

Case File Number PLN22175**December 7, 2022**

Location:	359 105th Avenue
Assessor's Parcel Number:	045 537000902
Proposal:	Demolish, rebuild, and operate three greenhouses and construct a new building to grow organic produce using aquaponics technology. The proposal includes youth and adult job training and placement services.
Applicant:	Bob Theis
Phone Number:	(510)235-0616
Owner:	Planting Justice
Case File Number:	PLN22175
Planning Permits Required:	Conditional Use Permit (CUP) for Limited Agricultural Activities. The CUP is major because it covers more than an acre, Regular Design Review for the construction of new buildings. The Regular Design Review is considered Major because the project involves the construction of more than 25,000 square feet of nonresidential floor area; Minor Variances for construction within the 20-foot rear setback area, providing less than the required number of parking spaces, and lot coverage.
General Plan:	Detached Unit Residential
Zoning:	Detached Unit Residential – 1 (RD-1)
Environmental Determination:	Exempt per CEQA Guidelines Sections 15332: Infill Development; and 15183 – Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status:	The site is within an Area of Secondary Importance (105th Avenue Mixed 2) and has an Oakland Culture Heritage Survey rating of D2+.
City Council district:	7
Status:	Pending
Staff Recommendation:	Approve the project subject to Conditions of Approval
Finality of Decision:	Appealable to City Council
For further information:	Contact case Planner Neil Gray at (510) 238-3878 or by email: ngray@oaklandca.gov

SUMMARY

This project is a new aquaponics farm where enclosed fish tanks within a new building provide a sustainable source of fertilizer for the growth of vegetables within large greenhouses on the site. The proposal also includes youth and adult job training and placement. Priority for jobs and training would be given to residents of the surrounding Sobrante Park neighborhood. The long-term plan is for trainees to open other aquaponics farms in East Oakland.

Staff recommends approval because, as conditioned, the project will have minimal negative effects on the neighborhood in terms of noise, traffic, or air quality and will provide healthy food, jobs, and job training to residents of the area.

CITY OF OAKLAND PLANNING COMMISSION



0 200 400 800 1,200 1,600 Feet



Case File: PLN22175
Applicant: Bob Theus
Address: 359 105th Avenue
Zone: RD-I

BACKGROUND

This agricultural project is proposed by Planting Justice, a non-profit organization dedicated to reforming the food system to provide fresh, nutritious food in low-income communities. In the last 10 years, Planting Justice has built over 450 edible gardens throughout the Bay Area and are cultivating urban farms and training centers to allow others to replicate their methods.

The subject project is in partnership with the City of Oakland's Mayor's Office and multiple community-based organizations as part of a City project entitled "Better Neighborhoods, Same Neighbors," that receives funding through a California Strategic Growth Council's Transformative Climate Communities grant, which the City of Oakland won in 2019. Other funding sources include the U.S. Dept of Health and Human Services Community Economic Development Program, The Oakland Fund for Public Innovation, Kaiser Permanente, and private foundations.

Planting Justice has performed extensive community outreach regarding the proposal, going above and beyond the requirements for public notice as described in the Planning Code, including:

- Knocking on every door in the Sobrante Park neighborhood to discuss the operation. This resulted in approximately 225 conversations;
- Holding three gatherings at the site to discuss the project with immediate neighbors, with a combined attendance of approximately 125 people; and
- Discussing the project at 18 community meetings held by the East Oakland Neighborhood Initiative in 2017-2018.

PROPERTY DESCRIPTION

The approximately 119,000 square foot (2.73 acre) property is flat and currently contains two single family homes in disrepair, one at the north corner of the front and the other on the south corner at the front of the lot. An open paved area exists next to the home to the north.

The site is the former location for the historic Neishi Brothers Nursery. Two existing 7,000 square-foot greenhouses, and a 18,500 square-foot greenhouse are toward the middle of the site. Each of these greenhouses are in significant disrepair. A large agricultural shed is at the rear of the lot. Each of these buildings are also in disrepair.

The site is within the medium-density Sobrante Park residential neighborhood in East Oakland, across the street from single family homes, and adjacent to a single-family home to the south and a multi-family development to the north.

Active railroad tracks run behind the property parallel to the cemented San Leandro Creek.

PROJECT DESCRIPTION

Overview

The project is a new aquaponics farm where enclosed fish tanks provide a sustainable source of fertilizer for the growth of vegetables within large greenhouses on the site. No soil is involved in the process of growing the vegetables, and the fish are not sold for food.

The proposal also includes youth and adult job training and placement. Priority for jobs and are training would be given to residents of the surrounding Sobrante Park neighborhood. The long-term plan is for

trainees to open other Aquaponics sites in East Oakland. Planting Justice is refurbishing one of the homes on the site under a separate permit to house workers and plans to refurbish the second home, also to house workers, in the future.

