations and limitations of the geologic features shown on this cross section are accurate representations of said features as they exist on the ground, were placed on this map by me, and are accurate to the best of my knowledge.

CEG Number 1916

CERTIFIED ENGINEERING GEOLOGIST
PATRICK L DRUMM
CEG NO. 1916
STATE OF CALIFORNIA

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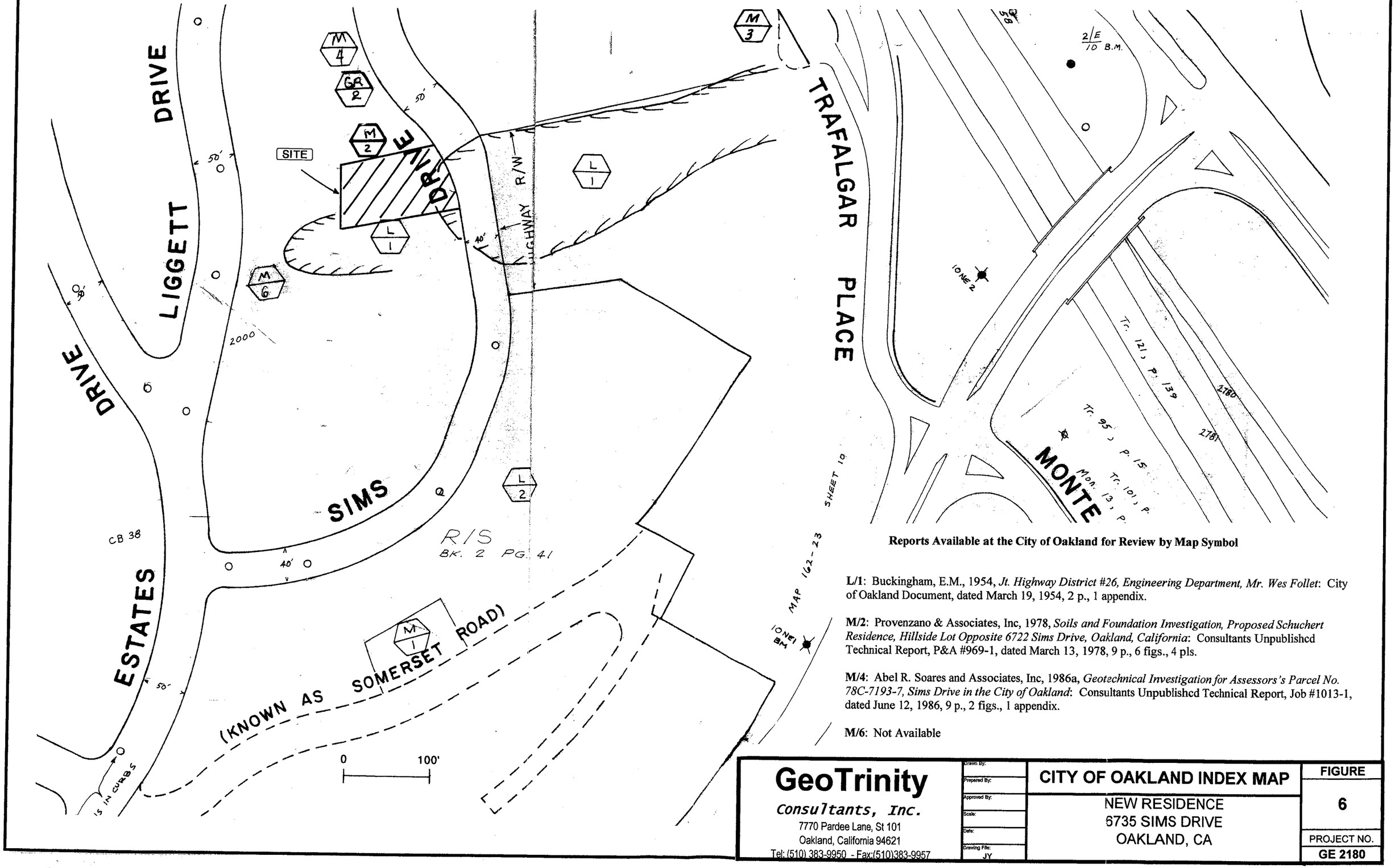
GEOLOGIC CROSS SECTION

NEW RESIDENCE
6735 SIMS DRIVE
OAKLAND, CA

FIGURE 4

PROJECT NO. GE 2180



Reports Available at the City of Oakland for Review by Map Symbol

L/1: Buckingham, E.M., 1954, *Jt. Highway District #26, Engineering Department, Mr. Wes Follet*: City of Oakland Document, dated March 19, 1954, 2 p., 1 appendix.

M/2: Provenzano & Associates, Inc, 1978, *Soils and Foundation Investigation, Proposed Schuchert Residence, Hillside Lot Opposite 6722 Sims Drive, Oakland, California*: Consultants Unpublishcd Technical Report, P&A #969-1, dated March 13, 1978, 9 p., 6 figs., 4 pls.

M/4: Abel R. Soares and Associates, Inc, 1986a, *Geotechnical Investigation for Assessors's Parcel No. 78C-7193-7, Sims Drive in the City of Oakland*: Consultants Unpublishcd Technical Report, Job #1013-1, dated June 12, 1986, 9 p., 2 figs., 1 appendix.

M/6: Not Available

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Drawing File: JY

CITY OF OAKLAND INDEX MAP

NEW RESIDENCE
6735 SIMS DRIVE
OAKLAND, CA

FIGURE 6

PROJECT NO. **GE 2180**

APPENDIX A

Field Investigation

APPENDIX A

Field Investigation

The field investigation consisted of a surface reconnaissance and a subsurface exploration program using a hydraulic-powered minuteman with solid flight augurs. Two 3½-inch diameter exploratory borings were drilled on May 23, 2010 to a maximum depth of 22.5 feet. The soils and rock encountered in the borings were nearly continuously logged in the field by our representative. The soils are described in accordance with the Unified Soil Classification System (ASTM D-2487.) The logs of the borings, as well as a key for the classification of the soil (Figure A-1) and rock (Figure A-2), are included as part of this appendix.

Representative samples were obtained from the exploratory borings at selected depths appropriate to the investigation. Undisturbed samples were obtained using a 3-inch O.D. Modified California sampler and disturbed samples were obtained using the 2-inch O.D. split spoon sampler. All samples were transmitted to our laboratory for evaluation and appropriate testing. Both sampler types are indicated in the "Sampler" column of the boring logs as designated in Figure A-1.

Resistance blow counts were obtained with the samplers by dropping a 140-pound hammer through a 30-inch free fall. The sampler was driven 18 inches, or a shorter distance where hard resistance was encountered, and the number of blows were recorded for each 6 inches of penetration. The blows per foot recorded on the boring logs represent the accumulated number of blows that were required to drive the last 12 inches, or the number of inches indicated where hard resistance was encountered. When the split spoon sampler was used, these blow counts are the standard penetration resistance values. However, due to the large diameter of the Modified California sampler, the blow counts recorded for this sampler are not standard penetration resistance values. In order to convert these values to approximate standard penetration resistance values, the indicated blow counts should be multiplied by a factor of about 0.6.

The elevations and positions indicated on the boring logs were obtained by pacing. The attached boring logs and related information show our interpretation of the subsurface conditions at the dates and locations indicated, and it is not warranted that they are representative of subsurface conditions at other locations and times.

APPENDIX B

Laboratory Investigation

APPENDIX B

Laboratory Investigation

The laboratory testing program was directed toward a quantitative and qualitative evaluation of the physical and mechanical properties of the soils underlying the site.

The natural water content was determined on two samples of the materials recovered from the borings in accordance with ASTM Test Designation D-2216. These water contents are recorded on the boring logs at the appropriate sample depths.

Dry density determinations were performed on two samples of the subsurface soils to evaluate their physical properties. The results of these tests are shown on the boring logs at the appropriate sample depths.

Project Location: 6735 SIMS DRIVE, OAKLAND, CA
Project Number: GE-2180

Log of Borehole B-4

Sheet 2 of 2

Depth, feet	SAMPLES Type	SAMPLES Number	Blows Per 1-inch Drive Increment	Blows Per 6 inches	Recovery, inches	Graphic Log	MATERIAL DESCRIPTION	FIELD NOTES
18	SPT	4-6		10 10 12	18/18		CONTINUED CLAYEY SANDSTONE, DARK BLUISH GRAY, MOIST, DENSE, MEDIUM TO COARSE ANGULAR GRAINS, MASSIVE, POORLY CEMENTED, SOME SHEARING, SOME GRAYWACKE GRAVEL, MODERATELY WEATHERED [WEATHERED BEDROCK]	
21	SPT	4-7		15 15 13	13/18			
23							TERMINATED BORING AT 22.5' BACKFILLED 05-19-10 STANDING WATER MEASURED AT 15.0' DURING DRILLING	

Report: GEO_10_SNA_1IN_BC_FIELD; File: URS_TEST.GPJ; 1/14/2010

Project Location: 6735 SIMS DRIVE, OAKLAND, CA
Project Number: GE-2180

Log of Borehole B-4

Sheet 1 of 2

Date(s) Drilled: 05-19-10 3:00pm - 4:30pm	Logged By: P. DRUMM	Reviewer:	
Drilling Method: 3.5" SOLIDSTEM AUGER	Drill Bit Size/Type: CLAW BIT	Total Depth of Borehole: 22.5'	
Drill Rig Type: PORTABLE MINUTE MAN	Drilling Contractor: OFIARO	Ground Surface Elevation: 621' +/-	
Groundwater Observations: 15.0' +/-	Sampling Method(s): MOD CAL & SPT	Hammer Data: 140# w/ CAT'S HEAD	
Borehole Backfill: 05-19-10	Location: NEAR SOUTHEAST CORNER PROPOSED HOUSE		

Depth, feet	SAMPLES Type	Number	Blows Per 1-inch Drive Increment	Blows Per 6 inches	Recovery, inches	Graphic Log	MATERIAL DESCRIPTION	FIELD NOTES
0								
1							0-5.0': CLAYEY SAND (SC), VERY DARK GRAY (10YR 3/1), MOIST, SOFT, SCATTERED ANGULAR SANDSTONE FRAGMENTS, SOME ORGANICS [COLLUVIUM]	
2								
3	MOD CAL	4-1		5	13	SC		
4				6	/			@4.0' POCKET PENETROMETER = 1.25 TON/FT²
5				8	18			
6	MOD CAL	4-2		21	12	QLS	5.0'-6.5': CLAYEY SAND w/ ROCK FRAGS, YELLOW BROWN, MOIST, MODERATELY DENSE [LANDSLIDE DEBRIS]	
7				50/6"	/ 12		@6.5' SLIDE PLANE CONSISTING OF 1/4" CLAYEY SAND, BLUE GRAY, MOIST, SOFT, ORGANICS, ROOT MAT, DIPPING 50°, NO SLICKS	
8								
9	MOD CAL	4-3		10	13			
10				11	/		6.5'-8.0': CLAYEY SANDSTONE, YELLOW BROWN, MOIST, DENSE, FRIABLE, SLIGHT SHEAR FABRIC [WEATHERED BEDROCK]	
11				11	18			
12	MOD CAL	4-4		12	14	RX		
13				25	/		8.0'-22.5': CLAYEY SANDSTONE, DARK BLUISH GRAY, MOIST, DENSE, MEDIUM TO COARSE ANGULAR GRAINS, MASSIVE POORLY CEMENTED, SOME SHEARING, SOME GRAYWACKE GRAVEL, MODERATELY WEATHERED [WEATHERED BEDROCK]	
14				30	12			
15	MOD CAL	4-5		20	11			▽ WATER ENCOUNTERED 15.0' DURING DRILLING (GROUNDWATER?)
16				35	/			
17				20	18			
18								

Report: GEO_10_SNA_1IN_BC_FIELD; File: URS_TEST.GPJ; 1/14/2010 -

Project Location: 6735 SIMS DRIVE, OAKLAND, CA
Project Number: GE-2180

Log of Borehole B-3

Sheet 1 of 1

Date(s) Drilled: 05-19-10 1:20pm-2:35pm	Logged By: P. DRUMM		Reviewer:
Drilling Method: 3.5" SOLIDSTEM AUGER	Drill Bit Size/Type: CLAY BIT		Total Depth of Borehole: 16.5'
Drill Rig Type: PORTABLE MINUTEMAN	Drilling Contractor: OFIARO		Ground Surface Elevation: 632' +/-
Groundwater Observations: 11.5' +/-	Sampling Method(s): MOD CAL & SPT		Hammer Data: 140# W/ CAT'S HEAD
Borehole Backfill: 05-19-10	Location: CENTER ALONG SOUTH PORTION PROPOSED HOUSE		

Depth, feet	SAMPLES Type	Number	Blows Per 1-inch Drive Increment	Blows Per 6 inches	Recovery, inches	Graphic Log	MATERIAL DESCRIPTION	FIELD NOTES
0						SC	0-1.0': CLAYEY SAND(SC), MOTTLED DARK BROWN, MOIST, LOOSE [TOPSOIL]	
1								
2						LS	1.0'-3.3': CLAYEY SAND W/ROCK FRAGMENTS, MOTTLED DARK BROWN AND GRAY, MOIST, MODERATELY DENSE [LANDSLIDE DEBRIS]	▽ WATER ENCOUNTERED 1.5' DURING DRILLING (PERCHED?)
3	MOD CAL	3-1		25 50/6"	11/12		CONTACT IN SAMPLE	
4							@ 3.3' SLIDE PLANE CONSISTING OF 1/8" SANDY SILT, BLUE GRAY, ORGANICS, DIPPING 20°-30°, NO SLICKS	
5								
6	MOD CAL	3-2		50/6"	4/6		3.3'-6.0': CLAYEY SANDSTONE, MOTTLED DARK YELLOWISH GRAY, MOIST, DENSE, FRIABLE, MODERATELY CEMENTED, SHEAR FABRIC, MODERATELY WEATHERED [WEATHERED BEDROCK]	▽ WATER MEASURED 2 HOURS AFTER DRILLING AT 5.0'
7								
8								
9	SPT			10	13	RX	6.0'-7.0': GRAY WACKE SANDSTONE, DARK GRAY BLACK, MOIST, HARD, WELL CEMENTED FRACTURED INTO COARSE SIZE FRAGMENTS [WEATHERED BEDROCK]	
10	SPT	3-3		10 13	18			
11								
12	SPT			12	13		7.0'-16.5': CLAYEY SANDSTONE, DARK BLUISH GRAY, MOIST, DENSE, COARSE ANGULAR GRAINS, MASSIVE, POORLY CEMENTED, MODERATELY WEATHERED [WEATHERED BEDROCK]	▼ WATER MEASURED 11.5' IMEDIATELY AFTER DRILLING (GROUNDWATER?)
13	SPT	3-4		11 17	18			
14								
15	SPT			11	15		@ 9.0'-10.5' SAMPLE EXHIBITS SHEAR FABRIC DIPPING 40°-50°	
16	SPT	3-5		15 24	18		@ 12.0'-13.5' SAMPLE EXHIBITS NEAR VERTICAL SHEAR FABRIC	
17							TERMINATED BORING AT 16.5' BACKFILLED 05-19-10 STANDING WATER MEASURED AT 11.5' IMEDIATELY AFTER DRILLING	
18								

Report: GEO_10_SNA_1IN_BC_FIELD; File: URS_TEST.GPJ; 1/14/2010

Project Location: 6735 SIMS DRIVE, OAKLAND, CA
Project Number: GE-2180

Log of Borehole B-2

Sheet 1 of 1

Date(s) Drilled: 05-19-10 11:15AM - 12:25PM	Logged By: P. DRUMM	Reviewer:	
Drilling Method: 3.5" SOLIDSTEM AUGER	Drill Bit Size/Type: CLAY BIT	Total Depth of Borehole: 16.5'	
Drill Rig Type: PORTABLE MINUTEMAN	Drilling Contractor: OFIARO	Ground Surface Elevation: 651' +/-	
Groundwater Observations: N/A	Sampling Method(s): MOD CAL & SPT	Hammer Data: 140# w/ CAT'S HEAD	
Borehole Backfill: 05-19-10	Location: SOUTHWEST CORNER PROPOSED HOUSE LOCATION		

Depth, feet	SAMPLES Type	SAMPLES Number	Blows Per 1-inch Drive Increment	Blows Per 6 inches	Recovery, inches	Graphic Log	MATERIAL DESCRIPTION	FIELD NOTES
0								
1						SM	0-4.3': SAND WITH SILT AND SOME GRAVEL (SM), MOTTLED DARK BROWN, MOIST, LOOSE TO MODERATELY DENSE, ANGULAR GRAVEL UP TO 1/4"	
2								
3	MOD CAL	2-1		4	14		[TOPSOIL OVER COLLUVIUM]	
4				5	/18			@3.5' POCKET PENETROMETER = 2.5 TON/FT²
4				5			CONTACT IN SAMPLE	
5							4.3'-6.0': CLAYEY SANDSTONE, MOTTLED DARK YELLOWISH BROWN, MOIST, MODERATELY DENSE	
6	MOD CAL	2-2		8	14		[WEATHERED BEDROCK]	
7				18	/18			
7				27				
8							@8.0' ANGULAR GRAVEL IN CUTTINGS UP TO 1/2" (GRAYWACKE BED?)	
9	MOD CAL	2-3		23	13			
10				23	/18		6.0'-16.5': CLAYEY SANDSTONE, MOTTLED DARK YELLOWISH BROWN AND DARK GRAYISH BROWN, MOIST, DENSE, FRIABLE MODERATELY CEMENTED, SHEAR FABRIC, MODERATELY WEATHERED	
10				21		Rx		
11							[WEATHERED BEDROCK]	
12	MOD CAL	2-4		18	13			
13				40	/18		@13.0' ENCOUNTERED HARD GRAYWACKE SANDSTONE INTERBED WITHIN SHEARED CLAYEY SANDSTONE	
13				50/6"				
14								
15	SPT	2-5		17	16			
16				14	/18			
16				13				
17							TERMINATED BORING AT 16.5' BACKFILLED 05-19-10 NO STANDING WATER	
18								

Report: GEO_10_SNA_1IN_BC_FIELD; File: URS_TEST.GPJ; 1/14/2010

Project Location: 6735 SIMS DRIVE, OAKLAND, CA
Project Number: 6E-2180

Log of Borehole B-1

Sheet 1 of 1

Date(s) Drilled: 05-19-10 10:15AM - 11:00AM	Logged By: P. DRUMM	Reviewer:	
Drilling Method: 3.5" SOLID STEM AUGER	Drill Bit Size/Type: CLAY BIT	Total Depth of Borehole: 10.5'	
Drill Rig Type: PORTABLE MINUTEMAN	Drilling Contractor: OFIARO	Ground Surface Elevation: 661' +/-	
Groundwater Observations: N/A	Sampling Method(s): MOD CAL	Hammer Data: 140# w/ CAT'S HEAD	
Borehole Backfill: 05-19-10	Location: ABOVE PROPOSED BUILDING LOCATION		

Depth, feet	SAMPLES Type	Number	Blows Per 1-inch Drive Increment	Blows Per 6 inches	Recovery, inches	Graphic Log	MATERIAL DESCRIPTION	FIELD NOTES
0								
1						SM	0-2.0': SAND WITH SILT (SM), MOTTLED LIGHT AND DARK BROWN, MOIST, LOOSE [TOPSOIL]	
2								
3	MOD CAL	1-1		8 17 26	14/18		2.0'-10.5': CLAYEY SANDSTONE, DARK BROWN (10YR4/3), MOIST, MODERATELY DENSE, MEDIUM TO COARSE ANGULAR GRAINS, FRIABLE, MASSIVE, MODERATELY WEATHERED [WEATHERED BEDROCK]	@ 4.0' POCKET PENETROMETER = 4.5 TON/FT²
4								
5								
6	MOD CAL	1-2		15 18 19	16/18	Rx		@ 7.0' POCKET PENETROMETER = 4.5 TON/FT²
7								
8							DRILLING BECOMES MORE DIFFICULT WITH DEPTH	
9	MOD CAL	1-3		21 28 29	14/18		@ 9.0' CLAYEY SANDSTONE BECOMES LESS WEATHERED THAN ABOVE	@ 10.0' POCKET PENETROMETER > 4.5 TON/FT²
10								
11							TERMINATED BORING AT 10.5' BACKFILLED 05-19-10 NO STANDING WATER	
12								
13								
14								
15								
16								
17								
18								

Report: GEO_10_SNA_11N_BC_FIELD; File: URS_TEST.GPJ; 1/14/2010

APPENDIX C

Guide Specifications - Site Earthwork

APPENDIX C

Guide Specifications - Site Earthwork

1.0 GENERAL

1.1 Scope of Work

These specifications and applicable plans pertain to and include all site earthwork including, but not limited to, the finishing of all labor, tools, and equipment necessary for site clearing and stripping, disposal of excess materials, excavation, preparation of foundation materials for receiving fill, and placement and compaction of fill to the lines and grades shown on the project grading plans.

1.2 Performance

The Contractor warrants all work to be performed and all materials to be furnished under this contract against defects in materials or workmanship for a period of ____ year(s) from the date of written acceptance of the entire construction work by the Owner.

Upon written notice of any defect in materials or workmanship during said _____ year period, the Contractor shall, at the option of the Owner, repair or replace said defect and any damage to other work caused by or resulting from such defect without cost to the Owner. This shall not limit any rights of the Owner under the "acceptance and inspection" clause of this contract.

The Contractor shall be responsible for the satisfactory completion of all site earthwork in accordance with the project plans and specifications. This work shall be observed and tested by a representative of GeoTrinity, hereinafter known as the Geotechnical Engineer. Both the Geotechnical Engineer and the Architect/Engineer are the Owner's representatives. If the Contractor should fail to meet the technical or design requirements embodied in this document and on the applicable plans, he shall make the necessary readjustments until all work is deemed satisfactory as determined by the Geotechnical Engineer and the Architect/Engineer. No deviation from the specifications shall be made except upon written approval of the Geotechnical Engineer or Architect/Engineer.

No site earthwork shall be performed without the physical presence or approval of the Geotechnical Engineer. The Contractor shall notify the Geotechnical Engineer at least twenty-four hours prior to commencement of any aspect of the site earthwork.

The Geotechnical Engineer shall be the Owner's representative to observe the grading operations during the site preparation work and the placement and compaction of fills. He shall make enough visits to the site to familiarize himself generally with the progress and quality of the work. He shall make a sufficient number of tests and/or observations to enable him to form an opinion regarding the adequacy of the site preparation, the acceptability of the fill material, and the extent to which the compaction of the fill, as placed, meets the specification requirements. Any fill that does not meet the specification requirements shall be removed and/or recompacted until the requirements are satisfied.