Food would be delivered to Planting Justice's commercial kitchen, cafe, and food hub in El Sobrante and to other food distribution points throughout the City such as restaurants and farmers markets. In the future, Planting Justice hopes to deliver food to larger local institutions such as the Oakland Unified School District and Kaiser Permanente hospitals.

Proposed New Construction

New construction would include the following: 1) replacing two approximately 7,100 square-foot greenhouses and one approximately 18,500 square-foot greenhouse on their same footprint; 2) constructing a new, approximately 3,500 square-foot aquaponics building; 3) repairing the existing open shade structures at the west end of the lot; 4) installing water storage tanks for irrigation purposes; 5) repairing an existing building to provide offices, a staff bathroom, a breakroom, and storage; and 6) installing a new cold storage structure comprised of 40-foot long, 23.5-foot tall containers connected by a roof.

Site Plan

An open parking lot with 15 spaces would be located at an existing paved area at the front of the property, south of an existing home. The parking would be accessed from an existing curb cut on 105th Avenue and be landscaped to comply with the landscaping and buffering requirements in the Planning Code. A new 23.5-foot-tall, 1,110 square-foot cold storage facility would be located south of the parking and twenty feet from the front property line. As conditioned, the landscaping would be installed between the cold storage building and the front property line. A driveway toward the south of the parcel would lead to a loading space large enough to accommodate the operation's 22-foot-long refrigerated truck. The loading space will be located next to the storage building for the convenient transportation of food; the driveway would lead to nine additional parking spaces.

Two existing 7,100 square-foot greenhouses and one existing 18,500 square-foot green house will be replaced on their same footprint, and a new, approximately 3,500 square-foot building containing aquaponics equipment will be placed at the northwest corner of the lot, five feet from the side and rear property lines.

Building Designs

The three greenhouse facilities will have a traditional greenhouse style with arched roof forms, a metal skeleton, and clear plastic (polycarbonate) siding. The cold storage and aquaponics buildings have an industrial/agricultural style with a clearstory roof. These buildings have metal standing seam roofs and vertical cement board siding. The lower level of the 40-foot-long cold storage facility will two be converted shipping containers.

Operation

All the food grown at the site will be distributed off-site with produce delivered by a 22-foot refrigerated produce truck. The applicant has indicated that deliveries will occur once a day at noon. To prevent nuisances on neighbors and flexibility for the operation, staff has included a recommended condition that no more than two deliveries occur per day from the site and that all deliveries occur between 9am and 5pm. As conditioned, no more than 15 employees will be at the site at a time.

Workers not living in the homes at the site are expected to live in the local neighborhood and either bike or walk to the site. Groups of ten people or less will meet at the site to engage in intensive aquaponics production training so that farms can be established throughout East Oakland.

GENERAL PLAN ANALYSIS

The site is classified as Detached Unit Residential per the City of Oakland's Land Use and Transportation Element (LUTE) of the General Plan. The Detached Unit Residential classification is intended to create, maintain, and enhance residential areas primarily characterized by detached, single-unit structures. The proposed agricultural facility will serve the residential activities in the neighborhood through job training, providing healthy food options, and without significant negative effects on neighboring residential properties.

The project conforms to the LUTE in all significant respects and meets the following General Plan policies:

Policy I/C1.1 Attracting New Business. The City will strive to attract new businesses to Oakland which have potential economic benefits in terms of jobs and/ or revenue generation. This effort will be coordinated through a citywide economic development strategy /marketing plan which identifies the City's existing economic base, the assets and constraints for future growth, target industries or activities for future attraction, and geographic areas appropriate for future use and development.

Policy I/C1.4 Investing in Economically Distressed Areas of Oakland. Economic investment, consistent with the City's overall economic strategy, should be encouraged, and, where feasible, should promote viable investment in economically distressed areas of the City.

Policy I/C1.11 Expanding Job Training Opportunities. The City should expand and coordinate job training opportunities for Oakland residents by supporting programs sponsored by the Oakland Unified School District, local community colleges, the Port of Oakland, and other educational institutions or vocational training establishments.

Policy I/C2.2 Reusing Abandoned Buildings. The reuse of abandoned industrial buildings by non-traditional activities should be encouraged where the uses are consistent with, and will assist in the attainment of, the goals and objectives of all elements of the Plan.

Policy I/4.2 Minimizing Nuisances. The potential for new or existing industrial or commercial uses, including seaport and airport activities, to create nuisance impacts on surrounding residential land uses should be minimized through appropriate siting and efficient implementation and enforcement of environmental and development controls.