In accordance with generally accepted construction practices, the Contractor shall be solely and completely responsible for working conditions at the job site, including safety of all persons and property during performance of the work. This requirement shall apply continuously and shall not be limited to normal work hours.

Any construction review of the Contractor's performance conducted by the Geotechnical Engineer is not intended to include review of the adequacy of the Contractor's safety measures in, on or near the construction site.

Upon completion of the construction work, the Contractor shall certify that all compacted fills and foundations are in place at the correct locations, have the correct dimensions, are plumb, and have been constructed in accordance with sound construction practice. In addition, he shall certify that the materials used are of the types, quantity and quality required by the plans and specifications.

1.3 Site and Foundation Conditions

The Contractor is presumed to have visited the site and to have familiarized himself with existing site conditions and the soil report titled, "Geologic and Geotechnical Evaluation, Lot 597, Snake Road, Oakland, California", dated May 26, 2007. The Contractor shall not be relieved of liability under the contract for any loss sustained as a result of any variance between conditions indicated by or deduced from the soil report and the actual conditions encountered during the course of the work.

The Contractor shall, upon becoming aware of surface and/or subsurface conditions differing from those disclosed by the original soil investigation, promptly notify the Owner as to the nature and extent of the differing conditions, first verbally to permit verification of the conditions, and then in writing. No claim by the Contractor for any conditions differing from those anticipated in the plans and specifications and disclosed by the soil investigation will be allowed unless the Contractor has so notified the Owner, verbally and in writing, as required above, of such changed conditions.

1.4 Dust Control

The Contractor shall assume responsibility for the alleviation or prevention of any dust nuisance on or about the site or off-site borrow areas. The Contractor shall assume all liability, including court costs of codefendant, for all claims related to dust or windblown materials attributable to his work.

2.0 DEFINITION OF TERMS

Structural Fill:	All soil or soil-rock material placed on-site in order to raise grades or to backfill excavations, and upon which the Geotechnical Engineer has conducted sufficient tests and/or observations to enable him to issue a written statement that, in his opinion, the fill has been placed and compacted in accordance with the specification requirements.
On-Site Material:	Material obtained from the required site excavations.
Import Material:	Material obtained from off-site borrow areas.
ASTM Specifications:	The American Society for Testing and Materials Standards, latest edition.
Degree of Compaction:	The ratio, expressed as a percentage, of the in-place dry density of the compacted fill material to the maximum dry density of the same material as determined by ASTM Test Designation D1557-91.

3.0 SITE PREPARATION

3.1 Clearing and Grubbing

The contractor shall accept the site in its present condition and shall remove from the area of the designated project earthwork all obstructions including abandoned utilities, and any other matter determined by the Geotechnical Engineer to be deleterious. Such material shall become the property of the Contractor and shall be removed from the site. Holes resulting from the removal of underground obstructions that extend below finish grades shall be cleared and backfilled with structural fill.

3.2 Stripping

Where vegetation exists, the site shall be stripped to a minimum depth of 2 inches or to such greater depth as the Geotechnical Engineer in the field may consider as being advisable to remove all surface vegetation and organic laden topsoil. Stripped topsoil with an organic content in excess of 3 percent by volume shall be stockpiled for possible use in landscaped areas.

4.0 EXCAVATION

All excavations shall be performed to the lines and grades and within the tolerances specified on the project grading plans. All overexcavation below the grades specified shall be backfilled at the Contractor's expense and shall be compacted in accordance with the specifications. The Contractor shall assume full responsibility for the stability of all temporary construction slopes on-site.

5.0 SUBGRADE PREPARATION

Surfaces to receive compacted fill, and those on which concrete slabs and pavements will be constructed, shall be scarified to a minimum depth of 6 inches and compacted. All ruts, hummocks, or other uneven surface features shall be removed by surface grading prior to placement of any fill materials. All areas which are to receive fill material shall be approved by the Geotechnical Engineer prior to placement of any fill material.

6.0 GENERAL REQUIREMENTS FOR FILL MATERIAL

All fill material must be approved by the Geotechnical Engineer. The material shall be a soil or soil-rock mixture which is free from organic matter or other deleterious substances. The fill material shall not contain rocks or rock fragments over 6 inches in greatest dimension and not more than 15 percent shall be over 2.5 inches in greatest dimension. On-site material having an organic content of less than 3 percent by volume is suitable for use as fill in all areas except where non-expansive import material is specified.

All imported fill material shall be non-expansive with a plasticity index of 12 or less.

7.0 PLACING AND COMPACTING FILL MATERIAL

All structural fill less than 5 feet thick shall be compacted by mechanical means to produce a minimum degree of compaction of 90 percent as determined by ASTM Test Designation DD1557-91. All structural fill greater than 5 feet in thickness shall be compacted to at least 95 percent relative compaction below the uppermost five feet. Field density tests shall be performed in accordance with either ASTM Test Designation D1556-82 (Sand-Cone Method) or ASTM Test Designation D2922-81 and D3017-88 (Nuclear Probe Method). The locations and number of field density tests shall be determined by the Geotechnical Engineer. The results of these tests and compliance with these specifications shall be the basis upon which satisfactory completion of work shall be judged by the Geotechnical Engineer.

8.0 TRENCH BACKFILL

Pipeline trenches shall be backfilled with compacted structural fill placed in lifts not exceeding 8 inches of uncompacted thickness. If on-site soils are used, the material shall be compacted by mechanical means to a minimum degree of compaction of 90 percent. Imported sand may also be used for backfilling trenches provided it is compacted to at least 95 percent. If imported sand backfilling is used, sufficient water shall be added during the trench backfilling operations to prevent the soil from bulking during compaction. In all building pad and pavement areas, the upper 1 feet of trench backfill shall be compacted to a minimum degree of compaction of 95 percent.

9.0 TREATMENT AFTER COMPLETION OF EARTHWORK

After the earthwork operations have been completed and the Geotechnical Engineer has finished his observation of the work, no further earthwork operations shall be performed except with the approval of and under the observation of the Geotechnical Engineer.

It shall be the responsibility of the Contractor to prevent erosion of freshly graded areas during construction and until such time as permanent drainage and erosion control measures have been installed.

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The Contractor shall, upon becoming aware of surface and/or subsurface conditions differing from those disclosed by the original soil investigation, promptly notify the Owner as to the nature and extent of the differing conditions, first verbally to permit verification of the conditions, and then in writing. No claim by the Contractor for any conditions differing from those anticipated in the plans and specifications and disclosed by the soil investigation will be allowed unless the Contractor has so notified the Owner, verbally and in writing, as required above, of such changed conditions.

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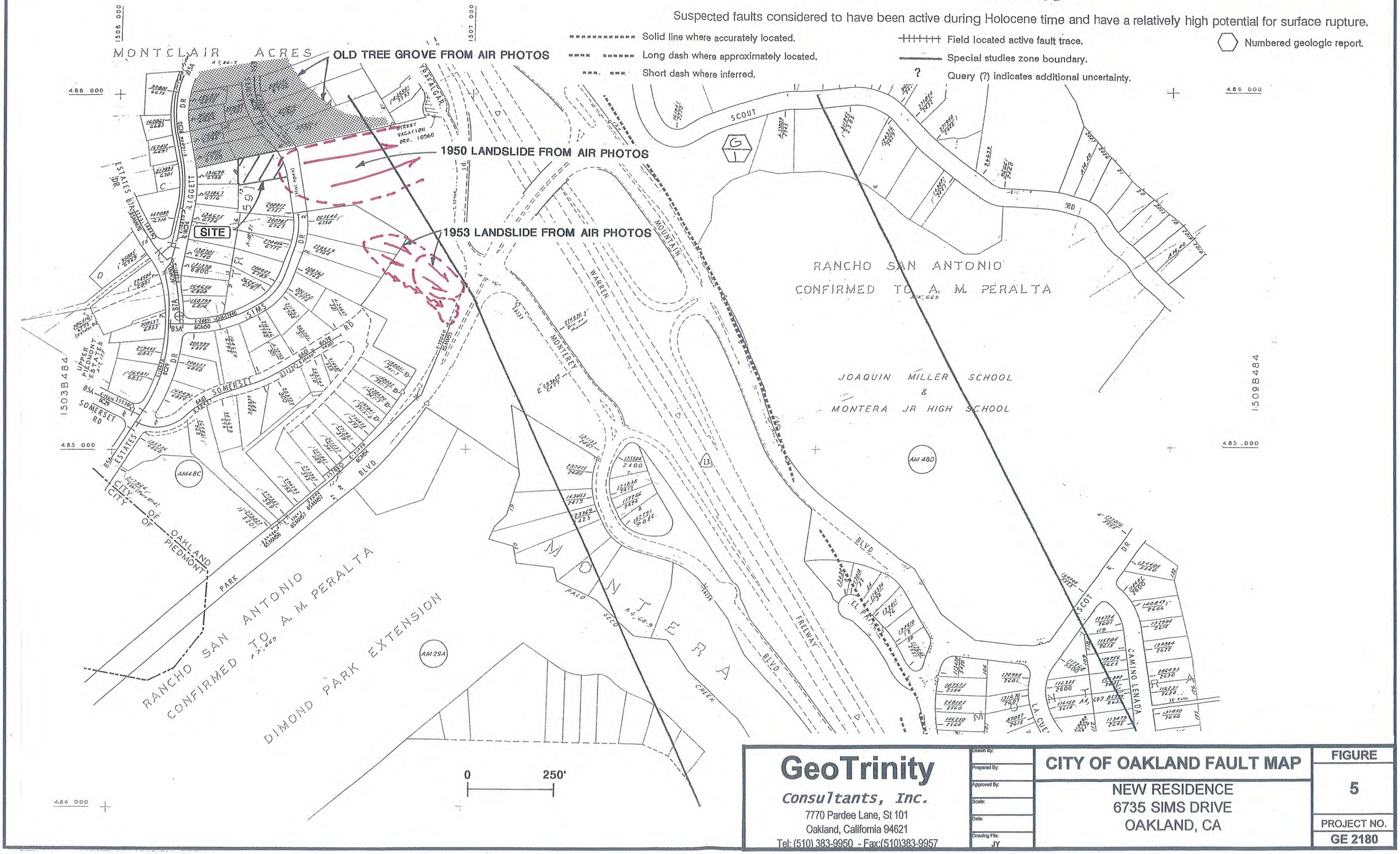
Degree of Compaction:	The ratio, expressed as a percentage, of the in-place dry density of the compacted fill material to the maximum dry density of the same material as determined by ASTM Test Designation D1557-91.

Exhibit 4



GeoTrinity *Consultants, Inc.* 7770 Pardee Lane, St 101 Oakland, California 94621 Tel: (510) 383-9950 - Fax:(510)383-9957	Drawn By: / Prepared By: / Approved By: / Scale: / Date: / Drawing File: JY	**CITY OF OAKLAND FAULT MAP** NEW RESIDENCE 6735 SIMS DRIVE OAKLAND, CA	FIGURE 5 / PROJECT NO. GE 2180

Exhibit 5

6735 SIMS DRIVE

PROPOSED DRIVEWAY INSTEAD OF CONNECTING SIMS DRIVE.

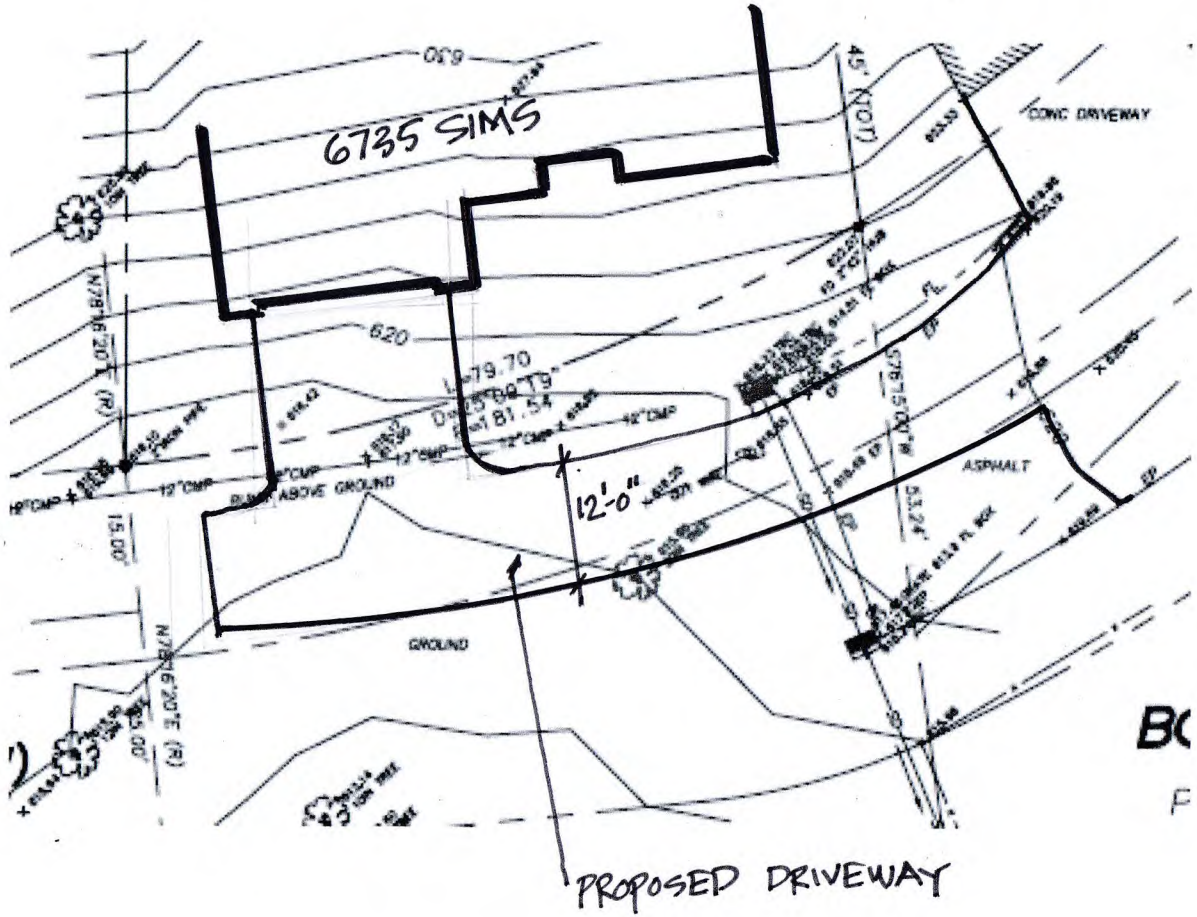


Exhibit 6

Project: Single-Family Residence at 6735 Sims Drive, Notice of Exemption (NOE)

Comments:

Construction-Related Impacts
This project is adjacent to the site where Caltrans recently repaired the above ground drainage system that drains down the slope to Trafalgar Place near Park Blvd. Please note that this is a plot of State-owned Land. Any additional flow to the State Right-of-Way (ROW) must be metered to pre-project levels.

This project shows a new driveway and stairs being installed. Based on the site plans, it appears that these would go to the unconstructed portion of Sims Drive. Please clarify if the construction of the house is proposing to build the extension of Sims Drive across the unconstructed area. If so, this could impact the stabilization of the roadway, the undergrounding of the current above-ground drainage system, and the potential impact on the water runoff that reaches the State-owned land below. There may be impacts to the local drainage, runoff, and potential for erosion of the state land unless measures are taken to prevent such excess runoff from creating concentrated flows. The slopes are such that any equipment needed to work on the drainage systems on the property may have to access the property from Sims Drive. Please clarify if the construction of this property would affect this access. Also, there could be significant removal of trees which currently occupy the lot.

Given the proximity to the State-owned land, potential impacts to the State ROW from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified. Project work that requires movement of oversized or excessive load vehicles on State roadways, and/or travel lane closures on State Route (SR)-13 requires a transportation permit that is issued by Caltrans. To apply, visit: https://dot.ca.gov/programs/traffic-operations/transportation-permits.

Encroachment Permit
Please be advised that any permanent work or temporary traffic control that encroaches onto the ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating the State ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

To download the permit application and to obtain more information on all required documentation, visit https://dot.ca.gov/programs/traffic-operations/ep/applications.

Exhibit 7

From: Jamie Dean <jamiesdean@mac.com>

Subject: Case File PLN21100 - 6735 Sims Drive

Date: July 27, 2021 at 3:06:13 PM PDT

To: brenyah-addow@oaklandca.gov

Cc: Colin Dean <colindean@mac.com>, Jamie Dean <jamiesdean@mac.com>

Hello Mr. Brenyah-Addow,

As residents of Sims Drive, we are writing to express our concerns and strenuous objections to the proposed building project at 6735 Sims Drive, Case File PLN21100. We have learned that the owner of the empty lot at 6735 Sims Drive is seeking approval to build a 4,060 square foot home on this land, and perhaps pave the walking path joining the two halves of Sims to create a through street.

Our concerns about this proposed project include the following:

- The lot at 6735 Sims Drive is a historically unstable piece of land, and has long been recognized as such. A significant landslide has already occurred on this parcel. The City has already looked at this issue and deemed the road unstable as noted by former Councilmember Dick Spees, who noted that the road was not rebuilt due to continuing instability of the land. (See attached correspondence.) Soil instability continues to be an issue in this area as evidenced by the recent slide downslope of this parcel on to Trafalgar Place.
- Groundwater is a significant concern on this piece of land. There is currently a large above-ground pipe channeling water from the two sides of Sims Drive to the storm drains. Were a road to be built over this area, a much more sophisticated drainage system would be necessary. Any drainage system should be evaluated by a qualified and independent engineer, to assure us that a road would not be undermined by water, and that adjacent houses would not be undermined by runoff.
- Both the north and south ends of Sims Drive have multiple areas of asphalt subsidence as a result of the abundance of water beneath the street. Creating a through street would increase the traffic and lead to further problems with the existing road. Both the north and south ends of Sims Drive would need to be repaved and structurally upgraded prior to connecting the cul-de-sacs.
- Allowing a private developer to pave a City road poses an unacceptable conflict of interest. Creating a through street would be for the sole convenience to the owner of 6735 and result in a severe, permanent disruption to the neighborhood and environment.
- We value our quiet street, where traffic and noise is minimal, foot traffic is frequent, and our children can play safely without the threat of speeding vehicles. The dead ends was an important, positive consideration when we purchased our home and likely helped contribute to our home's value. A neighborhood change that would have a deleterious effect on our home valuations to meet the desires of a single individual would adversely impact our sense of neighborhood, community, and safety.
- Sims Drive is an unusually narrow street. With two lanes of traffic, the City would eliminate all street parking and create a hazard for pedestrians. If Sims Drive becomes a through street, it cannot accommodate two lanes of traffic, unless all street parking and pedestrian traffic is banned.
- Changing Sims Drive to a through street would significantly alter the traffic circulation in the neighborhood. Sims Drive would would undoubtedly become a popular shortcut for cars traveling from Park Blvd. to the Village to avoid the traffic calming installations along Liggett Drive. Increased traffic speeds are also a concern as drivers will utilize the Sims Drive cut through. These changes in traffic circulation will negatively impact the entire neighborhood, particularly the many families with young children who live in this area. At minimum a traffic

impact report including an evaluation traffic calming measures must be part of any consideration of this development proposal.

- We request an environmental evaluation, beyond the assignment of the categorial exemption (CEQA §15303) focusing on soils and geology, hydrology, and transportation given the given the documented environmental issues related to soils and geology, and hydrology at the site, and the proposed significant alteration to the traffic circulation in our neighborhood.
- The property owner for 6735 Sims Drive is also the owner of the adjacent property at 6751 Sims Drive. The development at 6751 Sims Drive was approved under planning application PLN16352 and building permit RB1702599. This project has been in construction since 2017, and the building permit is currently listed as “inactive”. As part of this development, several trees have been removed without tree removal permits conflicting with condition 18 of the planning permit, and also conflicting with the development plan that was provided to the neighborhood prior to project approval. Additionally, given that the building permit is inactive, various conditions of approval have not been met including those related to drainage and landscaping. We are very concerned about the current status of the owner’s current development at 6751 Sims Drive and the continued disruption over the years with intermittent construction, and how this affects our neighborhood. The introduction of another project by the same owner is concerning given the extended construction timeline for their current development project, and work outside of approved permits.
- We would also like to suggest an onsite meeting, where you could walk us through the proposal, and provide an opportunity for us to ask questions in real time.

We appreciate your response to these concerns. We understand that your office is remote, but would appreciate a call to discuss.

Thank you.

Jamie & Colin Dean

510-846-3455

6767 Sims Drive, Oakland

Exhibit 8

Re: Proposed Construction at 6735 Sims Drive

From: Brenyah-Addow, Maurice, (brenyah-addow@oaklandca.gov)

To: oaklandj2@sbcglobal.net

Cc: pdgarchitect@comcast.net; setters2@pacbell.net; sthao@oaklandca.gov; officeofthemayor@oaklandca.gov

Date: Friday, July 30, 2021, 06:13 PM PDT

Hi Jeff,

As it relates to the current application, please send your comments to me. You will be notified of any official decisions and advised of next steps.

Thanks
-Maurice

From: Jeff Klonoff <oaklandj2@sbcglobal.net>
Sent: Friday, July 30, 2021 5:23 PM
To: Brenyah-Addow, Maurice, <Brenyah-Addow@oaklandca.gov>
Cc: Peter Gilbert <pdgarchitect@comcast.net>; 'Scott & Kathy Law' <setters2@pacbell.net>; Thao, Sheng <SThao@Oaklandca.gov>; Office of the Mayor <OfficeoftheMayor@oaklandca.gov>
Subject: Re: Proposed Construction at 6735 Sims Drive

Thanks for getting back to me. With respect to the answer to #1, changing Sims Drive would have a SIGNIFICANT negative impact on traffic and safety for residents. I strongly oppose turning our street into an access road that will attract cars that would otherwise use Liggett and Estates (both streets are significantly wider than Sims Drive). I know my neighbors feel the same way and would want to make that clear to the Bureau of Planning and our elected representatives. A potential change like this surely impacts many more people than those residing within just a 300 foot radius of this property (the only ones receiving notification apparently). What is the process for input on this specific possible change? I would argue strongly that the construction notification was entirely inadequate if the scope of the project goes beyond the actual house construction but includes re-connecting Sims Drive. As a historical note, Sims has been a dead end since well before 1990. That's a long time - much too long a time to simply change the configuration now as part of the approval of a construction permit. Again, what is the process to provide input on this particular issue (re-connecting Sims Drive)? Sims Drive residents want to provide input on why this is a very unsafe idea.

Thank you.

Jeff Klonoff
6650 Sims Drive

On Friday, July 30, 2021, 04:59:26 PM PDT, Brenyah-Addow, Maurice, <brenyah-addow@oaklandca.gov> wrote:

Hi Jeff,

My responses follow your questions below:

I am following up on two voice messages that I left for you requesting information (on 7/28/2021 and today). My specific questions regarding the property/application are below.

1. Sims Drive is a narrow street with a dead end (caused by an earth slide) right at this property address. Does the construction of this house impact the status of Sims Drive as a dead end? Or will the two currently closed ends of Sims Drive be connected to create an unblocked street running from Liggett Drive to Estates Drive?

Answer: Staff is still discussing this matter and will let all interested parties know whatvis decided.

2. I live at 6650 Sims Drive. This is across the street and approximately 8 - 10 houses down from the proposed construction. We did not receive a notice about the application for construction of this property. Why were we not notified?

Answer: Our notification radius is 300 feet from the dubject property. It is most likely your property is out of that range.

3. The sign posted at the end of Sims Drive (at the proposed property) mentions a comment period of 10 days. But there is no date posted to enable me to see when the comment period ends. When does the comment period start/end?

Answer: The posting date was July 23 and the comment deadline is August 2nd 2021.

Please provide answers to these questions as soon as possible. Thank you.

Jeff Klonoff
oaklandj2@sbcglobal.net
(510) 381-3828

Exhibit 9

Hello Mr.Brenyah-Addow,

My name is Katherine Jones, I live at 6710 Sims Drive.

My understanding is that the design of the house proposed barely meets the requirements of the Architect Standard of Design review. I am not an Architect, however, I believe strongly this design could be greatly improved. I feel this design is not in keeping with our neighborhood, it is boxy and lacks in character. Proposal has a flat roof, which is not attractive, it is problematic in a hillside location with heavy vegetation. A slopped roof would be more attractive and practical. The plans appear to have the front of the structure encroaching onto Caltrans property.

I have other concerns: this property was part of a slide that occurred, twice (I believe) in the 1950's during the construction of highway 13. Caltrans owns the vacant lot from the property line down to Trafalger. My major concerns are because of the slides that have taken place, how the potential of slides, created by the building of this structure, might profoundly impact our neighborhoods. The plan shows Sims Dr. going across the front of the house, the road does not exist, and hasn't since the slide in the 1950's, it is now just vacant land. So at this point it is hard to tell if the road would potentially affect the design of the house, because we don't know what actual street requirements will be. I do understand this is a normal concern. If you are to approve this design would you attach the Condition of Approval to address these concerns? Not being a professional, I would assume a property would require a engineering fill to build the road and the house. Again I really want to emphasize this property's slide history, and recognize how the development of this structure and road might impact my neighborhood and the neighbors on Liggett and Trafalger.

If this application is to be approved, could Conditions of Approval be stated, that the development be looked at carefully by the City Engineers, Fire department, Caltrans and any relivant parties to insure the safest development possible.

Thank you for your consideration,

Katherine Jones

Exhibit 10

August 2, 2021

Dear Mr. Brenyah-Addow,

We are writing to express our severe concerns about **construction of the proposed property on 6735 Sims Drive, case file PLN21100.** As owners of the adjacent 6725 Sims Dr., we would be especially impacted and concerned with the proposed development based on what we know so far.

Traffic impact and safety.

Sims drive is a narrow street, with the north and south ends flanking an undeveloped land with a walking paved path. The proposed property would require a paved road that would connect the two ends of the street; this would be a privately built road, and its construction would only benefit the owner. It would be constructed atop a known previous landslide area, which raises concerns about safety. If the two ends of Sims are connected, it becomes a through street, and the quiet cul de sacs are transformed into something entirely different. Traffic will increase, and the safety of our children will be at risk. Our children will no longer be able to safely play in the street, which is why so many of us were drawn to the area in the first place. A single property would change the essence of our neighborhood entirely.

Converting a narrow dead-end street into a two-way through street is very major change for the entire area, and is only in favor of the proposed property and to the detriment of the entire neighborhood.

Aesthetic.

The proposed development does not respect local context, in particular, the large scale (4,060 square feet) of the property would be entirely out of character of the area, not to mention, a detriment to the local environment. The only similar property in the area is the adjacent home built by the same owner which has remained vacant. The property is not of sympathetic design or size, rather a maximal use of the space which is sure to stand out. The large stucco north-facing exterior wall is of particular concern for creating a large visual mass.

Disruption of local environment.

An oak tree near the northern boundary that would have been impacted by the proposed development was cut down during December 2020 and January 2021. See attached image (IMG_8632.jpeg) from 12/31/2020 showing a partially sawn trunk, that was subsequently fully cut down and removed. It's unclear to us if this tree removal was permitted or simply removed prior to Design Review in order to claim "No trees will be removed by the construction of the house". Was there non-compliance with city planning policy? The removal of the oak tree on the property has already affected the natural aesthetic, light, wildlife, and temperature of the area.

From the solar study, the proposed residence appears to cast significant shadows that will reduce sunlight on our house, especially in the winter.

Geotechnical concerns.

This parcel of land and the area under the former road was firmly established to have landslide history (GTC_landslide.pdf). The City has previously investigated this issue and cited the ongoing instability of the land as reasons for not rebuilding the road that was destroyed. It is unclear to us how a private builder could properly address this risk if the city has been unwilling to do it.

We have obvious concerns about the proposed property and road being built on unstable land. The immediate repercussions of a landslide hardly need discussion—danger to people and wildlife, surrounding property damage and need for reconstruction—and are alone sufficient to raise serious concern. Delayed complications will stem from issues around subsequent ownership of a property built on unstable land, disclosures, and litigation. It would be a shame to destroy the integrity of this neighborhood for the construction of another large-scale property that sits vacant, similar to the owner's adjacent house, or passed along to an unsuspecting buyer.

Additionally, given the size of the partially-removed oak tree, we are certain that there will be future effects on building foundation that will require construction considerations.

Lastly, north Sims sits lower and there is an elevated drain pipe for runoff above the sunken walking path. Extending the road likely would not just require paving over the existing grade, but a change to the drainage system or significant fill atop an area that already has landslide history and risk.

Mr. Brenyah-Addow, we thank you for reading our concerns. We hope that you will take them into consideration when making a decision that will undoubtedly impact our neighborhood. More than the construction of an additional house on a parcel of land, the proposed plan seeks to alter the entire context of this community. We hope that the best interest of this remote and serene area will be prioritized over interests of a single land-owner.

Selma Masic

Joshua Funamura

Owners of 6725 Sims Dr

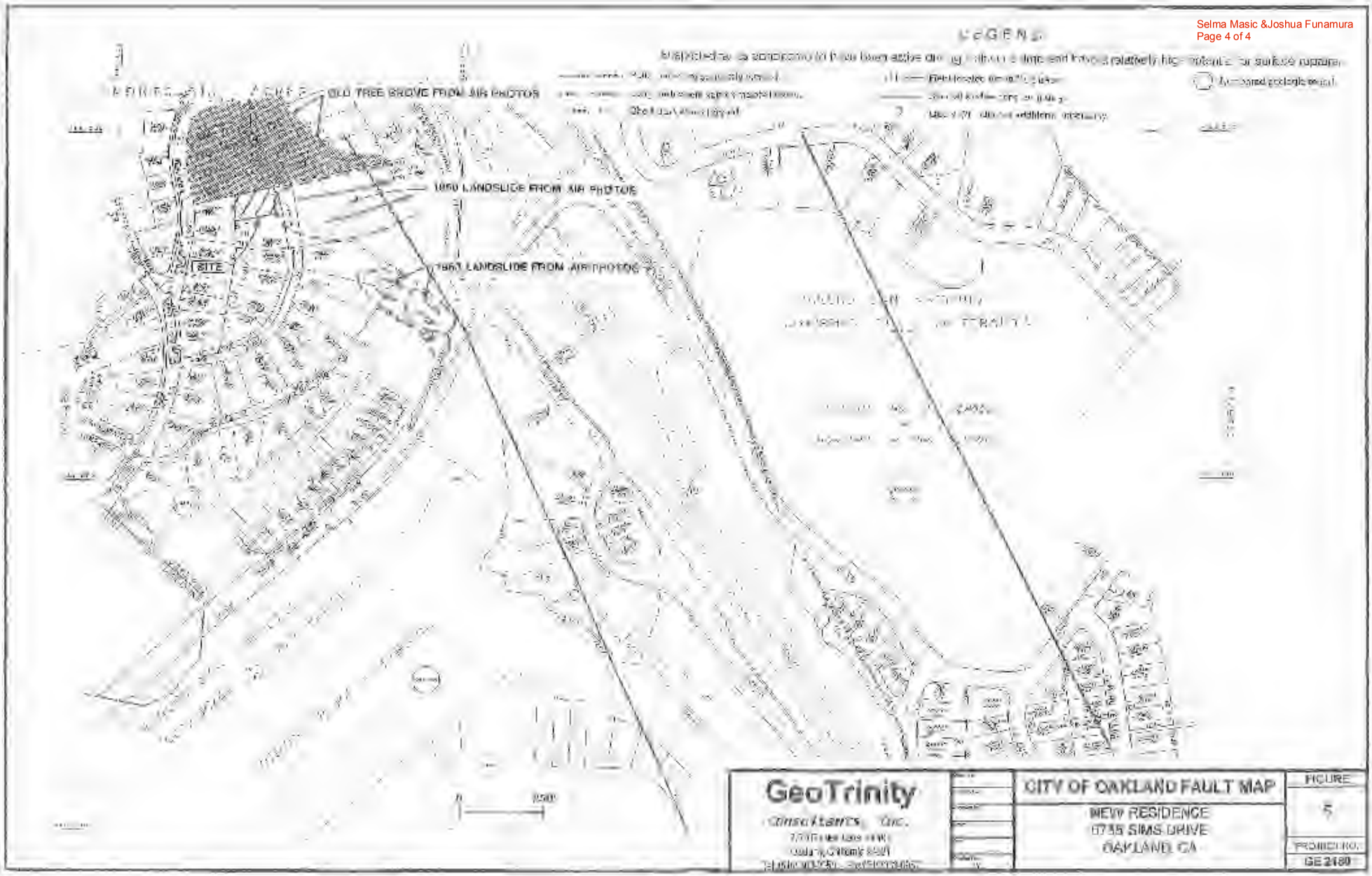

LEGEND
OLD TREE GROVE FROM AIR PHOTOS
1950 LANDSLIDE FROM AIR PHOTOS
1997 LANDSLIDE FROM AIR PHOTOS
SITE
GeoTrinity
Consultants, Inc.
CITY OF OAKLAND FAULT MAP
NEW RESIDENCE
6735 SIMS DRIVE
OAKLAND, CA
FIGURE
5
PROJECT NO.
GE 2180

Exhibit 11

From: **Barbara Berman** yrmother@gmail.com
Subject: re: Case File PLN21100
Date: July 30, 2021 at 5:30 PM
To: mbrenyah@oaklandca.gov, mbrenyah-addow@oaklandca.gov
Cc: pdgarchitect@coomcast.net, Councilmember Sheng Thao, District 4 sheng@shengforoakland.com, mark.shindler@dot.ca.gov

Re Construction at 6735 Sims Drive in Oakland:

Construction on this lot first was first planned in 2009; my correspondence with my neighbors regarding this project goes back that far. The lot was purchased in 2001 by Michael and Victoria Leung. This builder has a history in the neighborhood which is not pleasant. I will present only a short summary, since Jamie Dean's email covers the basics very well.

Sims Drive used to be one street which collapsed in the 1940's or so during torrential rains. Since then it is two dead end streets that are connected by a walking path, designated as a 'paper street' by the city. Oakland owns the paper street and CalTrans owns the land below. The soil is very unstable. In addition to the collapse of the street, there have been at least two landslides, both triggered by construction at 6751 Sims Drive. The city and CalTrans cooperated to put in a drainage system; after the second slide in winter of 2018-9, the city repaired its portion and CalTrans replaced their portion with a more sophisticated system. The city's original decision was to leave the two streets as they are, due to the instability of the soil. The city has since changed its position because there is no street access to 6735 Sims, and the fire department wants the street put through so that fire trucks won't have to back out of the streets. There seems to be no concern on the part of the city as to the instability of the soil. We neighbors are opposed to both projects; building on 6735 and putting the street through for reasons that have been stated.

In the meantime, Victoria Leung purchased the home at 6751 Sims Drive, which is on two lots and abuts the lot at 6735, so she now owns all three lots. 6751 was transformed from a small, very modest home into a huge ugly monstrosity. Construction commenced in 2017 and is not yet complete. Michael Leung and his employees have left paths of chaos and destruction behind them. Trees were cut down without permits, a truck trespassed onto CalTrans property in the process of doing soil studies, and destroyed a portion of chain-link fence put up by CalTrans. An alleyway behind the homes on the west side of Sims Drive has been very badly damaged and the homeowners who have to use it to access their homes are very unhappy about this. There has been no regard for the residents or any attempt to fix any of the damage. There is still construction debris remaining in front of the house and the land is planted with weeds. The house itself is an eye-sore and does not fit in with the neighborhood. No one lives there and it has suffered some damage from being neglected.

The present concerns of the neighborhood are mostly focussed on drainage and the instability of the soil, and how disturbance of the soil could have untold repercussions on homes on both sides of Sims Drive. The architect of the proposed home at 6735, in an email to Jamie Dean who shared it with the neighbors, places great faith in engineering and drainage systems designed to stabilize the hillside. It seems utter folly to build anything — houses or a street — on land that is known to be unstable. Especially when land which is well known to have suffered two slides in an area which has been quiet for 60+ years in between construction projects in the same area. Engineering can be very impressive, but it is not omniscient. Mother Nature will have her way in the end.

In addition, the uglification of the neighborhood by Michael Leung and destruction perpetrated on it gives the neighbors no reason to feel confident that his people will not repeat the same thing with 6735. At minimum, Mr. Leung should be required to complete the house at 6751, make the area presentable, plant trees and fix the areas of the alley that have been damaged by his depredations before he is allowed to undertake another building project in the neighborhood. Best case scenario is that he should not be permitted to build at all on 6735.

Is there not some kind of process that the city is required to go through in order to inform affected residents of a project of this sort, giving them sufficient time to organize and respond, as well as to give them an opportunity to have an open meeting of the residents and relevant city officials, in order to air concerns and propose changes to make plans work better for the neighborhood? We received the city of Oakland's Bureau of Planning/Zoning Division's notification of project application not from the city — but from Peter Gilbert, the architect on the project. We are given ten days to respond to the city planner, Maurice Brenyah-Addow. This does not seem like proper procedure to me. In addition, the language of the notification is unclear to the layperson.

I noted that part of the property that potentially could be impacted by both aspects of this project is owned by CalTrans. It is my understanding that all reports, studies, etc, regarding any projects that could affect CalTrans property are supposed to be forwarded to CalTrans for review and approval. If CalTrans has any objections, then said report or study is then sent back to the city for corrections to be made. Has that procedure been followed in this case? Or, for that matter, in 2017, when the city approved connecting the two halves of Sims Drive before construction of 6735 was abandoned in favor of construction of 6751? CalTrans was affected in that as a result of the slide in winter of 2018-2019, significant improvements to its share of the drainage system were made by CalTrans, which took over a year to build. It is not yet known if it will work since the last two winters have been extraordinarily dry. We can only cross our collective fingers and hope that it would be able to support the increased stress put on it by the building projects although in my opinion, challenging it is not sensible.

Barbara Berman
6758 Sims Drive
Oakland, CA 94611
yrmother@gmail.com

Exhibit 12

From: Barbara Berman <yrmother@gmail.com>
Date: August 2, 2021 at 4:16:07 PM PDT
Subject: re: Case File PLL21100 6735 Sims Drive

Dear Mr. Brenyah,

Further to my email of July 30th, attached is the parcel map no. 2437 from 1978 regarding the subdivision of the property at issue. It comes with conditions of approval that run with the land which are to be found on the far right side of the parcel map. The first condition requires that a soils report must be submitted by the property owner and approved by the director of public works prior to issuance of permit. The second condition addresses access from Sims Drive, the location of the driveway, and drainage, the last factor of which may affect the present drainage system in a radical way. There does not seem to be any evidence that any of these conditions of approval have been met. Also, given the conditions of approval stated in the parcel map, it does not seem that the project can be categorically exempt per page 2 of the project architect's application.

Further, at over 4000 square feet, this proposed project is NOT a small structure, consistent with a community plan, general plan, or zoning.

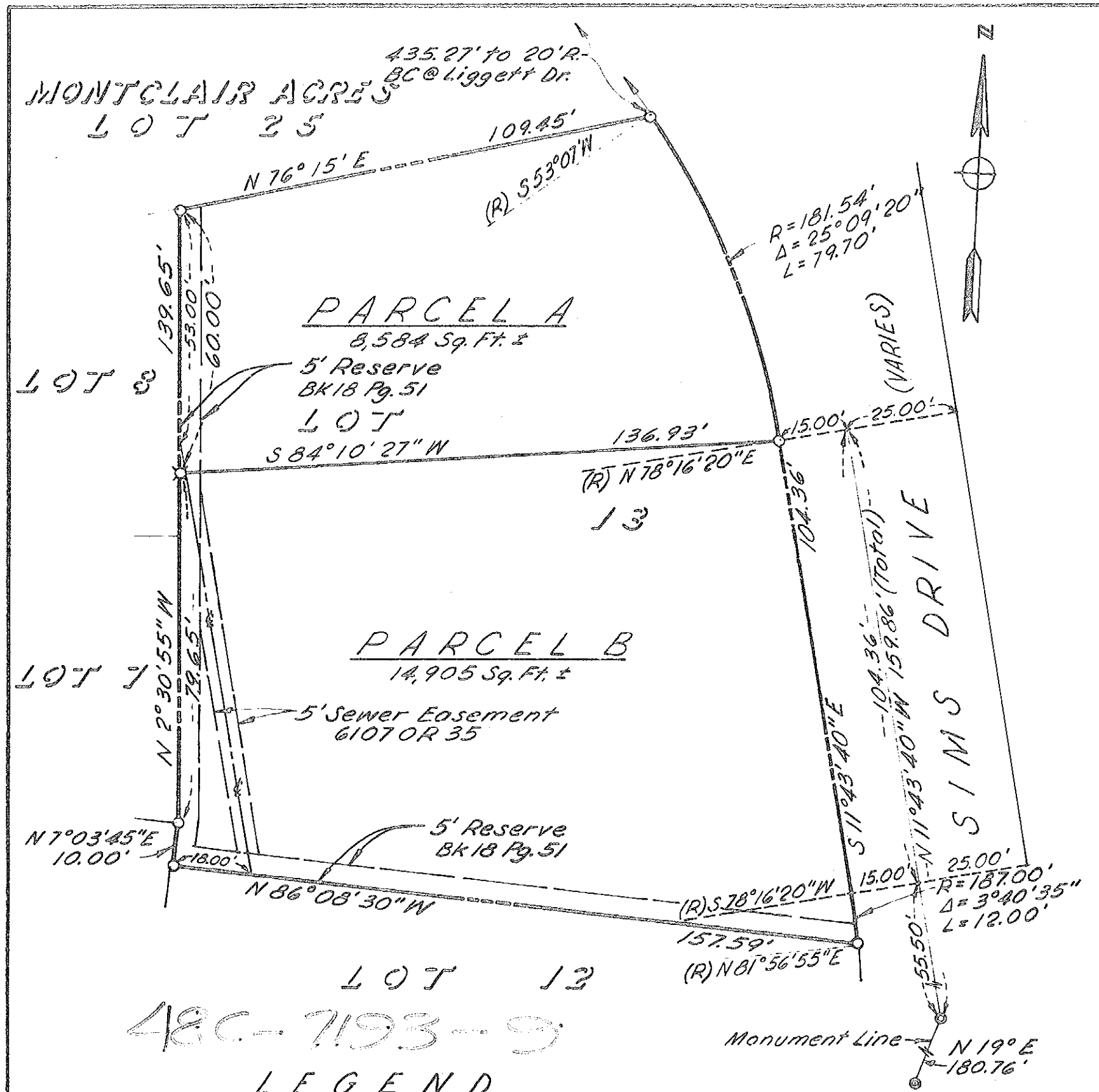
Finally, I believe that there is an inconsistency between the parcel map and the architect's plan. It would appear that the architect's plan extends 15 to 25 feet into Sims Drive, taking up the entire street. His plan locates Sims Drive that much farther east which would mean that they are taking city-owned land. and if that plan is followed, it would very likely require that the city-owned drainage system that parallels the path would have to be redesigned and rebuilt.

Barbara Berman
6758 Sims Drive
<Parcel Map March 1978.PDF>

102-2

102/2

C.V.P.
RRC



48C-7193-9

LEGEND

———	Indicates Map Exterior Boundary Line.
———	" Interior " " " .
— — —	" Easement Line.
12	" Existing Lot.
◉	" Found Tract Monument.
○	" Set 1" ø Iron Pipe & Tag · R.C.E. No. 5895.
⌑	" Set Nail & Tag in Fence · " " " .

BASIS OF BEARINGS

The found Tract Monuments taken as N 19° 00' E, as shown on "Tract 591, Oakland, Alameda County, California", filed January 18, 1941, in Book 18, Page 51, Alameda County Records.

ENGINEER'S CERTIFICATE

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act at the request of William Marshall, on November 9, 1977. I hereby state that the parcel map procedures of the local agency have been complied with and that this parcel map conforms to the approved tentative map and the conditions of approval there of which were required to be fulfilled prior to the filing of the parcel map.

REGISTERED CIVIL ENGINEER · JACK Y. LONG 5895 · STATE OF CALIFORNIA

Signed: Jack Y. Long
R.C.E. No. 5895

OWNER'S CERTIFICATE

The undersigned hereby certify that they are the owners of the land delineated and embraced within the exterior lines on the herein embodied map entitled "PARCEL MAP NO. 2437, IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA"; that they are the owners of said land by virtue of the Grant Deed recorded in Book 5988, Page 130, Series No. 89154, Records of Alameda County, California; that they consent to the preparation and filing of this map.

William Marshall
William Marshall

Barbara A. Marshall
Barbara A. Marshall

STATE OF CALIFORNIA)
COUNTY OF ALAMEDA)) SS

On this 22nd day of MARCH, 1978, before me, Frances M. Rhodes, a Notary Public in and for said State, personally appeared William Marshall and Barbara A. Marshall, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

OFFICIAL SEAL · FRANCES M. RHODES · NOTARY PUBLIC · CALIFORNIA · PRINCIPAL OFFICE IN · ALAMEDA COUNTY · My Commission Expires Jan. 15, 1980

Frances M. Rhodes
Notary Public
County of Alameda
State of California

CITY ENGINEER'S CERTIFICATE

This map conforms with the requirements of the Subdivision Map Act and local ordinance.