Policy N1.5 Designing Commercial Development. Commercial development should be designed in a manner that is sensitive to surrounding residential uses.

ZONING ANALYSIS

359 105th Street is in the Detached Unit Residential – 1 (RD-1) Zone. The following summarizes applicable regulations in the RD-1 Zone and other parts of the Planning Code.

Intent

The intent of the RD-1 Zone is to create, maintain, and enhance areas with detached, single unit structures. A limited number of commercial uses will be permitted or conditionally permitted in existing Nonresidential Facilities.

Use Regulations

The proposed activity is classified as Limited Agricultural Activities in Section 17.10.610 of the Planning Code:

Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. This classification does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives; the use of any heavy mechanized farming equipment; or any activity classified in Section 17.10.600 Plant Nursery Agricultural Activities.

Section 17.15.030 of the Planning Code states that this activity is conditionally permitted in the RD-1 Zone. The site is 2.73 acres and Section 17.134.020 of the Planning Code states that a Conditional Use Permit (CUP) is considered “Major” if it covers a site of more than an acre. Therefore, the project requires a Major CUP.

Development Standards

The following table describes the relevant development standards for the RD-1 Zone and whether the proposal meets those standards.

Development Standard	Requirement	Proposed	Note
Minimum Setbacks			
Minimum front	20 ft.	20 ft.	
Minimum interior side	5 ft.	5 ft.	
Rear	20 ft.	5 ft.	Does not comply; See <i>Key Issues and Impacts</i> section of this report.
Maximum Lot Coverage	15 percent	38 percent	Does not comply; See <i>Key Issues and Impacts</i> section of this report.
Height Regulations			
Maximum wall height primary building	25 ft.	16 ft.	
Maximum pitched roof height primary building	30 ft.	23.5 ft.	
Minimum Parking	40 parking spaces (one parking space 1,000 square feet of ground floor commercial space plus one parking space per house).	24	Does not comply; See <i>Key Issues and Impacts</i> section of this report.

Development Standard	Requirement	Proposed	Note
Minimum Loading	None required for Agricultural Activities		

ENVIRONMENTAL DETERMINATION

Section 15332 of the California Environmental Quality Act (CEQA) Guidelines categorically exempts the project from further environmental review. This exemption is intended to promote infill development within urbanized areas. The criteria for receiving this exemption (in **bold**), and how the project meets these criteria (in normal font) are shown below:

- 1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:**

See “General Plan Analysis” and “Zoning Analysis” sections above. The project does require Variances for parking, lot coverage, and projection into the rear yard setback. These Variances are consistent with the Planning Code as described in the Findings section of this report.

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

The proposed development occurs within City limits on a project site of 119,000 square-feet.

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

The project site is an urban infill parcel that has no value as habitat for any endangered, rare or threatened species.

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

The project is not anticipated to result in any significant effects relating to traffic, noise, air quality, or water quality for the following reasons:

Traffic

There will not be a significant traffic effect on the neighborhood. As conditioned, the project will not have more than fifteen employees on site at a time and no more than two deliveries will be made from the project site per day. The applicant’s submission material states that the employees will predominantly live on site in the refurbished homes or walk and bike from the surrounding neighborhood. AC Transit Line 45 is within walking distance from the site.

Noise

The project will involve both construction noise and post-construction noise consistent with the typical noise associated with developments of this type in an urban location. Standard Conditions of Approval and Uniformly Applied Development Standards associated with construction noise and the City's Noise Ordinance will reduce noise impacts to less than significant levels. Manufacturer’s information

indicates that none of the machinery at the farm will not make a significant amount of noise beyond the property lines (see *Key Issues and Impacts* section, below).

Air Quality

Implementation of Standard Conditions of Approval involving dust control and construction emissions will reduce air quality impacts to less than significant levels. No pesticides, herbicides or dirt will be used in the growing of vegetables at the facility. The truck used to deliver food from the facility is gas, so diesel contaminants will not be created. The project may include a diesel generator. If so, Standard Condition of Approval #19 would apply, which would bring the air quality impact of the generator to less than significant.

Water Quality

Implementation of the City's Standard Conditions of Approval, which include, but are not limited to, specific site design measures for post-construction storm water pollution management, will reduce impacts to water quality to less than significant levels.

Finally, on a separate and independent basis, CEQA Guidelines Section 15183 (Projects consistent with a Community Plan, General Plan or Zoning) is also applicable.

KEY ISSUES AND IMPACTS

As conditioned, staff is in support of this innovative project because it will positively impact the surrounding neighborhood, provide jobs and job training to local residents, and produce fresh, organic produce for a neighborhood within a food desert. It will also be a training facility that will facilitate the opening of similar operations in low-income residential neighborhoods throughout East Oakland. Staff believes the appearance of the buildings is consistent with the agricultural use of the site. As conditioned, landscaping will enhance the appearance and visually buffer the site from the neighborhood (see Conditions of Approval #14 and #52).