Dated: 4/4/78

Signed: Harry W. Montgomery
Harry W. Montgomery
Actg. City Engineer, City of Oakland
R.C.E. 15173

78-87894
#5-88

RECORDER'S CERTIFICATE

Filed this 26th day of APRIL, 1978 at 2:30 P.M. in Book 102 of Parcel Maps at page 2 at the request of William Marshall. AND FOUNDERS TITLE CO.

Rene' C. Davidson
County Recorder
By
Deputy County Recorder

CONDITIONS OF APPROVAL:

1. A soils report shall be submitted by the owner and approved by the Director of Public Works prior to the issuance of a building permit for Parcel "A".
2. Access shall be from Sims Drive. The driveway location shall be subject to approval by the Director of Public Works. It may be necessary for the property owner to reconstruct the drainage facilities on Sims Drive to accommodate the driveway. Permits must be obtained for this work and for the driveway and it is necessary that the property owner meet at the site with City Maintenance staff prior to issuance of any permits.
3. Main sewer (8 inch) extension is required to serve Parcel "A".

All of Lot 13, "Tract 591, Oakland, Alameda County, California" filed January 18, 1941, in Book 18, Page 51, Alameda County Records.

Owner & Subdivider: William & Barbara A. Marshall
6751 Sims Dr.
Oakland, Ca. 94611

PARCEL MAP NO. 2437

IN THE CITY OF OAKLAND
COUNTY OF ALAMEDA
STATE OF CALIFORNIA

Scale 1" = 20' March, 1978

J. Y. LONG CO. ENGINEERS
OAKLAND, CALIFORNIA

Sheet 1 of 1 Sheet

Map Bk 102 Pg 2

Exhibit 13

From: Barbara Berman <yrmother@gmail.com>

Subject: Appeal to application / Case File PLN21100 --decision letter

To All:

1: There seems to be a procedural flaw here. It does not seem right that the same parties who approved the application for construction at 6735 Sims Drive are also the people who are deciding on the appeal.

2: The point is made in the decision letter that 6735 would be a needed addition to the Oakland housing stock. At the same time, 6751 Sims Drive, constructed by the same developer, languishes unoccupied since it was completed (if indeed, it ever actually was completed) and with its untended surrounding lot, remains an eyesore on the block. The developer caused collateral damage in other ways, which has not been remedied. In addition, neither of these houses could be seen as affordable housing, which is what is needed in Oakland now. And 6735, at 4000 square feet, can hardly be classified as small or modest.

3: The point has been made repeatedly that construction of a house at 6735, in addition to the city's insistence on connecting the two ends of Sims Drive, will put undue strain on already fragile and unstable ecosystem. The city ignores that the street was connected and then collapsed as a result of severe winter storms, and that then-councilman Dick Spees said in 1976 that because of the soil conditions, the street would remain unconnected. Does the city assume that soil conditions have magically improved since then? Additionally, drainage systems were put in by the city and the state as a result of sliding caused in the 1950's by the construction of the original house at 6751 Sims; the hill remained quiescent until 6751 was reconstructed starting in 2017 and there was a mudslide onto Trafalgar/Highway 13 exit as a result. Caltrans then completely rebuilt their portion of the drainage system which is working — for now. It seems the height of folly to challenge the new system by new building projects on very sensitive and irritable soil.

4: There has been no communication from the city other than the two letters from Maurice Brenyah-Addow informing the residents of the neighborhood, first of the approval of construction at 6751 in 2017, and now of approval of construction of 6735 as well as connecting the two halves of Sims Drive. We were told that we would be kept informed of progress of the proposals through city bureaucracy, but that did not happen. Giving the neighbors only ten days to round up an appeal on complicated issues is ludicrous. The neighbors have come up in both instances, with very articulate, eloquent, well thought out and eloquent letters. However, it would seem that our concerns have been totally swept aside and ignored.

Barbara Berman
6758 Sims Drive
Oakland, CA 94611

Exhibit 14

From: C.C. Holland <cc_holland@yahoo.com>
To: mbrenyah@oaklandca.gov <mbrenyah@oaklandca.gov>
Cc: Councilmember Sheng Thao, District 4 <sheng@shengforoakland.com>; mark.shindler@dot.ca.gov <mark.shindler@dot.ca.gov>; district4@oaklandca.gov <district4@oaklandca.gov>; emanasse@oaklandca.gov <emanasse@oaklandca.gov>; Chiconda Davis <chiconda.davis@dot.ca.gov>; bjparker@oaklandcityattorney.org <bjparker@oaklandcityattorney.org>; Stefanie - Owen & Jake Lew <stefanie.c.lew@gmail.com>; Barbara Berman <yrmother@earthlink.net>; Patrickdnagel@yahoo.com <patrickdnagel@yahoo.com>; Krista Lucchese <hearthand1@gmail.com>; Karlin Sorensen <karlinsorenson@gmail.com>; Jamie Dean <jamiesdean@mac.com>; Monica Berman Borochoff <monica@borochoff.org>; cantude@gmail.com <cantude@gmail.com>; Chris Lauer <chrislauer@gmail.com>; Sarah Connick <sarah.connick@gmail.com>; Jeff Klonoff <oaklandj2@sbcglobal.net>; Ben Khoo <kimbenkhoo@gmail.com>; Unhei Kang <unheikang@gmail.com>; Helene Blatter <hblatter@yahoo.com>; Jeff Gutkin <jgutkin@cooley.com>; danielw@acpwa.org <danielw@acpwa.org>; Sen Beever <senvettech@gmail.com>; Alex Ricci <mizzbeever@gmail.com>
Sent: Sunday, August 1, 2021, 05:17:05 PM HST
Subject: Appeal to application / Case File PLN21100 -- proposed construction at 6735 Sims Drive in Oakland

Dear Mr. Brenyah-Addow, and city, county, and state officials copied on this email:

I am writing to express my very strong concerns about and opposition to a proposal to pave over and connect the two halves of Sims Drive in Oakland as part of a plan to build a single-family home at 6735 Sims Drive. The case file in question is PLN21100; the owner of the property is Veronica Liu.

Our understanding is that the creation of a through street is being mandated by the city of Oakland as a condition of the build. This requirement, to enable a speculator to build and "flip" a home, is poised to absolutely destroy our neighborhood as we know it, and to open a Pandora's box of additional problems down the road.

I know you have already heard from a number of residents on Sims Drive, and my family and I would like to add our voices to that chorus before August 2, when the commenting period closes. Our extremely strong opposition to this endeavor is based on several factors, listed below. We hope you will find our arguments compelling and reject this proposal.

Traffic and neighborhood safety for children/pedestrians
My family and I have lived at 6764 Sims Drive since 2006. A large part of our decision to purchase our home revolved around the status of the road as a de facto cul-de-sac, with its extremely limited car traffic. We have raised two small children here. Knowing that they were safe from speeding traffic, we let them play with neighbor kids right in our front area and in the street -- shooting hoops with friends, playing soccer and kickball, throwing frisbees, and the like. Although our kids are now in high school, we've enjoyed watching new neighbors move in with their own young families and carry on the tradition. Like us, most of them chose Sims at least in part due to it being a dead end on both sides.

The street is also a popular choice for dog walkers and pedestrians walking to Montclair Village. On both sides, it is a narrow street without sidewalks, but the limited car traffic makes it a safe option for those on foot.

Connecting the two halves of Sims Drive will create a speedway shortcut for cars between Estates Drive and Liggett and pose an enormous hazard to the children and pedestrians on this street. I can also foresee many issues with two-way traffic; it's a very narrow road and there are already limited options for street parking. In several areas, if there are cars parked on both sides, only a single lane of traffic can make it through. The traffic backups that will result will certainly result in many frustrated drivers, who will likely not be mindful of the risks of striking pedestrians and children as they impatiently try to navigate the increasingly impacted roadway.

Home values
All the denizens of Sims Drive will be financially impacted by the proposal to connect the two sides of the street. It's well-known in real estate circles that homes situated on a cul-de-sac sell for a premium over similar homes on through streets. Estimates range from 10% - 20% in increased value (https://www.realtor.com/advice/buy/why-do-we-have-cul-de-sacs/. The proposal to pave over the Sims walkway will benefit only a single homeowner -- Veronica Liu -- while crushing the home values of every other homeowner on the street. And surely there'll be an impact on the tax basis of these homes as well...an impact that will be felt by the city of Oakland at a time when it needs every dollar.

Crime increase
There's no denying that crime in Montclair is increasing. However, we have thankfully been insulated at least in part due to our cul-de-sac. Without easy egress, the criminal elements who case neighborhood homes and conduct smash-and-grabs on parked cars tend to skip our little street. After all, with only one escape hatch, why would they risk it? Studies bear out the protection afforded by cul-de-sac streets. For example, this study from Duke found that for every crime committed in a community based around a cul-de-sace, there are nearly 5 committed in a related community along a two-way street (https://sites.duke.edu/urbaneconomics/?p=985).Our insulation from crime will change if Sims becomes a through street and bad actors can easily fly out to Estates Drive on one side and Liggett Drive on the other.

Environmental impact
The creation of Sims Drive as a cul-de-sac may seem like ancient history, but it bears repeating. In the 1940s, Sims Drive was a through street. However, a massive mudslide based in the vicinity of 6735 Sims Drive changed all that. The entire hillside came down and subsumed the street. Since then, the two sides of Sims have been separated, with the slide area transformed into a walking path. However, drainage problems continue to vex that area, with additional smaller slides that extend down into the CalTrans land that borders Trafalgar. For example, last season's heavy rains flooded the walking path in part and triggered a slide that forced a partial closure of Trafalgar, as the mud slid all the way into the roadway.

CalTrans and Oakland have worked to augment the drainage system in the area, and while it has improved, it has not completely solved the problem -- which isn't surprising, given the inherent instability of the soil that enabled the hillside to come down in the first place. The city's original decision was to leave the de-facto cul-de-sac in place due to this soil instability.

This is clearly a complicated area in terms of its geology and underpinnings. To allow a prospective builder to simply "pave over" the land without a comprehensive and independent environmental, drainage, and engineering review would be the height of folly. It would be a cosmetic band-aid to solve a short-term problem for the builder, who will be building and flipping the property, but would create a long-term nightmare for those of us who will have to deal with the inevitable fallout when the unstable soil is affected by seasonal rains. For an example of what water damage is currently doing to Sims Drive, please inspect the roadway in front of 6775 Sims. The road is horribly buckled and potholed due to underground seepage. I have no doubt the same kind of water problems will surface if the walking path -- which is currently at a lower level than the rest of the entire street -- is paved over.

Callous disregard from the property owner and builder
Last but not least, I need to draw attention to the fact that the owner, Victoria Liu, and builder, Michael Liu (her son), have established a history of callous disregard to our neighborhood in their current building endeavors. They purchased a home at 6751 Sims Drive and essentially tore it down (although I believe they left a single wall standing, so it counted as a "remodel") and built an enormous gray concrete home on the lot. It's completely out of character for the neighborhood and impedes the view of neighbors above, on Liggett Drive.

But bad taste is one thing; bad building habits are another. Here are a few that have created major problems in our neighborhood:

- The construction of the home has lingered for years now, and construction debris has littered the end of our street. This includes nails, glass, and other hazards that pose risks to kids and pets. The lot itself is an eyesore, riddled with construction detritus, old window frames, concrete chunks, and the like. It has been like this for months. At one point, squatters moved into the house because it appeared to have been clearly abandoned.
- To accommodate their trucks and machinery, the builder and owner (and/or their agents) pulled down fencing on property belong to CalTrans and chopped trees on state property. We notified CalTrans at the time, but the damage had been done by the time the report had been filed.
- At one point, we neighbors noticed workers cutting down several trees on the property. We discovered they were operating on a permit to cut down one specific tree, but instead were working to remove several more -- including a large redwood, which by dint of its size is considered a protected tree according to the City of Oakland Code of Ordinances, Chapter 12.36 (https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=TIT12STSIPUPL_CH12.36PRTR). We asked them to stop, and they refused. We called the police to ask them to enforce the permit. The workers ceased operations when the police arrived, but as soon as they left, the builder himself (Michael Liu) returned and directed the workers to continue. The redwood has now been completely delimbed and stands as a single pathetic pole on the property.
- In order to build this property, they made use of an access road that winds behind other homes on Sims and ran behind the existing house. The use of heavy machinery created cracks and potholes that are hazards to existing residents. Despite Michael Liu's promises to fix the damage, he has not done so and he has not shared a plan to make that happen.

All this creates great dread for us at the prospect of allowing Victoria and Michael Liu taking on a project that requires the very problematic connection of the two sides of our roadway. Given their track record with their previous property on Sims, we have no faith that they will undertake this job properly. And why should they? They do not live in the neighborhood, but are looking to build and flip a property. We understand that flippers often build homes with the bare minimum of care and materials to maximize their profits. But when that build involves creating a roadway in an environmentally suspect area, we would hope to have more committed and reliable stewardship.

In summary
In short, we are pleading with you to reject this proposal and its attendant roadway requirement. Connecting Sims Drive will change the very nature of this quiet, family-centric, safe neighborhood. It will create traffic hazards, increase crime, and damage our property values. And this proposal puts this change in the hands of the owner and builder who have demonstrated that they are willing to take shortcuts, circumvent or ignore city and state regulations, and act with reckless disregard to the neighborhood in the service of their own aims.

If they want to build another eyesore, so be it. That's the nature of free enterprise. But please don't require the destruction of our neighborhood as a condition to let them do so.

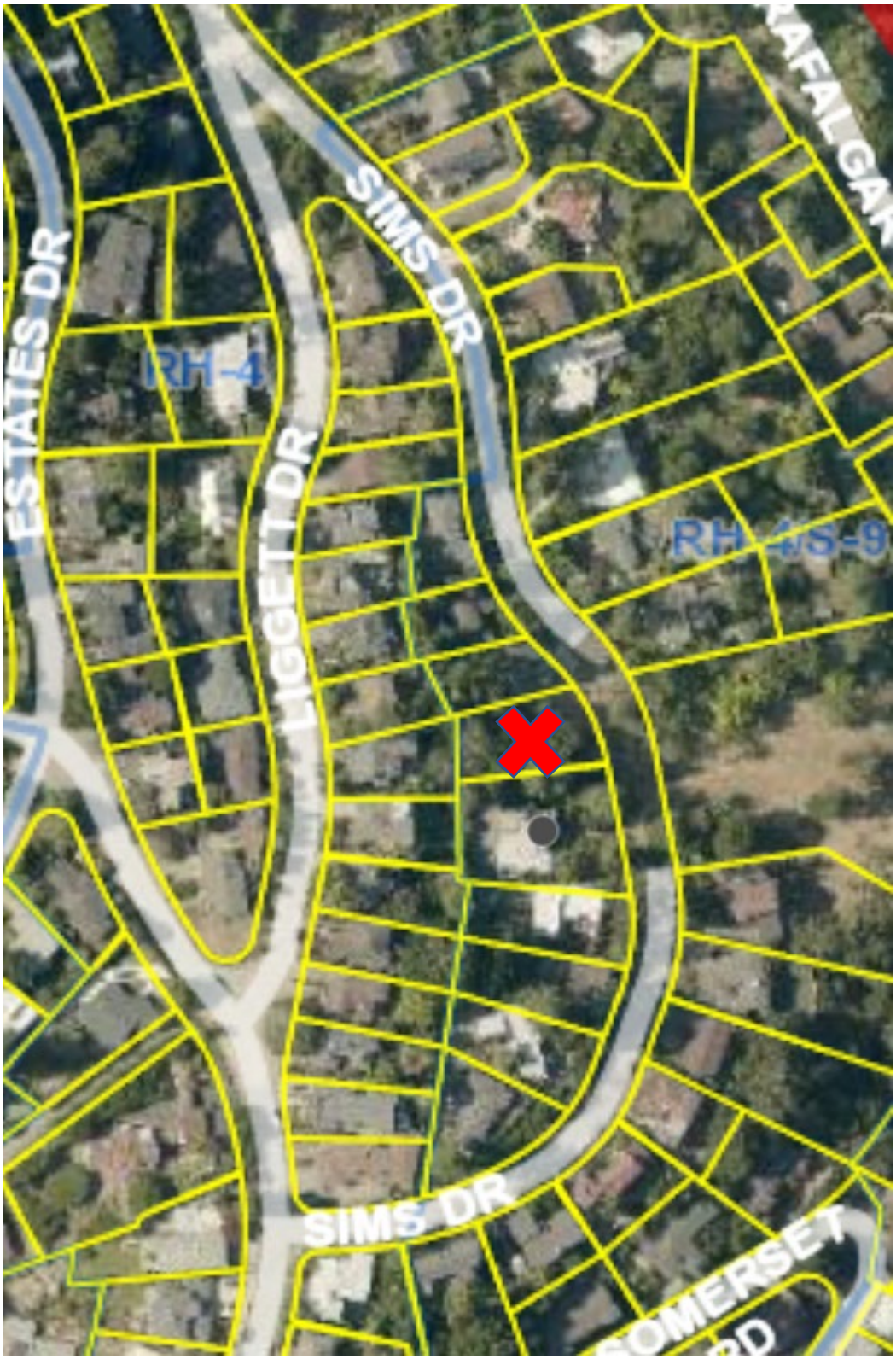
Sincerely,
CC Holland
6764 Sims Drive, Oakland, CA
415-990-2423

Copied to:

Sheng Thao, councilmember, District 4
Mark Shindler, former District Office Chief, CalTrans
Chiconda Davis, District 4 Public Affairs, CalTrans
Edward Manasse, Deputy Director, Planning Bureau, City of Oakland
Barbara J. Parker, Oakland City Attorney

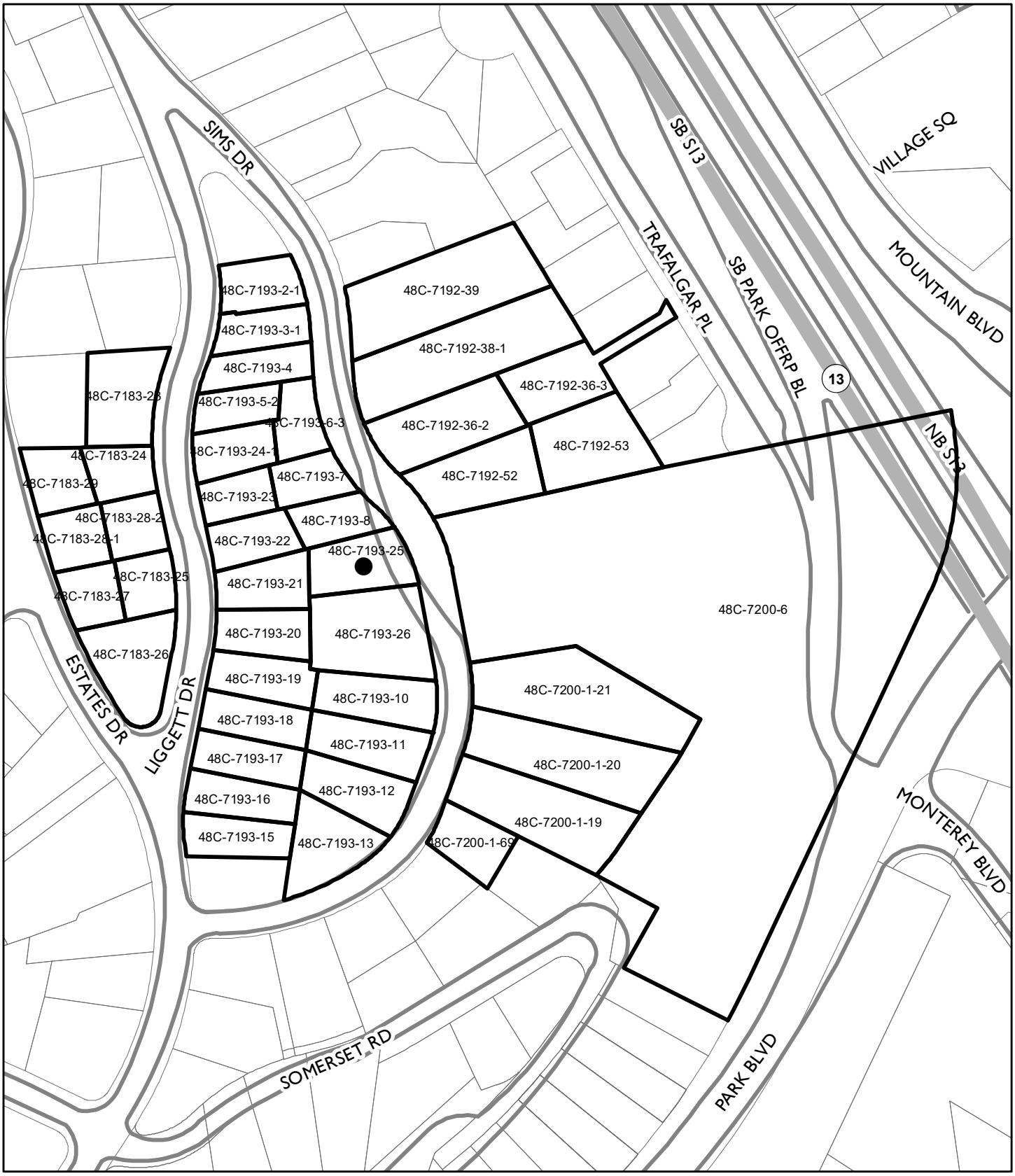
Daniel Woldsenbet, Director, Alameda County Public Works Agency

Sims Drive neighbors:
Barbara Berman and Monica Berman Borochoff
Sen Beever and Alex Ricci
Patrick and Cathy Nagel
Jamie and Colin Dean
Karlin Sorensen and Krista Lucchese
Jon and Stefanie Lew
Jeff Klonoff
Debbie Cantu
Chris and Kenny Lauer
Sarah Connick
Kim and Ben Khoo
Unhei Kang
Helen Blatter and Jeff Gutkin



X is the Project site

Attachment D- Map of Sims Drive



Feet
0 200

PLN21100
6735 Sims Drive
048C719302500

Date: 7/19/2021

From: Peter Gilbert
To: Klein, Heather
Subject: FW: Public Notice Materials - 6735 Sims Drive
Date: Monday, May 16, 2022 8:47:03 AM

Hi Heather,
Here is the email I sent Maurice verifying that the mailings went out on July 23, 2021.
Let me know if you need anything else.
Thanks
Peter

From: Peter Gilbert <pdgarchitect@comcast.net>
Date: Monday, July 26, 2021 at 8:36 AM
To: "Brenyah-Addow, Maurice," <Brenyah-Addow@oaklandca.gov>
Subject: Re: Public Notice Materials - 6735 Sims Drive

Hi Maurice,
The sign and the mailings were all out on July 23rd.
Attached are the photos you requested.
Peter

PETER DAVID GILBERT, ARCHITECT
10415 GREENVIEW DRIVE
OAKLAND, CA. 94605
510.969.7295 STUDIO
510.969.7294 FAX
510.290.0445 CELL
PDGarchitect@comcast.net
www.peterdavidgilbert.com

From: "Brenyah-Addow, Maurice," <Brenyah-Addow@oaklandca.gov>

Date: Thursday, July 22, 2021 at 11:04 AM
To: Peter Gilbert <pdgarchitect@comcast.net>
Subject: Public Notice Materials - Sims Drive

Hi Peter,

Please find attached, noticing materials and instructions for your project on Sims Drive.
Please mail copies of the Applications on File notice and site map to the attached addresses.