Staff has identified noise, truck use, and the proposed Variances as the most significant issues related to the project.

Noise

The noise effects of blower equipment within the aquaponics building will be negligible. According to the information provided by the manufacturer, the blower equipment will operate at a noise level of 48 dBA measured one meter from the machine. According to the City's noise element, this is about the noise level of a normal conversation.

Other machinery that may cause noise are exhaust fans for the greenhouses. These operate at a noise level of 68 dBA from one meter away, which is about the noise level of street traffic from 100 feet away or a passing bus from the sidewalk. The closest property line from the greenhouse is 75 feet away, adjacent to 105th Avenue. According to standard noise measuring techniques, the dBA at this distance would be 40.2, which the City's noise element considers "Very Quiet." With proposed landscaping and structures between the fans and the front and side property lines (the rear property line is adjacent to an active rail line), the noise created from the fans will be nominal and be below the City's performance standards.

Finally, minimal noise will be created by the refrigeration unit for the container that stores the produce. According to manufacturing specifications, the cooling unit, which is designed for residential use, only

creates a noise level of 54 dBA. This would be perceived at 35 dBA at the nearest property line, which is well below the ambient noise level for the neighborhood.

Truck Use

Staff does not believe the proposed use of a truck will have a negative effect on the neighborhood. As mentioned, the proposed refrigerated truck to take food from the site is 22-feet-long, which is about the size of a typical food truck. The truck runs on gas, so diesel particulates will not create air contamination, and the applicant states it will only operate once a day. Further, this type of truck will not need to idle at the site. Staff has conditioned that the truck pick up deliveries no more than twice a day in case there are days when an additional trip is necessary.

Variances

As discussed in the *Zoning Analysis* section of this report, the applicant has requested Minor Variances for construction within the 20-foot rear setback area, providing less than the required number of parking spaces, and lot coverage.

Staff supports these Variances for the reasons described in the attached *Findings*. To summarize, staff supports the construction of the aquaponics building within the rear setback area because it will have limited effects on surrounding properties. The Variance will not impact properties to the rear because that is the location of a railroad line and the cemented San Leandro Creek. Construction within the rear setback will have limited effects on the neighboring property to the north because the aquaponics building will generally be unstaffed and the machinery within the building will be very quiet (see Noise, above). Further, there is a context in the neighborhood because the residential parcel to the north has constructed within approximately 10 feet of the rear of their property line. The nearest window on this residential building is approximately 50 feet away from the aquaponic facility.

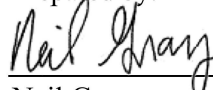
Staff also supports the Variance for parking because creating 40 parking spaces would unnecessarily create an excessive amount of impervious surface on the site. The number of spaces is determined by floor area in Chapter 17.116 of the Planning Code. Staff believes that the Planning Code did not anticipate the excessive parking required for the large greenhouses proposed for this activity. The applicant is proposing an ample number of parking spaces -- 24 for an estimated 12 employees (a maximum of 15 employees are allowed per Condition of Approval #48). These employees are expected to live nearby or at the facility and will generally not utilize the parking. The proposed number of parking spaces will be enough for training sessions that will occasionally bring 10-12 trainees to the site.

Finally, staff supports the Variance for lot coverage because it is not feasible to limit the lot coverage to 15 percent and still have the buildings necessary for the operation. The regulation is intended to limit the lot coverage for single family homes on very large lots, not an agricultural activity with large greenhouses, food storage, and an aquaponics facility.

RECOMMENDATIONS:


1. Affirm staff's environmental determination.
2. Approve the Conditional Use Permit, Regular Design Review, and Variances subject to the attached findings and conditions.

Prepared by:




Neil Gray
Planner IV

Reviewed by:



Robert Merkamp
Zoning Manager
Bureau of Planning

Approved for forwarding to the Planning Commission:



Ed Manasse
Deputy Director
Bureau of Planning

ATTACHMENTS:

- A. Findings for Approval
- B. Conditions of Approval
- C. Project Plans

FINDINGS FOR APPROVAL

- 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 buildings, particularly the greenhouses, will have a different character than other buildings in the neighborhood due to the agricultural use. However, the aquaponics and refrigeration buildings have a clearstory that will reduce their scale, and the structures are of a similar height as two-story homes in the residential neighborhood. The cement fiber material will be similar in appearance to the wood siding found in the neighborhood.

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

Although the use and appearance contrasts with other properties in the neighborhood, the proposal will enhance the residential experience by providing jobs, job training, and healthy food to residents in the area.

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

The site does not currently have significant topography or landscaping.

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

The project is not situated on a hill.

- 5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**

See General Plan Analysis, above.

Section 17.134.050 – General Use Permit Criteria:

- 1. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

There will not be a significant generation of traffic at the site. As conditioned, the project will not have more than 15 employees on site at a time and no more than two deliveries will be made from the project site per day. The applicant's submission material states that the employees will predominantly live on site in the refurbished homes or walk and bike from the surrounding neighborhood. AC Transit Line 45 is within walking distance from the site. As described in the Regular Design Review criteria, above, the structures on the lot will have a similar scale as those on neighboring lots. The 24 onsite parking spaces will be ample for trainings and employees, especially since employees will be recruited from the surrounding community.

FINDINGS

As described in the “Key Issues and Impacts” section of this report, noise impacts beyond property lines will be minimal.

2. **That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

An open parking lot with 15 spaces would be conveniently located at an existing paved area at the front of the property, south of an existing home. The parking would be accessed from an existing curb cut on 105th Avenue and be landscaped to comply with the landscaping and buffering requirements in the Planning Code. The loading space will be located next to the storage building for the convenient transportation of food; the driveway would lead to nine additional parking spaces. The aquaponics building would be near the greenhouse so water will not need to be transported across the property.

3. **That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The proposal will provide essential jobs, job training and produce to the surrounding neighborhood.

4. **That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.**

Design Review Findings, above.

5. **That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.**

See “General Plan Analysis”, above.

17.148.050 – Variance Findings

1. **That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.**

The construction of the aquaponics building within the rear setback area will have minimal effects on surrounding properties and will increase the operational efficiency of the farm. The Variance will not impact properties to the rear because that is the location of a railroad line and the cemented San Leandro Creek. Construction within the rear setback will have limited effects on the neighboring property to the north because the aquaponics building will generally be unstaffed and the machinery within the building will be very quiet. The nearest window on this residential building is approximately 50 feet away from the aquaponics facility. Siting the aquaponics structure near the greenhouses will increase the operational efficiency of the farm by limiting the distance the water will need to be transported.

Strict compliance with the parking regulations would unnecessarily create an excessive amount of impervious surface on the site and cover land that could be used for agricultural purposes. The applicant is proposing an ample number of parking spaces -- 24 for an estimated 12 employees (a maximum of 15

FINDINGS

employees are allowed per Condition of Approval #48), These employees are expected to live nearby or at the facility and will generally not utilize the parking. The proposed number of parking spaces will be enough for training sessions that will occasionally bring 10-12 trainees to the site.

Finally, it is not feasible to limit the lot coverage to 15 percent and still have the buildings necessary for the operation. The regulation is intended to limit the lot coverage for single family homes on very large lots, not an agricultural activity with large greenhouses, food storage, and an aquaponics facility.

- 2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.**

The residential parcel to the north has construction within approximately 10 feet of the rear of their property line. Further, strict compliance would preclude an effective design solution by requiring the transport of water across the property. Further, the basic intent of the regulation is to protect the open space of adjacent properties, but the property to the rear is an active railroad line and the property to the north contains structures its rear yard.

The basic intent of the parking requirements is to prevent an excessive amount of on-street parking due to the operation. The applicant is providing an ample number of parking spaces: 24 for an estimated 12 employees (a maximum of 15 employees are allowed per Condition of Approval #48), These employees are expected to live nearby or at the facility and will generally not utilize the parking. The proposed number of parking spaces will be enough for training sessions that will occasionally bring 10-12 trainees to the site.

The basic intent of the lot coverage requirement is to provide an open environment for properties with a single-family home, not a farming facility. The buildings required for the proposed agricultural operation could not be constructed while meeting the lot coverage requirement.

- 3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.**

As described in the *California Environmental Quality Act* and *Key Issues and Impacts* sections of this report, the proposal will have negligible noise, air quality, or traffic effects on the neighborhood. The project will not affect parking availability in the neighborhood because there are ample parking spaces at the site.

- 4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.**

The purpose of requiring a Conditional Use Permit for Limited Agricultural Activities in the RD-1 Zone is to assure a farm will not have negative effect on surrounding properties and to preserve the residential character of a neighborhood. As discussed above, the proposal will have limited effects on the surrounding neighborhood while benefitting residents through healthy food, jobs, and job training. Further, the residential character of the neighborhood will be preserved because this will be the only nonresidential activity in the area.

- 5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set**

forth in the design review procedure at [Section 17.136.050](#).

See Regular Design Review Criteria, above.

- 6. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**

See “General Plan Analysis” section, above.

STANDARD 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, staff report and the approved plans **attached to this report**, 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.