On the same day of mailing, also indicate the date of posting, July 23, 2021 and the comment deadline, August 2, 2021 on the attached blurb and post it in front of the site using the sign template.
Please obtain proof of mailing in the form of a batch receipt/certificate of mailing (you don't have to do certified mailing for each notice. You can get one certificate that lists all the addresses), take photos of the signs posted at the site and email them to me for the file.

Please let me know if you have any questions.

Thanks
-Maurice

UNITED STATES POSTAL SERVICE

Certificate of Mailing — Firm

Name and Address of Sender

PETER DAVID GILBERT
1045 GREENMEAD DR.
OAKLAND, CA
94605

TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office	After Stamp Here Postmark with Date of Receipt
42	42	

USPS Tracking/Article Number	Addressee (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airlift
1.	ATL ADDRESSES W/ 17TH AVE 300' RADIUS FREE GT35 SIMS PL. OAKLAND	First Class Stamps (Heart Monkey)			
2.					

U.S. POSTAGE PAID
OAKLAND, CA
JUL 23, 21
AMOUNT
$18.48
RJ2308101566-12

0000

UNITED STATES POSTAL SERVICE.

LAUREL
3630 HIGH ST
OAKLAND, CA 94619-2158
(800)275-8777

07/23/2021 12:03 PM

Product	Qty	Unit Price	Price
CTOM - Firm - Domestic	42		$18.48

Grand Total: $18.48

Credit Card Remitted $18.48
Card Name: MasterCard
Account #: XXXXXXXXXXXX0394
Approval #: 099400
Transaction #: 238
AID: A0000000041010 Chip
AL: MASTERCARD
PIN: Not Required CAPITAL ONE

USPS is experiencing unprecedented volume increases and limited employee availability due to the impacts of COVID-19. We appreciate your patience.

Preview your Mail
Track your Packages
Sign up for FREE @
https://informeddelivery.usps.com

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: https://postalexperience.com/Pos
or scan this code with your mobile device.

or call 1-800-410-7420.

UFN: 055515-0019
Receipt #: 840-59450103-1-8457336-2
Clerk: 12


NOTICE OF APPLICATION
CITY OF OAKLAND


NOTICE OF APPLICATION
CITY OF OAKLAND

From: Klein, Heather
Cc: Mulry, Brian; French, Deborah; Payne, Catherine; Merkamp, Robert
Bcc: [redacted]
Subject: Notice of a meeting of the Residential Appeals Committee on December 13, 2022 to consider the Appeal of the Project at 6735 Sims Drive
Date: Thursday, December 1, 2022 5:03:52 PM
Attachments: December-13-2022-Residential-Appeals-Committee-Meeting-Agenda.pdf

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All,
On December 13, 2022 at 3:00 pm, via a Zoom meeting, the Residential Appeals Committee will consider the Appeal that was submitted for the construction of a single-family home at 6735 Sims Drive (PLN21100-A01).

Please see the attached agenda for details. The appeal staff report will likely be available on December 8th.

Best,
Heather Klein, Planner IV | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-3659 | Fax: (510) 238-6538 | Email: hklein@oaklandca.gov | Website: https://www.oaklandca.gov/departments/planning-and-building

CEQA Section 15300.2: Exceptions to use of an Exemption

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Attachment H

CLAIR ACRES, KLAND, DA COUNTY, FORNIA.

J.H. L'Hommedieu & Company, Civil & Landscape Engineers. 1 inch = 100 Feet.

We, George E. Nutti and Harry G. Williams City Engineer and Assesor, respectively, of the City of Oakland, State of California, do hereby certify that we have examined each and every lot and block described within the red lines on this map as to their value for residence or commercial uses and state that we have no suggestions or recommendations to offer for the improvement of said subdivision.

In Witness Whereof, we have hereunto set our hands this 18th day of May A.D. 1921

George E. Nutti City Engineer.

City Assessor

REALTY SYNDICATE CO.

EAST BAY WATER CO.

L.L. Rollins

Geo. J. Arnold

MORAGA ROAD

THORN ROAD

Existing City Monument

McANDREW DRIVE

WOOD DRIVE

ESTATES DRIVE

BULLARD DRIVE

R.D. Van Tassel

Annabelle Van Tassel

M.L. Scobey

Fred G. Bruns

East Bay Water Co.

JAMES TYSON

HAVENS INC.

Concrete Monuments shown Thus

of Four Sheets.

BK 7 PG 86-87

MONTCLAIR ACRES,

OAKLAND, ALAMEDA COUNTY, CALIFORNIA.

Oakland, California. May, 1921.

J.H. L'Hommedieu & Company, Civil & Landscape Engineers.

Scale: 1 inch = 100 Feet.

East Bay Water Co.

WICKHAM HAVENS INC.

JAMES TYSON

F.E. Ellsworth

Charles Aldrich Sweet.

Clifford D. Sweet.

Lloyd E Kindall

Robert E. Higgins

Joseph E. Mifka & Helen L. Mifka

Vance C. Campell

John Lloyd

Clara L. Comings

James Burns

John M. Smith

Florence L. Rhodes

Edward G. Merwin.

J. D. Parrott.

Miriam A. and Geo. J. Hildebrand

Olin H. McCord & Helen M. McCord

M. L. Scobey

F.G. Bruns

Albert E. Helmer

Adella Nelson.

Marjorie J. Brown.

David L. Hibbs

Margaret E. Williams

Brainerd T. Mohney

William H. P. Dennis

Harry H. Coleman

Charles J. Ross

Jane L. Boillot

John C. Crum.

Henry J. & Lillian F. Zeft

Mary Lape Fogg

DOOM ROAD

HAMPTON ROAD

MARSHALL PLACE

DERBYSHIRE DRIVE

WALTER H. LEIMERT OAKLAND PIEDMONT PATH

ESTATES DRIVE

BULLARD DRIVE

BRUNS DRIVE

LIGGETT DRIVE

MORAGA ROAD

Existing City Monument

Concrete Monuments shown thus •

Sheet Two (2) of Four Sheets.

(2)

BK7 Pg 86-87

MONTCLAIR ACRES,

OAKLAND, ALAMEDA COUNTY, CALIFORNIA.

Oakland, California. May, 1921.

J. H. L'Hommedieu & Company, Civil & Landscape Engineers.

Scale: 1 inch = 100 Feet.

Concrete Monuments shown thus ●

Sheet Three (3) of Four Sheets.

(3)

BK 7 PG 86-87

The undersigned, REALTY SYNDICATE COMPANY, a corporation, hereby certifies that it is the owner of all the lands delineated and embraced within the red lines upon the above and foregoing map entitled "MONTCLAIR ACRES, OAKLAND, ALAMEDA COUNTY, CALIFORNIA." etc., (consisting of four sheets numbered respectively, Sheet No.1, Sheet No.2, Sheet No.3, and Sheet No.4, this Certificate being on Sheet No.4 thereof): that it has caused said map to be prepared for record and does consent to the making and filing thereof; that said map particularly sets forth and describes all the lots intended for sale either by number or letter, and their precise length and width; that said map particularly sets forth and describes all parcels of ground reserved for public purposes by their boundaries, courses and extent; that all said parcels of ground so reserved for public purposes are intended for the uses and purposes of public highways and paths, and are designated as PERSHING DRIVE, MARSH PLACE, ESTATES DRIVE, LIGGETT DRIVE, SIMS DRIVE, HAMPTON ROAD, WOOD DRIVE, BULLARD DRIVE, McANDREWS DRIVE, BRUNS DRIVE, and PATH.

And the undersigned, REALTY SYNDICATE COMPANY, a corporation, hereby dedicates all the parcels of ground lying within the boundaries of PERSHING DRIVE, MARSH PLACE, ESTATES DRIVE, LIGGETT DRIVE, SIMS DRIVE, HAMPTON ROAD, WOOD DRIVE, BULLARD DRIVE, McANDREWS DRIVE, BRUNS DRIVE, and PATH.

as shown and embraced within the red lines upon the above map, to the public, for the uses and purposes of public highways.

And the undersigned, REALTY SYNDICATE COMPANY, a corporation, hereby dedicates to the CITY OF OAKLAND, a municipal corporation, its successors and assigns forever, the right to construct and maintain a sewer or sewers, and the right to permit to construct and maintain gas pipes and water pipes, poles and pole lines, underground conduits and manholes, and the appurtenances thereof, and on said poles and pole lines, and in and through said conduits, to carry, conduct and use telephone and telegraph wires and cables, and wires and cables of all kinds used for conveying and supplying electric current of all kinds and for all purposes, upon, in, and under those strips of land shown upon said map, within the corporate limits of said CITY OF OAKLAND, marked "RESERVE 5 FEET WIDE" and colored green thereon and embraced within the red lines upon said map, and the right enter upon, or permit to enter upon said strips of land, for the purpose of constructing, maintaining, reconstructing, or repairing said sewer or sewers, for the purpose of constructing, erecting, stringing, maintaining, reconstructing or repairing said gas pipes and water pipes, poles, pole lines, conduits and manholes, with their appurtenances, and said wires and cables. Excepting, however, that any of said strips of land used for sewer purposes shall not be used for any of the other purposes stipulated in this certificate, except gas pipes and water pipes.

IN WITNESS WHEREOF, the undersigned, REALTY SYNDICATE COMPANY, a corporation, has caused its corporate name to be hereunto subscribed by its 2nd Vice-President and attested by its Secretary, thereunto duly authorized, and its corporate seal to be hereunto affixed on the 9th day of May A.D.1921.

REALTY SYNDICATE COMPANY,

By W.H.Murdock
2nd. Vice-President.

By Bernice McQueary
Secretary.

STATE OF CALIFORNIA, COUNTY OF ALAMEDA } S.S.

On this 9th day of May, in the Year of Our Lord One Thousand, Nine Hundred and Twenty-one, before me, M.K. JACOBUS, a Notary Public in and for said County and State, residing therein, and duly commissioned and sworn, personally appeared C.P.MURDOCK, known to me to be the 2nd Vice-President and WALLACE M. HUSSEY, known to me to be the Secretary of the Corporation that executed the within and foregoing instrument, and the persons who executed the within and foregoing instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the County and State aforesaid, the day and the year in this certificate first above written.

M.K. Jacobus
Notary Public in and for said County of Alameda, State of California.

MERCANTILE TRUST COMPANY, a corporation, mortgagee, under that certain mortgage; deed of trust and pledge dated April 20, 1917, and recorded April 25, 1917, in Liber 2573 of Deeds, at page 15 in the office of the County Recorder of the County of Alameda, State of California, and mortgagee under that certain mortgage, deed of trust and pledge dated March 1st, 1921, and recorded March 31st, 1921, in Liber 3056 of Deeds, at page 274, in the office of the County Recorder of said County of Alameda, and mortgagee under that certain mortgage dated March 1st, 1921, and recorded March 31st, 1921, in Liber 1174, of Mortgages, at page 52, in the office of the County Recorder of said County of Alameda, consents to the making and filing of said map and joins in the offer to dedicate PERSHING DRIVE, MARSH PLACE, ESTATES DRIVE, LIGGETT DRIVE, SIMS DRIVE, HAMPTON ROAD, WOOD DRIVE, BULLARD DRIVE, McANDREWS DRIVE, BRUNS DRIVE, AND PATH.

as shown on said map for public use and also to the dedication of all reserves as shown on said map.

IN WITNESS WHEREOF, the undersigned, MERCANTILE TRUST COMPANY, a corporation, has caused its corporate name to be hereunto subscribed by its Vice-President and attested by its Secretary, thereunto duly authorized, and its corporate seal to be hereunto affixed on the 18th day of May A.D.1921.

MERCANTILE TRUST COMPANY.

By W.M.Sinton
Vice-President.

By R.Murdoch
Secretary.

STATE OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO } S.S.

On this 18th day of May, in the Year of Our Lord One Thousand, Nine Hundred and Twenty-one, before me, Frank L. Owen a Notary Public in and for said County and State, residing therein, and duly commissioned and sworn, personally appeared R.M. Sims known to me to be the Vice President and R.M. Welch known to me to be the Secretary of the Corporation that executed the within and foregoing instrument, and the persons who executed the within and foregoing instrument on behalf of the Corportion therein named, and acknowledged to me that such Corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at my office in the City, County and State afore said, the day and year in this Certificate first above written.

Frank L. Owen
Notary Public in and for said City and County of San Francisco, State of California.

WM. KNOX BEANS, Trustee, on behalf and at the request of R. M. WRIGHT, Executor of the last Will and Testament of Sorah Louise Holstein, Deceased, beneficiary under that certain Deed of Trust dated April 2nd, 1918, and recorded April 12th, 1918, in Liber 2647 of Deeds, at page 273, in the office of the County Recorder of the County of Alameda, State of California, consents to the making and filing of the map and joins in the offer to dedicate PERSHING DRIVE, MARSH PLACE, ESTATES DRIVE, LIGGETT DRIVE, SIMS DRIVE, HAMPTON ROAD, BRUNS DRIVE, and PATH

as shown on said map, for public use, and also to the dedication of all reserves as shown on said map.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of May A.D.1921.

Wm Knox Beans
Trustee.

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA } S.S.

On this 17th day of May, in the Year of Our Lord One Thousand, Nine Hundred and Twenty-one, before me, Robert M. Wright, a Notary Public in and for said County and State, residing therein, and duly commissioned and sworn, personally appeared Wm. KNOX BEANS, known to me to be the person described as Trustee in and whose name is suscribed to the within instrument as Trustee therein, and he acknowledged to me that he executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County and State aforesaid, the day and year in this certificate first above written.

Robert M. Wright
Notary Public in and for the County of Santa Clara, State of California.

STATE OF CALIFORNIA, COUNTY OF ALAMEDA } S.S.

I, C.J. Ollerenshaw, County Auditor, of the County of Alameda, State of California, hereby certify that I have examined all the tax-rolls in my office and to which I have access, relating to the within described tract of land, for the purpose of ascertaining whether there exist any liens upon said tract of land for unpaid State and County taxes, except taxes not yet payable; and I do hereby certify that after a careful examination of the tax-rolls of Alameda County, in my office and in my possession, I have been unable to find any liens upon said tract of land or any portion thereof, for unpaid State or County taxes, except taxes for the year 1921-1922, which are a lien upon said property, but not yet payable.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of May A.D.1921.

C.J. Ollerenshaw
County Auditor of the County of Alameda, State of California.

By L. Hines
Deputy County Auditor.

STATE OF CALIFORNIA, COUNTY OF ALAMEDA } S.S.

I, [illegible], County Clerk of the County of Alameda, State of California, and Ex-Officio Clerk of the Board of Supervisors of said County of Alameda, hereby certify that the REALTY SYNDICATE COMPANY, a corporation, the owner of the land shown within the red lines on the above map, has filed with the Supervisors of the County of Alameda, State of California, an approved bond in the amount of $2000.00 conditioned for the payment of all taxes which are now a lien against said land or any part thereof, but not yet payable.

[illegible]
County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California.

By [illegible]
Deputy County Clerk.

This map is accepted for filing showing a clear title as per letter of Title made by the Alameda County Title Insurance Company. June 7-1921

G.A. Bacon
County Recorder of the County of Alameda, State of California

By D.L. Nissen
Deputy County Recorder.

I, HARRY G. WILLIAMS, City Auditor of the City of Oakland, State of California, do hereby certify that I have examined all the tax-rolls in my office and to which I have access, relating to the within described tract of land, for the purpose of ascertaining whether there exist any liens on said tract of land for unpaid City taxes, except taxes not yet payable; and I do hereby certify that after a careful examination of the tax-rolls of the City of Oakland, in my office and in my possession, I have been unable to find any lien upon said tract of land or any subdivision thereof for unpaid City taxes, except taxes for the year 1921-1922, which are a lien upon said property but not yet payable.

IN WITNESS WHEREOF, I have hereunto set my hand this 18 day of May A.D.1921.

Harry G. Williams
City Auditor of the City of Oakland, State of California.

By [illegible]
Deputy City Auditor.

I hereby certify that the foregoing map was presented to the Council of the City of Oakland at a meeting there of, held on the 23 day of May 1921; that said Council did thereupon by Resolution No. 22071 NS submit said map to the City Planning Commission of said City for a report thereon; that said City Planning Commission did, on the 3rd day of June 1921 report thereon to said Council; and that said Council did, at a meeting thereof, held on the 3rd day of June A.D.1921, by Resolution No. 22127 N.S. approve said map and accept on behalf of the Public all streets, roads, paths, and highways offered thereby for Public Use, and accept on behalf of said City, all offers of dedication to the City of Oakland of the reserves shown thereon.

L.W. Cummings
City Clerk and Clerk of the Council of the City of Oakland, State of California.

By [illegible]
Deputy City Clerk.

"MONTCLAIR ACRES" is a subdivision into ~~lots of a portion of~~ that certain tract of land containing 211.04 Acres, described in that deed from George Sterling and Carrie R. Sterling, his wife, to The Realty Syndicate, a corporation, dated July 28, 1902, and recorded December 30, 1902, in Liber 853 of Deeds, at page 331, in the office of the County Recorder of said County of Alameda, State of California, and a portion of that certain tract of land containing 476.08 Acres, described in that Deed from John H. Meadow and Regina Meadow, his wife, to The Realty Syndicate, a corporation, dated February 1st, 1905, and recorded February 23, 1905, in Liber 1024 of Deeds, at page 32, in the office of the County Recorder of said County of Alameda, State of California.

I hereby certify that the subdivision shown on this map is made from my own survey of the ground, and that the monuments are of the nature and in the locations shown on the map.

J.H. L'Hommedieu
Civil Engineer.

FILED AT REQUEST OF Realty Syndicate Company, on this 7-1921 at 31 minutes past 4 P M. in the office of the County Recorder of the County of Alameda, State of California.

G.A. Bacon
County Recorder.

By D.L. Nissen
Deputy Recorder.

$5.00

MONTCLAIR ACRES,

OAKLAND, ALAMEDA COUNTY, CALIFORNIA.

Oakland, California. 1921.

J.H. L'Hommedieu & Company. Civil & Landscape Engineers.

Scale: 1 inch = 100 Feet.

Sheet Four(4) of Four Sheets.

(4)

BK 7 Pg 86-87

The undersigned, BATES AND BORLAND, a copartnership composed of Chas. D. Bates, Archibald Borland and Lucretia B. Bates, hereby certifies that it is the owner of all the lands delineated and embraced within the blue lines upon the above and foregoing map entitled "TRACT 591, OAKLAND, ALAMEDA COUNTY, CALIFORNIA" consisting of one (1) sheet only, that it has caused said map to be prepared for record and consents to the making and filing thereof, that said map particularly sets forth and describes all the lots intended for sale by number and their precise length and width, that said map particularly sets forth and describes that certain parcel of ground reserved for public purposes by its boundaries, courses and extent, that said parcel of ground so reserved for public purposes is intended for the uses and purposes of a public highway and designated within the blue lines upon the foregoing map as Sims Drive.

And the undersigned BATES AND BORLAND, a copartnership composed of Chas. D. Bates, Archibald Borland and Lucretia B. Bates, hereby dedicate all that parcel of ground lying within the boundaries of said Sims Drive as designated and delineated and embraced within the blue lines upon the above and foregoing map to the public for the uses and purposes of a public highway.

And the undersigned BATES AND BORLAND, a copartnership composed of Chas. D. Bates, Archibald Borland and Lucretia B. Bates, hereby dedicate to the City of Oakland, a municipal corporation, its successors and assigns forever the right to construct and maintain a sewer or sewers and the right to permit to construct and maintain gas pipes and water pipes, in and under those strips of land shown upon said map within the corporate limits of said City of Oakland, marked "Reserve 5 Ft. Wide," hereon and embraced within the blue lines upon said map; and the right to enter upon said strips of land for the purpose of constructing, maintaining, reconstructing or repairing said sewer or sewers, gas pipes and water pipes.

IN WITNESS WHEREOF, Chas. D. Bates, Archibald Borland and Lucretia B. Bates, individuals doing business as Bates and Borland, a copartnership, have hereunto set their hands on the 17 day of October A.D. 1940.

BATES AND BORLAND, a copartnership.

By Chas. D. Bates
Chas. D. Bates

By Lucretia B. Bates
Lucretia B. Bates, wife of said Chas. D. Bates.

By Archibald Borland
Archibald Borland, a widower.

STATE OF CALIFORNIA } ss.
COUNTY OF ALAMEDA }

On this 19 day of October in the year Nineteen Hundred and Forty, before me [illegible] a Notary Public in and for said County and State residing therein, duly commissioned and sworn, personally appeared Chas. D. Bates, Lucretia B. Bates, his wife, and Archibald Borland, known to me to be the partners of the partnership that executed the within instrument, and they acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Notarial Seal

Notary Public in and for said County and State.

~~STATE OF CALIFORNIA } ss.~~
~~COUNTY OF ALAMEDA }~~

~~I, G. E. WADE, County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Alameda, State of California, hereby certify that Bates and Borland, owners of all the lands shown within the blue lines on the above and foregoing map have filed with the Supervisors of said County and State an approved bond in the amount of $[illegible] conditioned for the payment of all taxes which are now a lien against said land or any part thereof but not yet payable.~~

~~IN WITNESS WHEREOF I have hereunto set my hand this [illegible] day of [illegible] A.D. 1940~~

~~Official Seal~~

~~County Clerk and Ex-officio Clerk of the Board of Supervisors of Alameda County, State of California.~~

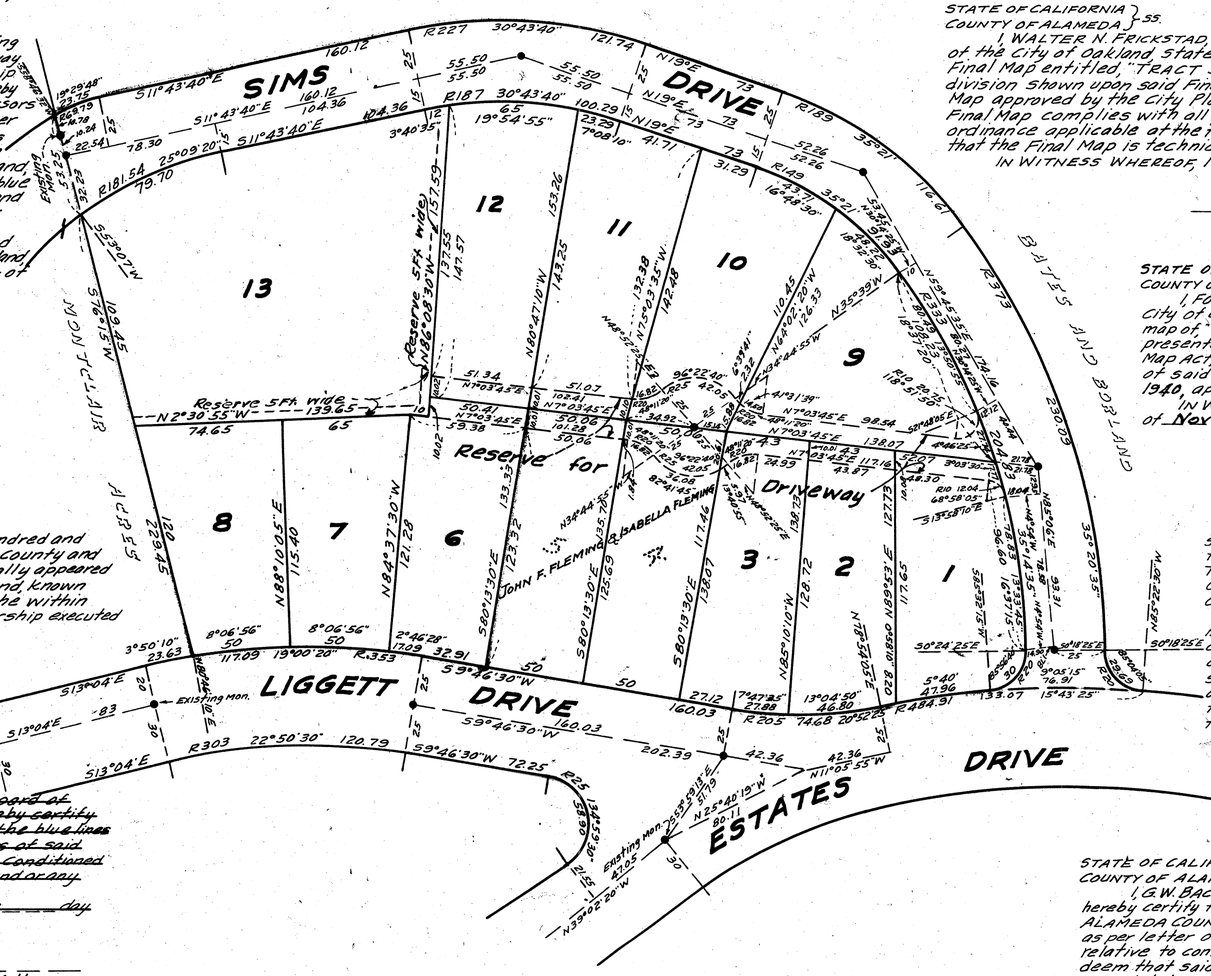
~~By [illegible]~~
~~Deputy County Clerk.~~

Erased by J.W. Wilson, Civil Engineer.

EXISTING AND PROPOSED
CONCRETE MONUMENTS ARE SHOWN AND LOCATED THUS:

N W E S

BATES AND BORLAND



TRACT 591,
OAKLAND, ALAMEDA COUNTY, CALIFORNIA.

J.W. WILSON & CO. INC. CIVIL & SUBDIVISION ENGINEERS.
OAKLAND, CALIFORNIA. SCALE: 1 INCH = 50 FEET.
AUGUST, 1940.

00 3030
00 3030

$5.00

STATE OF CALIFORNIA } ss.
COUNTY OF ALAMEDA }

I, FRANK COLBURN, City Clerk and Clerk of the Council of the City of Oakland, State of California, do hereby certify that the herein embodied map entitled "TRACT 591, OAKLAND, ALAMEDA COUNTY, CALIFORNIA" was presented to the Council of the City of Oakland, at a meeting thereof held on the 9 day of January A.D. 1941, and that said Council did at a regular meeting thereof held on the 14 day of January A.D. 1941, by Resolution No. 9696 C.M.S. approve said map and accept on behalf of the public all reserves, and that parcel of land offered for dedication for public use in conformity with the terms of the offer of dedication as shown on said map.

IN WITNESS WHEREOF, I have hereunto set my hand this 14 day of January A.D. 1941.

Official Seal

Frank Colburn
City Clerk and Clerk of the Council of the City of Oakland, State of California.

By Chas Sheldon
Deputy City Clerk.

STATE OF CALIFORNIA } ss.
COUNTY OF ALAMEDA }

I, WALTER N. FRICKSTAD, Superintendent of Streets and Ex-officio City Engineer of the City of Oakland, State of California, do hereby certify that I have examined the Final Map entitled, "TRACT 591, OAKLAND, ALAMEDA COUNTY, CALIFORNIA," that the subdivision shown upon said Final Map is substantially the same appearing on the Tentative Map approved by the City Planning Commission on 10th day of September 1940; that said Final Map complies with all provisions of the "Subdivision Map Act" and of the local ordinance applicable at the time of approval of the Tentative Map, and that I am satisfied that the Final Map is technically correct.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of January A.D. 1941.

Walter N. Frickstad
Superintendent of Streets and Ex-officio City Engineer of the City of Oakland, State of California.

STATE OF CALIFORNIA } ss.
COUNTY OF ALAMEDA }

I, FORD A. HARVEY, secretary of the City Planning Commission of the City of Oakland, State of California do hereby certify that a tentative map of "TRACT 591, OAKLAND, ALAMEDA COUNTY, CALIFORNIA" was presented to the City Planning Commission as provided by the Subdivision Map Act, that a resolution was duly and regularly adopted at a meeting of said City Planning Commission held on the 10th day of September 1940, approving said tentative map.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of November A.D. 1940.

Ford A. Harvey
Secretary of the City Planning Commission of the City of Oakland, State of California.

"TRACT 591, OAKLAND, ALAMEDA COUNTY, CALIFORNIA" is a subdivision into lots of a portion of the 39.10 acre tract of land firstly described in the deed by Bates, Borland and Ayer to The Oakland Bank of Savings, dated October 10, 1917, and recorded October 11, 1917, in Book 2573 of Deeds at page 477, Alameda County Records.

I hereby certify that the subdivision shown on this map is made from a true and complete survey, made under my direction in August 1940; that the monuments will be of the character and occupy the positions indicated and will be set in such positions in accordance with the satisfactory assurance given by the subdivider on or before August 30, 1941; that said monuments will be sufficient to enable the survey to be retraced.

Dated August 29, 1940.

Seal

J.W. Wilson
Registered Civil Engineer No. 1927.

STATE OF CALIFORNIA } ss.
COUNTY OF ALAMEDA }

I, G.W. BACON, Recorder of the County of Alameda, State of California, do hereby certify that I have examined this final map entitled, TRACT 591, OAKLAND, ALAMEDA COUNTY, CALIFORNIA, and evidence presented by the subdivider as per letter of title made by Oakland Title Insurance and Guaranty Company, relative to consent to the recordation thereof, and after such examination, I deem that said map complies in all respects with the provisions of Chapter 670, Statutes of 1937, known as the "Subdivision Map Act," and subdivision regulations appearing of record in my office adopted pursuant thereto and I hereby accept said map for recordation.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of January A.D. 1941.

G.W. Bacon
Recorder in and for the County of Alameda, State of California.

By M. Cooper
Chief Deputy Recorder.

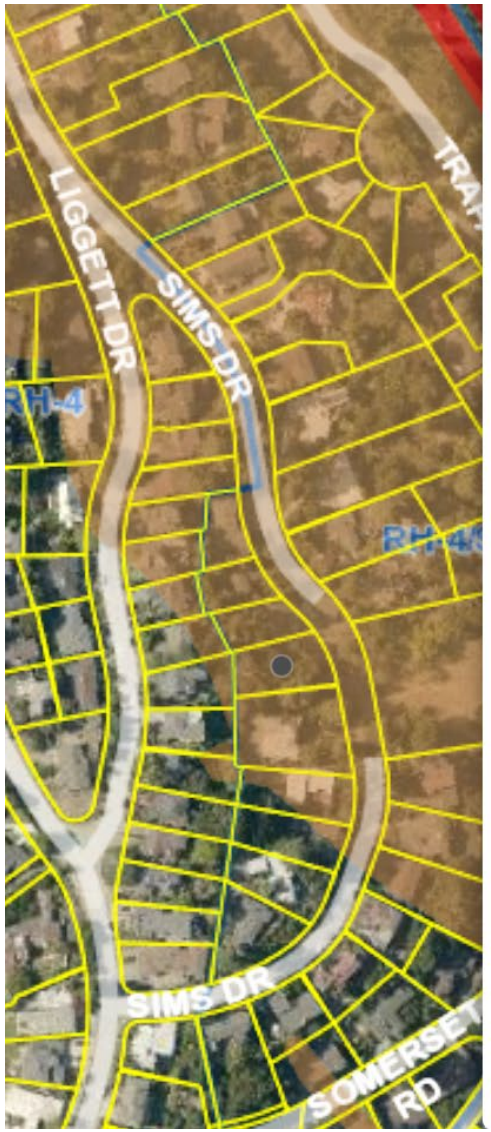
Recorded at the request of Oakland Title Insurance and Guaranty Company, at 26 minutes past 11 A M. on the 18 day of January A.D. 1941, in the office of the Recorder of the County of Alameda, State of California.

G. W. Bacon
Recorder in and for the County of Alameda, State of California.

By C. A. Pimentel
Deputy Recorder.

591 (X)

ONE (1) SHEET ONLY.



- [x] Environmental
  - [ ] Very High Fire Hazard Severity Zone
  - [ ] Whipsnake Critical Habitat
  - [ ] Flood Zones
  - [ ] HaywardFault
  - [ ] Hayward Fault Zone
  - [x] Earthquake Induced Landslide Zones (CGS)
  - [ ] Quake Induced Liquefaction Study Zones (CGS)
  - [ ] Liquefaction Susceptibility
  - [ ] Traffic Analysis Zones
- [ ] Administrative Areas

Attachment J

HYDRO-GEO CONSULTANTS, INC.
P.O. Box 4363, Mountain View, CA 94040-4363
(650) 428-0580 • FAX (650) 428-0589

July 13, 2010
Project 10670-A

Ms. Veronica Liu (michaelliu29@comcast.net)
1036 5th Street
Oakland, CA 94606

Subject: **Geologic Peer Review for a Proposed New Single-Family Residence**
6735 Sims Drive (Parcel A Map No. 2437; APN 048C-7193-025)
Oakland, California 94611

Dear Ms. Liu,

We have reviewed the July 9, 2010 response to our peer review from Patrick L. Drumm of GeoTrinity Consultants and find his comments to be acceptable. Our primary geologic concern at the captioned site is the existing on-site landslides and the potential for slope instability. GeoTrinity Consultants is aware of this condition and has addressed it in their report and in the response to our peer review.

Construction of the proposed new residence at this site will be on a pier and grade-beam type of foundation. Under these conditions the geotechnical consultant should be able to observe the subsurface conditions during construction in order to determine the pier depth in firm material, below any indicated landslide failure planes.

Very truly yours,
HYDRO-GEO CONSULTANTS, INC.

John T. O'Rourke

John T. O'Rourke
Engineering Geologist 419

JO'R/jod
CC: GeoTrinity Consultants jyang@geotrinity.com

Response to Peer Review Comments

6735 Sims Drive
Oakland, CA
GeoTrinity Project No.: GE-2180

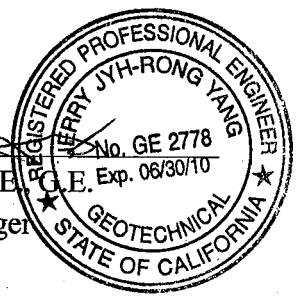
July 7, 2010

Prepared For:

Ms. Veronica Liu
1036 5th Street
Oakland, California

Prepared By:

GeoTrinity Consultants, Inc.
7770 Pardee Lane, Suite 101
Oakland, CA 94621



Jerry Yang, P.E., G.E.
Project Manager

Patrick L. Drumm, PG, CEG, CHG
Consulting Engineering Geologist

July 7, 2010
Project No.: GE-2180

Ms. Veronica Liu
1036 5th Street
Oakland, California

RE: Response to Peer Review Comments
Proposed New Residential Construction
6735 Sims Drive
Oakland, CA

Dear Ms. Liu:

We are responding to third party peer review comments of our Potential Seismic Hazards Screening Investigation & Geologic and Geotechnical Evaluation for the above mentioned property, dated June 5, 2010. Mr. John O'Rourke, engineering geologist with Hydo-Geo Consultants, Inc. (HGC), of Mountain View, California, has expressed written concerns regarding the proposed development at the project site in a letter dated June 22, 2010 (copy attached to this response). We have also discussed the review comments with Mr. O'Rourke by telephone on June 25, 2010. As part of our response letter, we have updated the Geologic Cross Section of Figure 4 from our initial report to illustrate the depth of the recommended foundation piers (attached to this letter).

The review comments generally fall into three categories as listed below.

(1) Hayward Fault Proximity
(2) Depth and Extent of Explored Landslide
(3) Pseudo-Static Factor of Safety and Shear Strength Laboratory Data

We have addressed each of these topics in the following paragraphs.

(1) Hayward Fault Proximity

The site is not within the Earthquake Fault Zone for the Hayward fault as designated from seismically active fault by the State of California (Hart and Bryant, 1997; and State Geologist, 1982). However, the site is located approximately 950 feet west of the nearest splay of the active Hayward fault zone as measured from the City of Oakland parcel coverage map stated in our initial report (City of Oakland, 1988). The Revised Official Map of Earthquake Fault Zones by the State of California also maps the closest splay of the Hayward fault zone at approximately 950 feet away

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(State Geologist, 1982). We acknowledge that other published geologic maps show fault splays, presumably of the Hayward fault zone, closer to the site. For example, Lienkaemper (1992) and Herd (1978) show that the closest splay is approximately 700 feet away as mentioned by HGC. Further, Dibblee (2205) suggests that the closest Hayward fault splay to the project site is located approximately 400 feet away. Case (1968), Radbruch (1969), and Radbruch and Case (1967) suggest that the closest fault splay to the project site is approximately 200 feet away, at the degree of accuracy allowable due to the map scale of 1:24,000.

HGC suggests that water levels measured in some of our exploratory borings and the seepage area shown on our Site Geologic Map are the result of a fault splay from the Hayward fault or another fault passing through or adjacent to the project site. No faults have been mapped through or adjacent to the property in any of the published geologic references citied in our initial report, the site is not within an Earthquake Fault Zone, and we have no reason to believe that a through going fault crosses the property (Case, 1968; Dibblee, 2005; Graymer, 2000; Graymer and others, 1996; Radbruch, 1969; and Radbruch and Case, 1967). We maintain that the water levels measured in some of the borings and the seepage area shown on our Site Geologic Map coincides with and are the result of landslide planes explored within the site as shown on our Geologic Cross Section (see Figure 4).

(2) Depth and Extent of Explored Landslide

HGC suggests that landslide debris may underlie a portion of the subject property to the north and that the mapped limits of the upper portion of the landslide shown on our Site Geologic Map are not correct. This suggestion is basely on a review of the boring log information by Provenzano & Associates (1978) for the adjacent property to the north, known as 6725 Sims Drive. In an attempt to provide a thorough investigation, we have researched this boring log data from the City of Oakland files and included the data on our Site Geologic Map as it appeared on the original boring logs.

On the adjacent property to the north at 6725 Sims Drive, the geotechnical engineer drilled five borings and noted multiple shear planes in the upper 15 feet, gravel layers and lenses at various depths, and provided soil descriptions as opposed to bedrock for some of the deeper materials (Provenzano & Associates, 1978). The notations these boring logs are suspicious and suggest that landslide shears and landslide debris underlie the adjacent site. We encountered similar materials during our subsurface exploration within the project site. However, our on-site engineering geologist developed very different conclusions as to the variety of possible "landslide-related" materials sampled during our recent drilling operation. The shear fabric observed in collected samples generally followed relic bedding and they are likely related to internal shearing within the Franciscan bedrock. The "gravel layers" and "lenses" are actually thin interbeds of hard graywacke sandstone that have been fractured into angular gravel-size pieces, as observed in undisturbed samples collected at the project site. The soil descriptions are of weathered bedrock as observed in collected samples. These features are consistent with our experience with exploration within the Franciscan bedrock.

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We focused our field exploration along the south portion of the property, as opposed to the north portion, because our City of Oakland records research suggested that this portion of the site had experienced stability problems in the past as noted in our original report (Buckingham, 1954). From our geologic reconnaissance, aerial photographic analysis, and subsurface exploration, we felt comfortable with the depth and extent of the landslide debris underlying the project site as depicted on our Site Geologic Map and Geologic Cross Section (see Figure 4). It should be noted that the adjacent property to the north at 6725 Sims Drive was developed with a single-family residence in much the same way that is proposed for the project site even though the adjacent site was suspected of being underlain by landslide debris at that time.

(3) Pseudo-Static Factor of Safety and Shear Strength Laboratory Data

The property is within a State of California Seismic Hazard Zone for seismically-induced landslides (State Geologist, 2003), and the site is within a previously mapped landslide (Nilsen, 1975). We proceeded with our investigation of the project using the guidelines outlined by the California Geological Survey Special Publications 117 and 117A (CGS, 1997; and 1998) for a potential seismic hazards screening investigation. Through the course of our investigation that included geologic reconnaissance, aerial photographic review, review of published geologic data (see reference list) subsurface exploration, and review of previous geotechnical reports for adjacent properties (see reference list), it was our opinion that the landslide affecting the project site was limited to the lower portion of the property as shown on our Site Geologic Map. Therefore it is still our opinion that the site had been successfully screened for potential seismic hazards as outlined in the California Geological Survey Special Publications 117 and 117A (CGS, 1997; and 1998) and that a qualitative evaluation (pseudo-static analysis and factor of safety) for potential seismic hazards is not necessary.

We did not perform any shear strength laboratory testing on the samples collected during our subsurface exploration program because the heterogeneous nature of the samples that would likely lead to erroneous high strength results. The bedrock was generally in a weathered, but dense to very dense condition. Drilling generally became more difficult with depth. Likewise, relative blowcounts also increased with depth. Detailed descriptions of the bedrock encountered in each of the exploratory borings are presented on the boring logs in our original report.

It should be noted that the bulk of the landslide in question extends down the slope toward Highway 13 where highway construction in the 1950s reportedly removed and replaced the greater part of the landslide below Sims Drive. According to Buckingham (1954), the stabilization of the landslide by removal and replacement during the Highway 13 construction was probably successful subject to minor reactivations of the upper portions of the landslide. Additionally, it is apparent that the any postulated landslide underlying the adjacent residential properties to the south (6751 Sims Drive) and north (6725 Sims Drive) of the project site along the upslope side of Sims Drive did not prevent

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residential development of those properties.

Furthermore, the existing landside debris underlying the lower portion of the project site is to be mitigated by removal as part of the proposed site development scheme. Based on the elevation plans provided to us, the majority of the landslide, except for part of the garage area, will be removed to reach the finished grade. The landslide materials below the garage area should be over- excavated and reworked as recommended in Section 4.1 of our original report. The lateral extent of reworking should be at least 5 feet beyond the building footprint. Keyway and a subdrain system as recommended in Section 4.1.9 of our original report should be incorporated in the earthwork below the garage.

We recommend that the proposed residence and retaining walls be entirely supported on a drilled pier and grade beam foundation system as outlined in Section 4.2 or our original report and shown on Figure 4. The proposed retaining walls located upslope of the home should also be supported on drilled piers and provided with subdrains. All ancillary structures, such as patios and decks should also be supported on a deepened foundation system if slope movements can not be tolerated for such structures.

Slope stability analyses are generally required for slopes steeper than 2:1 (horizontal to vertical). However, the existing slopes within the project site are 2:1 (horizontal to vertical) or flatter and the proposed permanent slopes are to be less than 2:1. We recommend cut slopes in relatively low-expansive bedrock not exceed an inclination of 3:1 (horizontal to vertical) and fill slopes be designed and constructed no steeper than 3:1 (horizontal to vertical). If the fill is composed of granular soils or soil/rock mixtures of very low expansion potential, then the fill slopes can be constructed at an inclination of 2:1 with a proper keyway with subdrainage. We recommend that fill slopes be over-built approximately 2 feet horizontally and then trimmed back to finished grades.

If steeper slopes without retaining wall support are desired in the final grading design, we should be consulted and further study would be required to assess the stabilities. All exposed slopes will be subject to minor sloughing and erosion requiring periodic maintenance. We recommend that erosion control measures be installed on all exposed slopes to minimize erosion on the slope surface. A positive surface gradient of at least 2 percent at top of slopes should be provided to direct surface runoff away from the top of slopes and towards a suitable discharge facility.