CONDITIONS OF 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 Approvals/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

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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. 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.

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When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

13. 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

14. 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/oakcal/groups/pwa/documents/report/oak042662.pdf> and

[http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.p
df](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

15. 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

1. 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

2. 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

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(“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

3. **Diesel Particulate Matter Controls-Construction Related**

a. Diesel Particulate Matter Reduction Measures

Requirement: The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions. The project applicant shall choose **one** of the following methods:

- i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors exposed to DPM from project construction emissions. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.

-or-

- ii. All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.

When Required: Prior to issuance of a construction related permit (i), during construction (ii)

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

b. Construction Emissions Minimization Plan (if required by a above)

Requirement: The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Bay Area Air Quality District if

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specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:

- i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.

When Required: Prior to issuance of a construction related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

4. Stationary Sources of Air Pollution (Toxic Air Contaminants)

Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose **one** of the following methods:

d. a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.

- or -

e. b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:

- i. Installation of non-diesel fueled generators, if feasible, or;
- ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

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Monitoring/Inspection: Bureau of Building

5. Truck-Related Risk Reduction Measures (Toxic Air Contaminants)

a. Truck Loading Docks

Requirement: The project applicant shall locate proposed truck loading docks as far from nearby sensitive receptors as feasible.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

b. Truck Fleet Emission Standards

Requirement: The project applicant shall comply with all applicable California Air Resources Board (CARB) requirements to control emissions from diesel engines and demonstrate compliance to the satisfaction of the City. Methods to comply include, but are not limited to, new clean diesel trucks, higher-tier diesel engine trucks with added Particulate Matter (PM) filters, hybrid trucks, alternative energy trucks, or other methods that achieve the applicable CARB emission standard. Compliance with this requirement shall be verified through CARB's Verification Procedures for In-Use Strategies to Control Emissions from Diesel Engines.

When Required: Prior to building permit final; ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

6. Asbestos in Structures

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

7. 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

8. 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

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Monitoring/Inspection: Bureau of Building

9. 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

10. 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

11. 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

12. Project Compliance with the Equitable Climate Action Plan (ECAP) Consistency Checklist

Requirement: The project applicant shall implement all the measures in the Equitable Climate Action Plan (ECAP) Consistency Checklist that was submitted during the Planning entitlement phase.

- a. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits.

When Required: Prior to approval of construction-related permit.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

- b. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be implemented during construction.

When Required: During construction

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

- c. For ECAP Consistency Checklist measures that are operational but not otherwise covered by these SCAs, including but not limited to the requirement for transit passes or additional Transportation Demand Management measures, the applicant shall provide notice of these measures to employees and/or residents and post these requirements in a public place such as a lobby or work area accessible to the employees and/or residents.

When Required: Ongoing

Monitoring/Inspection: Bureau of Planning

13. 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,

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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

14. Hazardous Building Materials and Site Contamination

a. Hazardous Building Materials Assessment

Requirement: The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

When Required: Prior to approval of demolition, grading, or building permits

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Environmental Site Assessment Required

Requirement: The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

When Required: Prior to approval of construction-related permit.

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

b) Health and Safety Plan Required

Requirement: The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

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Monitoring/Inspection: Bureau of Building

c) *Best Management Practices (BMPs) Required for Contaminated Sites*

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:

- i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.
- ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

15. Erosion and Sedimentation Control Measures for Construction

Requirement: The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. NPDES C.3 Stormwater Requirements for Regulated Projects

a. *Post-Construction Stormwater Management Plan Required*

Requirement: The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:

- i. Location and size of new and replaced impervious surface;
- ii. Directional surface flow of stormwater runoff;
- iii. Location of proposed on-site storm drain lines;

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- iv. Site design measures to reduce the amount of impervious surface area;
- v. Source control measures to limit stormwater pollution;
- vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and
- vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

d) *Maintenance Agreement Required*

Requirement: The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:

- i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.

The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

17. Structures in a Flood Zone

Requirement: The project shall be designed to ensure that new structures within a 100-year flood zone do not interfere with the flow of water or increase flooding. The project applicant shall submit plans and hydrological calculations for City review and approval with the construction-related drawings that show finished site grades and floor elevations elevated above the Base Flood Elevation (BFE).

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

18. 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

19. 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

CONDITIONS OF APPROVAL

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

20. 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. The applicant shall hire a qualified acoustical engineer to take these measurements within one month of regular operations.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

21. 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

22. 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

CONDITIONS OF APPROVAL

Monitoring/Inspection: Department of Transportation

e) 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

f) 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

23. Bicycle Parking

Requirement: The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

24. 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

CONDITIONS OF APPROVAL

25. 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

26. 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

27. Recycling Collection and Storage Space

Requirement: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

CONDITIONS OF APPROVAL

Monitoring/Inspection: Bureau of Building

28. 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.
 - LEED Gold per the appropriate checklist approved during the Planning entitlement process.
 - All green building points identified on the checklist approved during review of the Planning and Zoning 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

g) 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.