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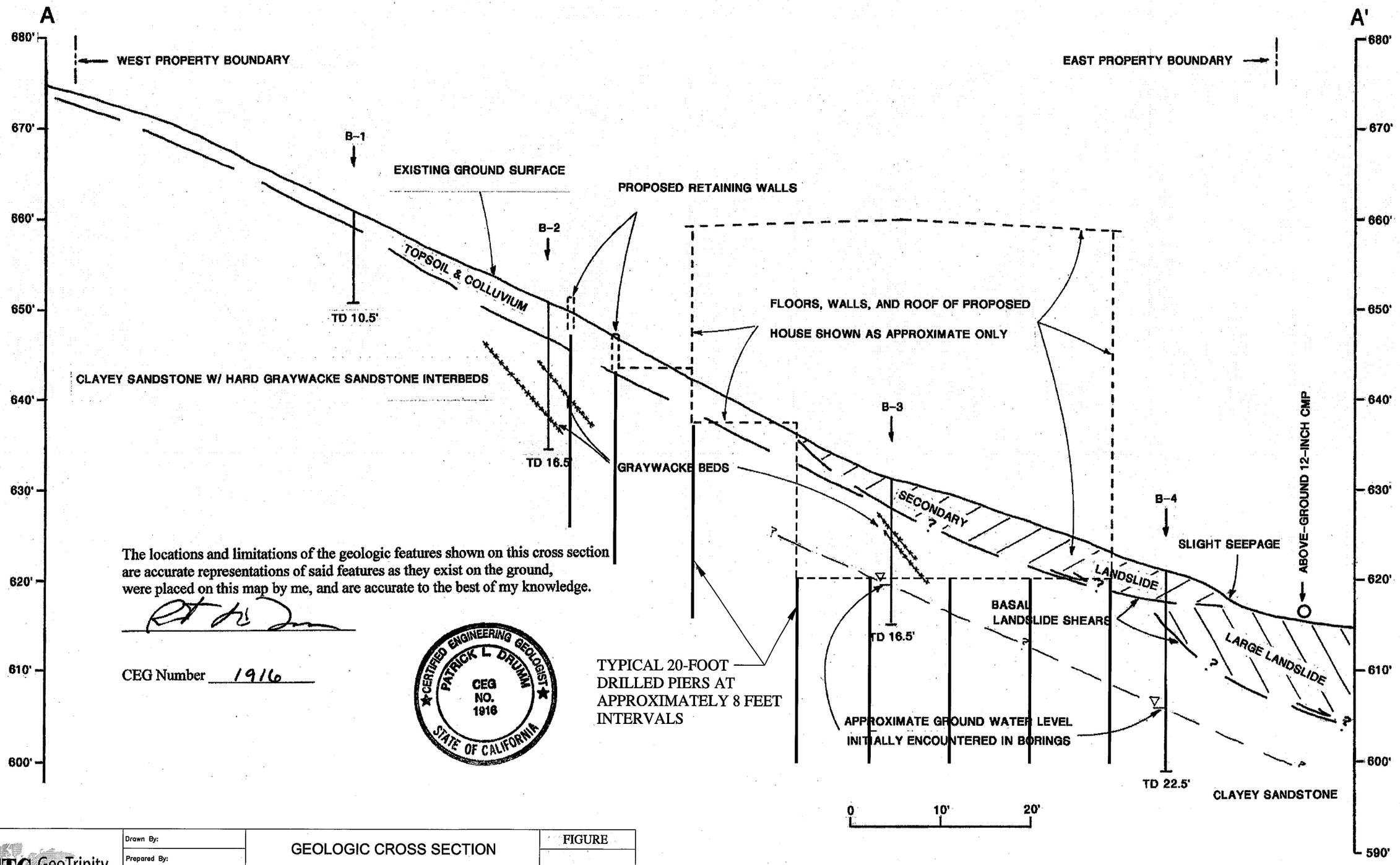


The locations and limitations of the geologic features shown on this cross section are accurate representations of said features as they exist on the ground, were placed on this map by me, and are accurate to the best of my knowledge.

CEG Number 1916

CERTIFIED ENGINEERING GEOLOGIST
PATRICK L. DRUMM
CEG NO. 1916
STATE OF CALIFORNIA

GeoTrinity Consultants, Inc.
7770 Pardee Lane, Suite 101
Oakland, CA 94621
(Phone) 510-383-9950 (Fax) 510-383-9957

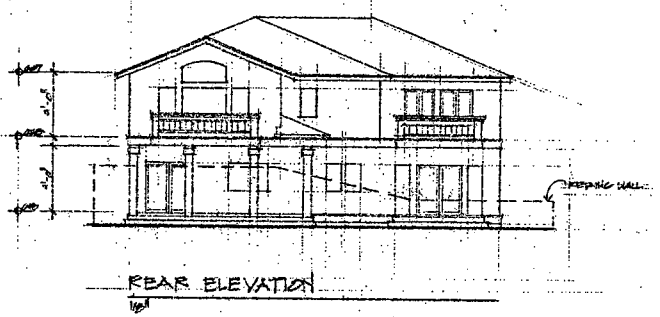
Drawn By:	
Prepared By:	
Approved By:	
Scale:	
Date:	
Drawing File:	JY

GEOLOGIC CROSS SECTION

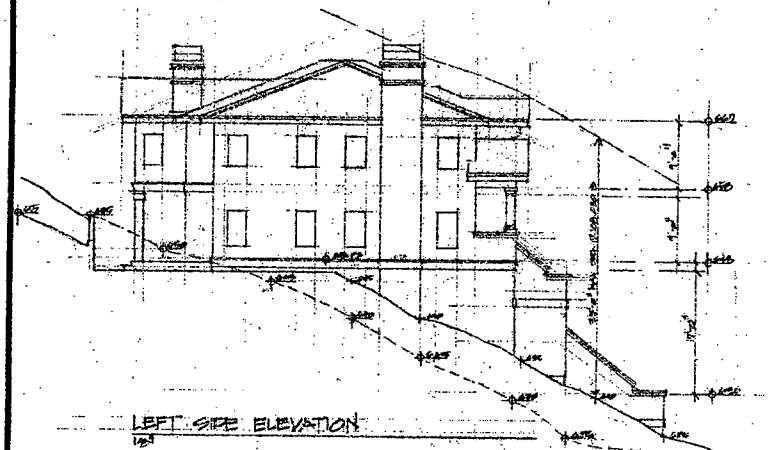
NEW RESIDENCE
6735 SIMS DRIVE
OAKLAND, CA

FIGURE 4

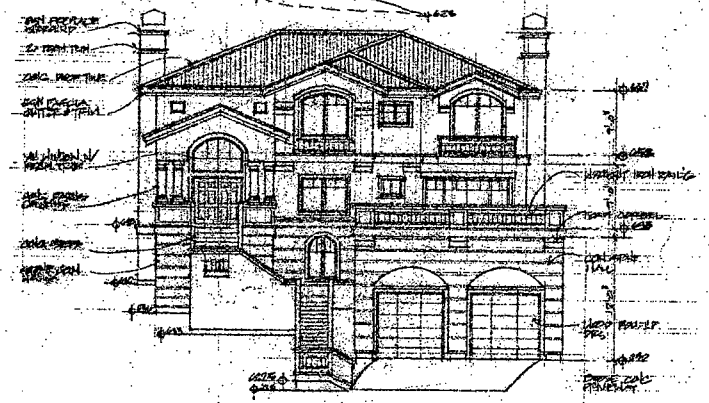
PROJECT NO. GE 2180



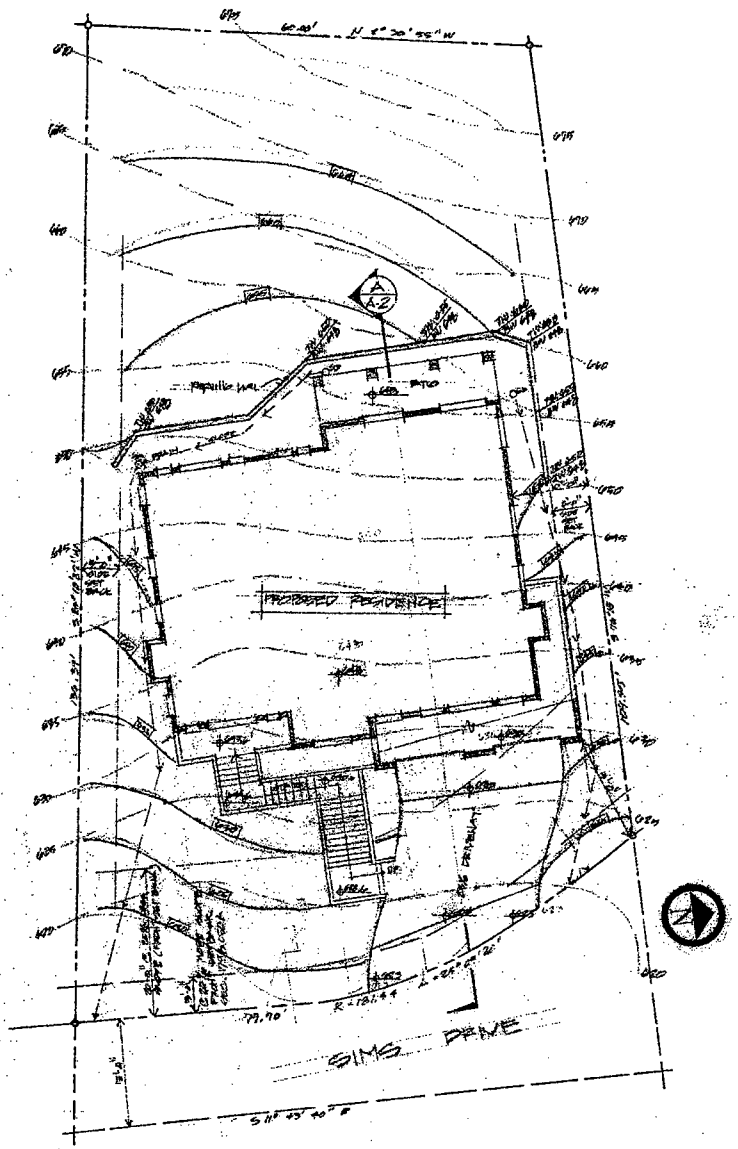
REAR ELEVATION



LEFT SIDE ELEVATION



FRONT ELEVATION



SITE PLAN / GRADING & DRAINAGE

REVISIONS	BY

DESIGN • BUILD • DEVELOPMENT • CONSTRUCTION • INTERIORS

emb design group

EDGAR MALLARI BALUYOT

CUSTOM HOME

6735 SIMS DRIVE

OAKLAND, CALIFORNIA

SITE PLAN
ELEVATIONS

RESTRICTED

DRAWN emb

CHECKED

DATE 1/04/01

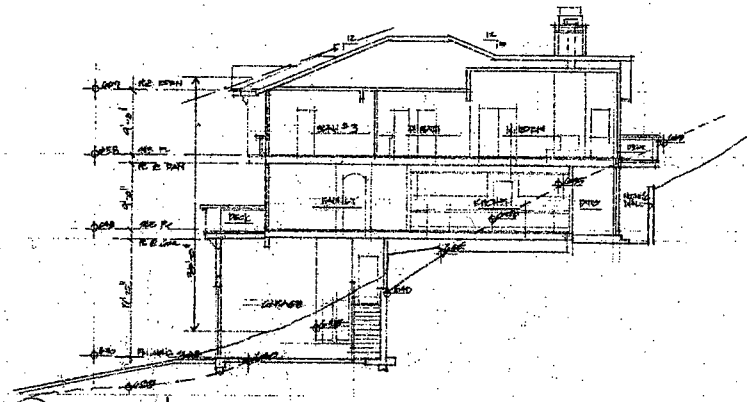
SCALE AS NOTED

JOB NO.

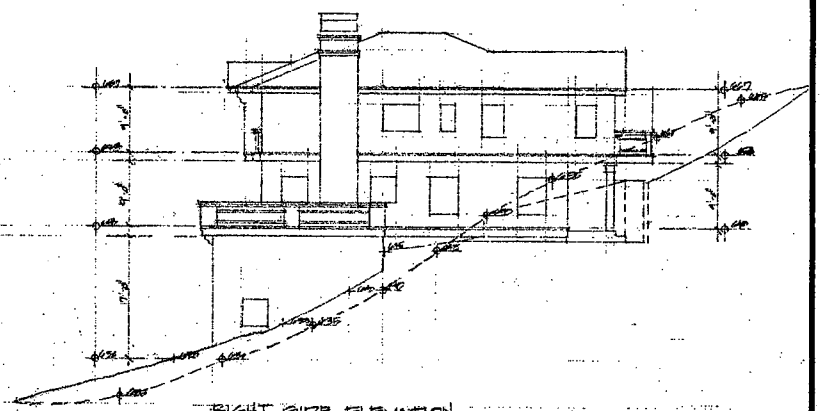
SHEET A-1

OF SHEETS

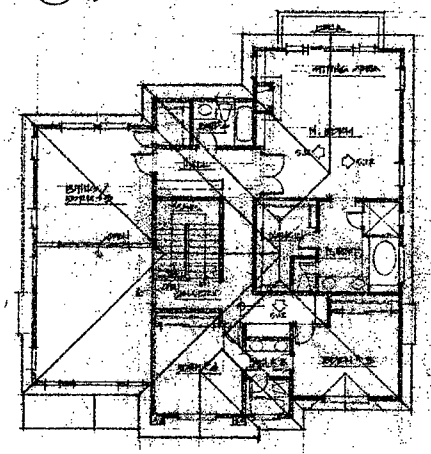
STUDIO BLUE A-88

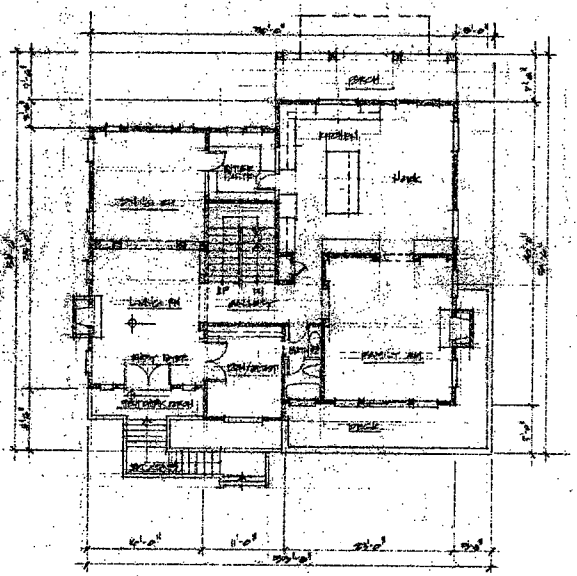


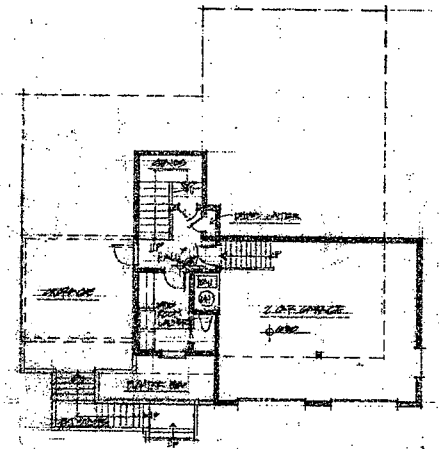
(A) SECTION
1/8"



RIGHT SIDE ELEVATION
1/8"







UPPER FL. = 1,776 SQ. FT.

MAIN FLOOR = 1,915 SQ. FT.

UPPER FLOOR	= 1,776 SQ. FT.
MAIN FLOOR	= 1,915 SQ. FT.
LOWER FLOOR	= 336 SQ. FT.
TOTAL	= 4,027 SQ. FT.
GARAGE	= 644 SQ. FT.

UPPER LEVEL FLOOR PLAN / ROOF PLAN
1/4"

MAIN LEVEL FLOOR PLAN
1/4"

LOWER LEVEL FLOOR PLAN / SITE PLAN
1/4"

REVISIONS	BY

emb design group
DESIGN • BUILD • DEVELOPMENT • CONSTRUCTION • INTERIORS
EDGAR MALEAH BALIYUT
3095 Olive Rd., Suite 100 Walnut Creek, Ca 94596 Tel/925 944-1995 Fax/925 944-1996

CUSTOM HOME
6735 SIMS DRIVE
OAKLAND, CALIFORNIA

FLOOR PLANS
ELEVATION
SECTION

RECITALS
The information, ideas and designs contained herein are and remain property of EDGAR MALEAH BALIYUT. It is not to be used in any way without the written permission of EDGAR MALEAH BALIYUT. Drawings notes or Publishings are not to be changed or copied in any form or manner whatsoever nor are they to be assigned to any third party without first obtaining the expressed written permission and consent of EDGAR MALEAH BALIYUT. Any unauthorized use of these drawings notes or Publishings is to be expressly forbidden. Visual contact with these drawings or publishings shall constitute prima facie evidence of acceptance of these restrictions and a binding agreement for unauthorized use as the intellectual property of EDGAR MALEAH BALIYUT and his client for whom they were prepared for use solely with respect to this project. All ideas, designs, arrangements and plans indicated or represented by these drawings are owned by and the property of EDGAR MALEAH BALIYUT and were created, evolved and developed for use on and in connection with the specified project. None of such ideas, designs, arrangements or plans shall be used by or disclosed to any person, firm or corporation for any purpose whatsoever without the written permission of EDGAR MALEAH BALIYUT.

DRAWN	EMB
CHECKED	
DATE	1-Oct-01
SCALE	As Shown
JOB NO.	
SHEET	A-2
OF	SHEETS

CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, SUITE 2340 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency
Building Services Division

(510) 238-3102
FAX (510) 238-2959
TDD (510) 238-6312

May 7, 2004

Victoria Leung
187 St. James Drive
Piedmont, CA 94611

RE: 6735 Sims Drive
Design Review Permit Application #DRC010003 (filed on 1/5/2001)
Building Permit Application #RB0101954 (filed on 5/2/2001)

Dear Ms. Leung:

This letter formally responds to your most recent request, through Mr. Chip Griffin, that the City repair Sims Drive to facilitate your proposed development at 6735 Sims Drive.

Your initial request was submitted to the DCC meeting, sometime in May of 2003. Between May 2003 and today, you were informed, several times in person, by phone and via Mr. Willie Yee of Councilperson Henry Chang Jr.'s office that the City has no plan to repair Sims Drive and intends to keep Sims Drive as is. As you are aware, Sims Drive is underlain by a landslide which contains unstable and potentially unstable materials. Your geologist, Michelle Wiles, wrote in the Engineering Geologic Investigation dated September 6, 2002 for said site: "the unstable materials present a greater than normal risk to life and limb and potential for damage to the subject site and improvements on it." Without a stable frontage road, your proposed development is not accessible.

Because the City will **not** repair Sims Drive, there are two options that you may pursue in order to develop your property. First, you and your neighbors may petition the City to vacate the portion of Sims Drive that is affected by the landslide. However, you and your neighbors must accept ongoing responsibility for not only the liabilities associated with owning the portion of road fronting your and your neighbors' properties but also the costs of relocating any existing utilities. Please be aware that individual utilities may have additional requirements upon this portion of the road if vacated. You would also need to work with your neighbors and apply for applicable Planning permits for this shared access facility/common driveway.

Alternatively, you may repair the damaged portion of Sims Drive yourself in order to provide access. The proposed repair work must be submitted to the City for permits and review and approval. This work would need to be completed in accordance with City standards and to the satisfaction of the City, and also provide for a stable roadway within the public right-of-way. If you choose this option, you will have to execute an agreement, in a form acceptable to the City Attorney, that provides you are holding the City harmless, and will indemnify and defend the City for the design and repair work. You will also need to obtain and maintain appropriate insurance. In addition, you cannot exclude your neighbors from using the portion of Sims Drive.

According to Ed Manasse of Planning & Zoning Division, the above referenced design review permit application expired on January 8, 2002. Recently, you were informed by Tim Low at the permit counter that the above referenced building permit application expired on March 11, 2003. Thus, there are no current development approvals or applications before the City relating to this property. If you choose either one of the above mentioned options, you must contact the Zoning Division to apply for a new design review permit. You must also apply to the Building Services for a building permit application, but only after you have obtained a design approval from the Zoning Division,

If you have any questions regarding this letter, please call me @ (510) 238-3669 between 8:00 am and 4:30 pm or Abe Placido @ (510) 238-6319.

Sincerely,

Dominic Ma
Supervising Civil Engineer
Building Services Division

cc: Michael Neary, Public Works Agency
Edward Manasse, Planning & Zoning Division
Mark Wald, City Attorney
Calvin Wong, Building Services Division
Ray Derania, Building Services Division
Tim Low, Building Services Division
Abe Placido, Building Services Division
Stan Chi, Building Services Division

Clevenger, Ann

From: Mog, David

Sent: Tuesday, January 31, 2012 11:30 AM

To: Clevenger, Ann

Cc: Harlan, David

Subject: 6735 Sims Drive

Ann – The owner of 6735 Sims Drive has applied for Design Review for a single family home. The proposed project site consists of an empty lot fronting a mostly unimproved existing pubic right-of-way, a "paper" street. Based on Section 12.16.030 of the Oakland Municipal Code (OMC) improvements are required to be made to the "paper street" public right-of-way. This section requires improvements from the centerline of the right-of-way to the property frontage for the full width of the lot street frontage for projects costing more than $45,000. Improvements to the "paper" street need to meet codes in effect at the time of application for the building permit.

Appendix D, Section D103 of the California Fire Code 2010 and the OMC amendments to the Fire Code require turnaround provisions for any dead-end fire access street greater than 150-feet in length. The OMC amendments require a second apparatus access if the dead-end is greater than 600-feet. It should be noted that preliminary measurements indicate the existing dead-end is greater than 600-feet thus requiring a second access, i.e. a connection of the two currently dead-end portions of Sims Drive. If the road is less than 600-feet, a turnaround will have to be constructed. Currently the existing right-of-way is not large enough to accommodate a turnaround, the applicant will either have to acquire property or utilize their existing lot to provide the necessary room.

Chap 16.16 of the OMC addresses various design standards for streets, blind (dead-end) streets, street widths, length of blocks, cul-de-sac dimensions, and other geometry to be used for a City street. Section 16.16.020D addresses the need for a cul-de-sac for blind streets greater than 300-feet in length.

One additional item needs to be noted. A landslide in the early 1950's buried a previously constructed road in the public right-of-way abutting and adjacent to the project site and the City has no plans to reconstruct the road (see Dominic Ma's letter dated May 7, 2004). The unstable soils and known landslide areas underlying the abutting right-of-way and project site shall be stabilized and repaired by the applicant as part of the proposed project.

If you have any questions; please phone me at ext. 3892.

Thanks David

Chapter 16.16 - DESIGN STANDARDS

Sections:

16.16.010 - Alignment of streets.

The alignment of all arterial streets and collector streets shall conform to those designated in the circulation element adopted by the City Council prior to the date of filing of the tentative map with the Advisory Agency. All proposed minor streets shall be in alignment with existing planned or platted streets with which they are to connect.

(Prior code § 7-4.15)

16.16.020 - Width of streets.

A. Arterial streets shall be of the width indicated on the approved plans and not less than eighty (80) feet in width.

B. Collector streets shall be not less than sixty (60) feet in width.

C. Local streets shall be not less than fifty (50) feet in width.

D. Blind streets shall be not over three hundred (300) feet in length and shall be not less than fifty (50) feet in width. All blind streets shall terminate in a circular end having a minimum diameter of eighty (80) feet, unless the Advisory Agency approved a "T" or "Y" shaped space in lieu of required turning circle.

(Prior code § 7-4.16)

16.16.030 - Grade of streets.

The grades on arterial, collector and local streets and alleys shall be approved by the City Engineer of the city

(Prior code § 7-4.17)

16.16.040 - Intersection of streets.

Street intersection shall be as nearly at right angles as practicable.

A. At street or alley intersections, property line corners shall be rounded by an arc, the minimum radius of which shall be fifteen (15) and five (5) feet respectively. In business districts a chord may be substituted for such arc.