CONDITIONS OF APPROVAL

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

h) 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

29. 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.

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 page 38.14(g) in the link above).

Performance Measures: Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following

a. Project Information:

- i. Date,

CONDITIONS OF APPROVAL

- ii. Applicant and property owner name,
- iii. Project address,
- iv. Total landscape area,
- v. Project type (new, rehabilitated, cemetery, or homeowner installed),
- vi. Water supply type and water purveyor,
- vii. Checklist of documents in the package, and
- viii. Project contacts
- ix. 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."
- b. Water Efficient Landscape Worksheet
 - i. Hydrozone Information Table
 - ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use
- c. Soil Management Report
- d. Landscape Design Plan
- e. Irrigation Design Plan, and
- f. 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.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

30. Employee Rights

Requirement: The project applicant and business owners in the project shall comply with all state and federal laws regarding employees' right to organize and bargain collectively with employers and shall comply with the City of Oakland Minimum Wage Ordinance (chapter 5.92 of the Oakland Municipal Code).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

31. Public Art for Private Development

Requirement: The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art

CONDITIONS OF APPROVAL

contribution requirements are equivalent to one-half percent (0.5%) for the “residential” building development costs, and one percent (1.0%) for the “non-residential” building development costs.

The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution. The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit.

Proof of installation of artwork, or other alternative requirement, is required prior to the City’s issuance of a final certificate of occupancy for each phase of a project unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval.

When Required: Payment of in-lieu fees and/or plans showing fulfillment of public art requirement – Prior to Issuance of Building permit

Installation of art/cultural space – Prior to Issuance of a Certificate of Occupancy.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

PROJECT SPECIFIC CONDITIONS OF APPROVAL

32. Truck Deliveries

Requirement: The truck will not perform more than two deliveries per day and all deliveries will leave the site between 9am and 5pm.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

33. Employees and Training Groups

Requirement: No more than 15 employees shall be at the site at a time, and trainings shall not include more than 12 persons at a time.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

34. Landscape Plan

CONDITIONS OF APPROVAL

Requirement: The landscape plan required in Condition #14 shall show landscaping that enhances the appearance of the neighborhood and visually buffer the site by providing planting, including trees, in the front setbacks of the parcel and in front of the parking spaces to the north of the site.

When Required: Prior to issuance of Building Permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

Applicant Statement

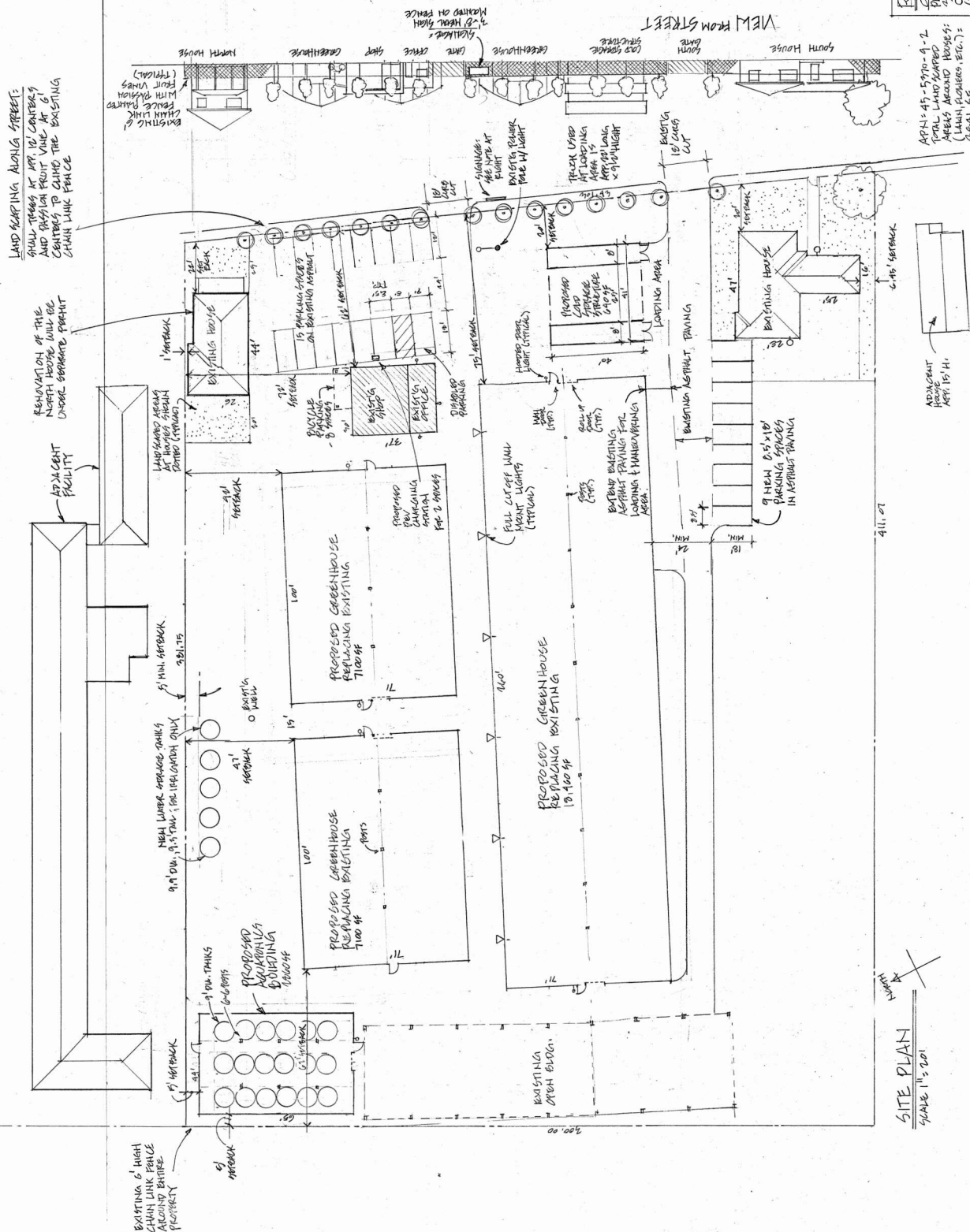
I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