B. Street curb intersections shall be rounded by radii of at least twenty-five (25) feet.
C. The above minimum radii for property line and curbs shall be increased when the smallest angle of intersection is less than sixty (60) degrees.

(Prior code § 7-4.18)

16.16.050 - Alignment and visibility of streets.

Clear visibility, measured along the centerline, shall be provided for at least three hundred (300) feet on arterial streets; two hundred (200) feet on collector streets and at least one hundred (100) feet on local streets.

(Prior code § 7-4.19)

16.16.060 - Minimum radii of curvature on centerline of streets.

A. Arterial streets, five hundred (500) feet;
B. Collector streets, three hundred (300) feet;
C. Local streets, one hundred (100) feet.

(Prior code § 7-4.20)

16.16.070 - Tangents.

There shall be a tangent between all reversed curves of at least one hundred fifty (150) feet in length on all arterial streets and collector streets; and fifty (50) feet on all local streets.

(Prior code § 7-4.21)

16.16.080 - Roadway widths.

A. Minimum roadway widths on local streets shall be thirty (30) feet.
B. Roadway widths for turning circles on blind streets shall have a diameter of not less than sixty (60) feet.

(Prior code § 7-4.22)

16.16.090 - Private streets.

Private streets, alleys or ways shall not be platted or laid out except with the approval and consent of the Advisory Agency and the City Council, and then only on conditions which guarantee the construction of necessary local improvements and continued maintenance thereof.

(Prior code § 7-4.23)

16.16.100 - Effect of street layout on adjoining property.

Street layout shall be designed to provide for future access to and not impose undue hardship upon unsubdivided property adjoining the subdivision.

(Prior code § 7-4.24)

16.16.110 - Reserves at end of streets or boundaries of subdivision.

Reserve strips at the end of streets or at the boundaries of subdivision shall be deeded unconditionally to the city.

(Prior code § 7-4.25)

16.16.120 - Street names.

Proposed street names shall not duplicate or too closely approximate phonetically the name of any street in Oakland or other East Bay Cities, or adjacent portions of Alameda County. Where streets are continuations of existing streets the existing street names shall be used.

(Prior code § 7-4.26)

16.16.130 - Alleys.

Alleys shall be required in all business and industrial districts. Except where justified by topographic conditions, alleys will not be approved in residential districts. Minimum width of alleys shall be twenty (20) feet with twenty (20) foot roadways.

(Prior code § 7-4.27)

16.16.140 - Width of blocks.

The width of blocks shall be sufficient to allow two tiers of lots of approximate depth.

(Prior code § 7-4.28)

16.16.150 - Length of block.

Blocks shall not exceed one thousand (1,000) feet in length and dead end streets three hundred (300) feet.

(Prior code § 7-4.29)

16.16.160 - Pedestrian ways.

Improved pedestrian ways not less than ten feet wide shall be provided near the center and entirely across any block over five hundred (500) feet in length.

(Prior code § 7-4.30)

16.16.170 - Lots.

Lot design shall be consistent with the provisions of Section 16.04.010, Purpose, and the following provisions:

A. Every lot shall abut on a street.
B. Double frontage lots shall not be platted.
C. Reversed frontage of key lots shall be avoided in blocks exclusively residential.
D. Lot lines shall be approximately at right angles to the street line on which the lot faces.
E. Each lot shall have the minimum area prescribed by the zoning district within which it lies.
F. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area except:
    1. Where the area is still considered acreage;
    2. Where a deliberate change in the character of the area has been initiated by the adoption of a specific plan, a change in zone, a development control map, or a planned unit development.
G. Lots shall be designed in a manner to preserve and enhance natural out-croppings of rock, specimen trees or group of trees, creeks or other amenities.

(Prior code § 7-4.31)

12.16.030 - Requirement.

A. New Construction. No building or other structure shall be erected, no building addition or alteration improvements shall be constructed, no other property improvements shall be made where the cost of said improvements will be in excess of forty-five thousand dollars ($45,000.00), and no building or other permit shall be issued therefor by the city on any lot unless that portion of the abutting street lying between the centerline of said street and the lot line for the full width of all abutting street frontages has been fully improved in accordance with the improvement standards specified in Section 12.16.050, or unless said improvements have been assured to the satisfaction of the City Engineer as specified in Section 12.16.040

"Property improvements," as referred to herein, means all buildings, structures, fixtures, and fences, erected on or affixed to the land, excepting telephone and telegraph lines.

B. Authorization to Revise Threshold Value. The value of private construction improvements that invoke the requirement for construction of abutting street improvements may be revised, from time to time, by the Director of Planning and Building as construction costs escalate or de-escalate as determined by the Building Cost Index for the San Francisco Bay Region, as reported in the Engineering News Record. Any revision made by the Director shall supersede the amount stated in subsection A of this section.

C. Exception. The requirements stated in subsections A and B of this section shall not apply to property in zoning districts where residential development is restricted to single-family dwellings. The foregoing shall not restrict requirements for improvements required pursuant to any other law or regulation including, by way of example, but not as a limitation, any of the applicable real estate subdivision regulations.

D. Requirements for Permit. For the purposes of this section, street improvements as required by subsections A and B of this section shall be considered as satisfactorily assured when the City Engineer: (1) accepts plans and specifications meeting his or her approval as required by Section 12.16.050; (2) enters into an agreement with the owner or applicant required to make said street improvements as provided in Section 12.16.040; and (3) accepts an improvement security as provided in Section 12.16.040. When all of the street improvements required by this section have been assured as provided by Section 12.16.040 or completed to the satisfaction of the City Engineer, he or she shall notify the Building Division or other permit issuing department, and a building permit or other permit may then be issued.

(Prior code § 6-2.192)

CHAPTER 5
FIRE SERVICE FEATURES

SECTION 501
GENERAL

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter.

501.2 Permits. A permit shall be required as set forth in Sections 105.6 and 105.7.

501.3 Construction documents. *Construction documents* for proposed fire apparatus access, location of *fire lanes*, security gates across fire apparatus access and *construction documents* and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

501.4 Timing of installation. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when *approved* alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2.

SECTION 502
DEFINITIONS

502.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as *fire lane*, public street, private street, parking lot lane and access roadway.

FIRE COMMAND CENTER. The principal attended or unattended location where the status of the detection, alarm communications and control systems is displayed, and from which the system(s) can be manually controlled.

FIRE DEPARTMENT MASTER KEY. A limited issue key of special or controlled design to be carried by fire department officials in command which will open key boxes on specified properties.

FIRE LANE. A road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus.

KEY BOX. A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency.

SECTION 503
FIRE APPARATUS ACCESS ROADS

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Exception: The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) where:

1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

503.1.2 Additional access. The *fire code official* is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.1.3 High-piled storage. Fire department vehicle access to buildings used for *high-piled combustible storage* shall comply with the applicable provisions of Chapter 23.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

[California Code of Regulations, Title 19, Division 1, §3.05(a)] Fire Department Access and Egress. (Roads)

(a) Roads. Required access roads from every building to a public street shall be all-weather hard-surfaced (suitable for use by fire apparatus) right-of-way not less than 20 feet (6096 mm) in width. Such right-of-way shall be unobstructed and maintained only as access to the public street.

Exception: *The enforcing agency may waive or modify this requirement if in his opinion such all-weather hard-surfaced condition is not necessary in the interest of public safety and welfare.*

APPENDIX D

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

D103.3 Turning radius. The minimum turning radius shall be determined by the *fire code official*.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

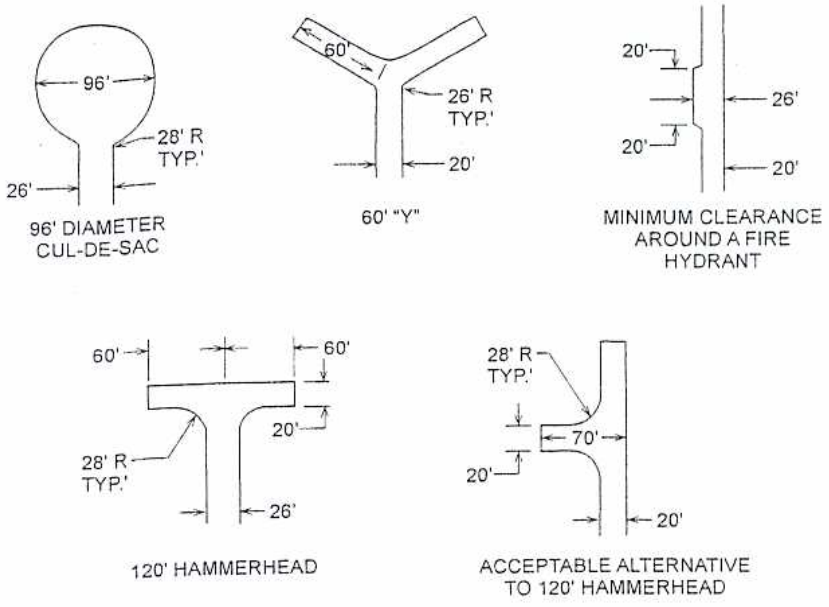
TABLE D103.4
REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0–150	20	None required
151–500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501–750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.



For SI: 1 foot = 304.8 mm.

FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

CITY OF OAKLAND
Community and Economic Development Agency
MEMORANDUM

TO: Ann Clevenger
FROM: David Mog
DATE: October 22, 2010

SUBJECT: **New Residence on a Vacant Lot**
6735 Sims Drive

If the project is to be approved by the Advisory Agency, please attach the following "Conditions of Approval":

1. Construction documents submitted to the City of Oakland for a building permit shall conform to the attached Construction Plans Submittal Check List.

2. Show location of existing and proposed drainage, sanitary sewer, water supply, and other utility facilities for the lot. Utilities in the public right-of-way shall be extended at the owner's expense from there current location to serve the subject lot. All utilities in the public right-of-way shall conform to City of Oakland Standards.

3. The applicant shall construct that portion of Sims Drive that currently does not exist. The new section of Sims Drive shall be constructed to City Standards. In lieu of constructing the entire section of Sims Drive that currently does not exist it may be possible for the applicant to only construct that portion of Sims Drive located adjacent to their property. This option will require the construction of a cul-de-sac conforming to the City of Oakland Fire Department Standards. This option will only be allowed if the distance to the nearest intersection is less than 600-feet.

4. In addition to the recommendations contained in the "Potential Seismic Hazards Screening Investigation & Geologic and Geotechnical Evaluation" report prepared by GeoTrinty Consultants, Inc. and in the peer review and peer review responses, the applicant shall repair the slope instability and landslide within all of Parcel A and within the public right-of-way of the new section of roadway to be constructed as part of this project.

5. Note that the property lies within a seismic hazard zone with earthquake-induced landslide potential. Additional soils report may be required. If required, submit geotechnical reports meeting the guidelines of Special Publication 117 prepared by a licensed civil engineer or a registered engineering geologist to the City for review when applying for permits.

6. Improvements within the public right-of-way are required for this project. A P-job permit and a signed Subdivision Improvement Agreement shall be completed prior to the City signing the Parcel Map.

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 EMAIL AND U.S. MAIL

August 9, 2013

Mr. Li-Sheng Fu
180 Martingale Dr.
Fremont, CA 94539

RE: **6735 Sims Drive (APN: 048C-7193-025-00) Secondary Access Issue in Relation to Design Review Application, Case #: DR10-033**

Dear Mr. Fu,

The appropriate City of Oakland Planning, Building and Fire Services officials have conducted a thorough review of your proposed application for a new single-family dwelling at 6735 Sims Drive, specifically in regard to what road improvements are required to create access to the existing lot and meet other applicable secondary vehicle access requirements, pursuant to Oakland Municipal Code (OMC) Section 15.12.020.

As the result of landslides on and near the lot, that resulted in the covering up or destruction of Sims Drive abutting both your lot (6735 Sims Drive) and the abutting vacant lot to the south (6751 Sims Drive), measures must be taken to ensure that appropriate access and life safety issues are addressed. Based on the distance of the subject lot from the nearest intersection in both directions (to the north and south), which as measured by your surveyor is greater than 600 feet, certain secondary vehicle access requirements are required to satisfy the City's life safety-related codes (see OMC Section 15.12.020, Appendix D, Table D103.5(1) and (10a)).

Staff's determination is as follows:

> **A 20-foot wide paved roadway shall be developed within the existing public right-of-way, extending from, and connecting to, the terminus of the existing road at the north side of the subject lot frontage to the existing road at the south side of 6751 Sims Drive.**

If you seek to challenge this determination/decision, an appeal **must** be filed by no later than ten calendar (10) days from the date of this letter, by **4:00 pm** on **August 19, 2013**. An appeal shall be on a form provided by the Planning and Zoning Division of the Department of Planning and Building, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Ann Clevenger, Planner III**. The appeal shall state specifically wherein it is claimed there was error or

discretion, wherein the City's decision is not supported by substantial evidence, and/or how this decision would be unlawful under Federal, State, or local law or regulation. The appeal must include payment of $1,352.91. Failure to timely appeal will preclude you 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 which supports the basis of the appeal; failure to do so may preclude you from raising such issues during the appeal and/or in court.

Please note that this letter does not constitute the approval or denial of your Planning application for a new one-family residential development, nor a guarantee of future City support. The purpose of this letter is only to identify possible solutions to the secondary access issues of your property. Obviously, the roadway development project will require revisions/updates to your plans, soils and geotechnical reports if you decide to proceed. Also, Staff is aware of neighborhood concerns regarding opening the roadway.

We understand this determination has taken a long time to reach, and appreciate your patience in the matter. We look forward to assisting you in the future steps of the process if you decide to proceed with the project. Meanwhile, should you have any questions, please contact Ann Clevenger, Planner III, at (510)238-6980 or aclevenger@oaklandnet.com; however, such communication is not a substitute for filing an appeal in accordance with the above procedures.

Sincerely,

Scott Miller, Zoning Manager
Department of Planning and Building

Kim Catano, Acting Assistant Fire Marshal
Oakland Fire Department

cc: Veronica Liu, Owner, 1036 35th Ave., Oakland, CA 94606

David Harlan, Civil Engineer
David Mog, Civil Engineer
Ann Clevenger, Planner III, Planning & Zoning

CC Holland, 6764 Sims Drive, Oakland, CA
Lauren Disston, 6735 Sims Drive, Oakland, CA
Barbara Berman, 6758 Sims Drive, Oakland, CA

TREE PERMIT DECISION

City of Oakland, Public Works Agency
Tree Services Division, 7101 Edgewater Drive, Oakland, CA 94621, (510) 615-5934
Chapter 12.36, Oakland Municipal Code, Protected Trees Ordinance

Permit # T21-075
Address: 6735 Sims Dr.
Parcel #
Expires: One year from date of issuance

Decision: 8/9/22
Applicant /Agent: Veronica Liu
Permit Type: Development

Removal Approved		Preservation Required		Replacement Tree Required	In Lieu Fee- $619 per tree
Tree Quantity	Identified As	Tree Quantity	Identified As		
2	Arroyo Willow, 36" & 42" (2 stem) DBH				

SITE INSPECTION / FINDINGS

The 36" & 42" (2 stem) diameter at breast height (DBH), Arroyo Willows at 6735 Sims Dr. have poor structure and are directly within the footprint of construction.

These trees are approved for removal.

All other trees listed on the permit application are dead and don't require a permit for removal.

PERMIT REVIEW – FINDINGS 12.36.050(A)

The applicant's request accomplished the following objective(s):

- ☑ 1. Insured the public health and safety as it related to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers.
- ☐ 2. Avoided an unconstitutional regulatory taking of property.
- ☐ 3. Took reasonable advantage of views, including such measures mandated by the resolution of a view claim in accordance with the view preservation ordinance (Chapter 15.52 of the Oakland Municipal Code).
- ☐ 4. Pursued accepted, professional practices of forestry or landscape design. Submission of a landscape plan acceptable to the Director of Public Works shall constitute compliance with this criterion.
- ☐ 5. Implemented the vegetation management prescriptions in the S-11 site development review zone.
- ☐ *None of the objectives above were accomplished by the proposed removal(s).*

PERMIT REVIEW – FINDINGS 12.36.050(B)

Any one of the following situations was grounds for permit denial, regardless of the findings in section (A) above:

- ☐ 1a. Removal could be avoided by reasonable redesign of the site plan, prior to construction.
- ☐ 1b. Removal could be avoided by trimming, thinning, tree surgery or other reasonable treatment.
- ☐ 2. Adequate provisions for drainage, erosion control, land stability or windscreen were not made.

☐ 3. The tree(s) were a member of a group of trees in which each tree was dependent upon the others for survival.

☐ 4. The value of the tree is greater than the cost of its preservation to the property owner. The value of the tree shall be measured by the Tree Reviewer using the criteria established by the International Society of Arboriculture, and the cost of preservation shall include any additional design and construction expenses required thereby. This criterion shall apply only to development-related permit applications.

☑ *There were no grounds to deny the permit based on criteria listed in OMC 12.36.050(B).*

OAKLAND MUNICIPAL CODE SECTION 12.36.060 CONDITIONS OF APPROVAL

The following conditions were imposed. Conditions #17 - #19 were imposed if they were check marked:

1. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant and its contractor shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its respective agents, officers, employees and volunteers (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City for or on account of any damage to property or bodily injury, including death, or damage sustained or arising out of, related to or caused by in any way from the performance of work in this tree permit matter. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
2. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its respective agents, officers, employees and volunteers (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (a) an approval by the City relating to this tree permit matter, City's CEQA approvals and determination, and/or notices in the tree permit matter; or (b) implementation of such. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
3. **Letter of Agreement.** Within ten (10) calendar days of the filing of any Action as specified in conditions 1 or 2 above, the applicant and/or its contractor shall execute a Letter of 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 of Agreement does not relieve the applicant of any of the obligations contained in this Section or any other requirements or conditions of approval that may be imposed by the City.
4. **Debris.** All debris created as a result of any tree removal work shall be removed from the property by the applicant within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.
5. **Dust.** 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 and photosynthesis.
6. **Fencing.** Tree protection fencing shall be chain link, installed on posts driven into the ground and shall be a minimum of 5 feet tall. The fencing shall be installed at the perimeter of the drip line or a lesser

distance if demolition or construction does not allow it, for trees listed above in "Preservation Required".

7. **Hazards.** The removal of extremely hazardous, diseased, and/or dead trees shall be required where such trees have been identified by the City Arborist.
8. **Insurance.** Workers compensation, public liability, and property damage insurance shall be provided by any person(s) performing tree removal work authorized by a tree removal permit.
9. **Miscellaneous.** No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the drip line of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within the drip line any protected trees. Wires, 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.
10. **Nesting Birds.** To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.
11. **Permit.** Tree removal, as defined in the Protected Trees Ordinance, Section 12.36.020 of the Oakland Municipal Code, may not start unless and until the applicant has received this permit from Tree Services.
12. **Posting.** The applicant shall post a copy of the tree removal permit in plain view on site while tree removal work is underway.
13. **Pruning.** Construction personnel shall not prune trees or tree roots. Tree pruning of the crown or roots (if done) shall be performed by a licensed, insured tree work contractor that has an arborist on staff certified by the International Society of Arboriculture.
14. **Recording.** The applicant/owner(s) shall record the conditions of approval attached to this permit with the Alameda County Recorder's Office in a form prescribed by the Director of Public Works.
15. **Root Protection.** Roots shall be preserved and no activities shall affect the health and safety of existing trees. If roots are encountered, they may be cut only if they are less than two-inch diameter. Hand tools must be used to cut the roots; the use of excavators, backhoes, or similar equipment is prohibited. Roots larger than two-inch diameter may be cut only if inspected and approved in advance. All work must be done by a Certified Arborist from the International Society of Arboriculture or a Registered Consulting Arborist from the American Society of Consulting Arborists.
16. **Tree Damage.** If any damage to a protected tree should occur during or as a result of work on the site, the property owner/contractor shall immediately notify the Tree Services Division of such damage. If, in the professional opinion of the City Arborist, such tree cannot be preserved in a healthy state, the Arborist shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Arborist to compensate for the loss of the tree that is removed.

☐ **17. Sidewalks.** The damaged sidewalk shall be repaired in compliance with the rules and regulations of the City of Oakland, including a sidewalk repair permit if more than 25 square feet of sidewalk is being repaired. Contact the Sidewalk Division at 238-3499 for more information.

☐ **18. Replacement Trees.** The property owner shall plant __ replacement tree(s) on the property. The replacement trees shall be excellent quality nursery stock and maintained by the applicant until established. Any replacement planting which fails to become established within one year of installation shall be replanted at the applicant's expense. Plantings shall be installed prior to the issuance of a certificate of occupancy, subject to seasonal constraints. A photograph of the replacement trees, installed in the landscape of the property, shall be mailed or emailed to Tree Services within one week of the replacement trees being installed.

19.

A. The minimum size replacement tree shall be a twenty-four (24) inch box, that three, fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate, if approved by the City Arborist.

B. Replacement tree species shall consist of *Sequoia sempervirens* (coast redwood), *Quercus agrifolia* (coast live oak), *Arbutus menziesii* (madrone), *Aesculus californica* (California buckeye) or *Umbellularia californica* (California bay laurel).

☐ C. Replacement trees shall be installed as shown on the landscape plan submitted with the tree removal permit application.

☐ **20. Other Conditions:**

☐ A. The property owner shall retain a consulting arborist for the project.

i. The arborist shall be a Certified Arborist from the International Society of Arboriculture or a Registered Consulting Arborist from the American Society of Consulting Arborists.

ii. The arborist shall recommend, implement, and monitor preservation measures for pre-construction, construction and post-construction phases. Site development shall not damage protected trees directly or indirectly.

iii. Preservation measures shall include, but are not limited to:

1. Wood chip mulch
2. Supplemental irrigation
3. Pruning
4. Tree Protection Zone with chain-link fencing
5. Hand digging to protect roots.

8/9/22

Isaac Harvey Date
Arboricultural Inspector
Certified Arborist ® NY-5463A
ISA Tree Risk Assessment Qualified

8-9-22

David Moore Date
Senior Forester
Certified Arborist ® NY-5626A
ISA Tree Risk Assessment Qualified

**This decision of the Public Works Agency, Tree Services Section may be appealed by the applicant, or the owner of any "adjoining" or "confronting" property, to the City Council within five (5) working days after the date of this decision and by 5:00 p.m. The term "adjoining" means immediately next to, and the term "confronting" means in front of or in back of. An appeal shall be on a form prescribed by and filed with the City Clerk, at One Frank H. Ogawa Plaza, second floor. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the City or wherein such decision is not supported by the evidence in the record and must include payment of $864.06, in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal this decision and raise any and all issues in your appeal may preclude you from challenging this determination in court.*