Name of Project Applicant

Signature of Project Applicant

Date

CONDITIONS OF APPROVAL



SITE PLAN
SCALE 1" = 20'

APN = 45-5370-9-2
TOTAL LAND GRAPED
AREAS AROUND HOUSES:
(LAWN, FLOWERS, ETC.) =
7,841 SF

RENOVATION OF THE NEISHI NUKSERY

OWNERS: NUTTLE PLANTING
3919 105TH AVE.
RICHMOND CA 94603
(510) 439-1316
gavin@plantingnotice.org

391 AND 399 105TH AVE. OAKLAND
ARCHITECT: BOB THOMAS
9999 LEBANON AVE.
RICHMOND CA 94805
(510) 599-0616
bob@bubthoms.net

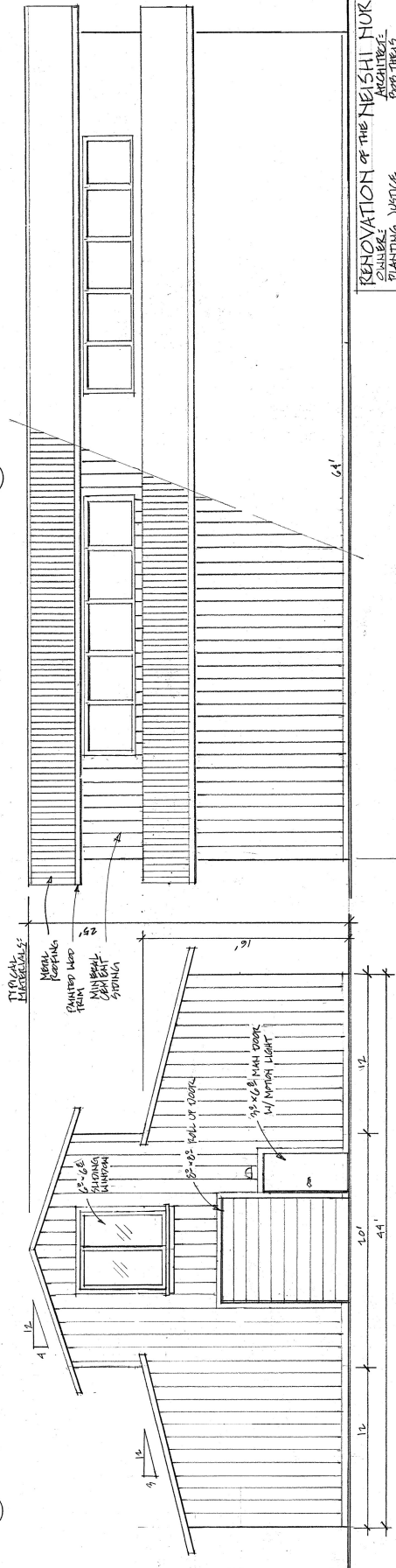
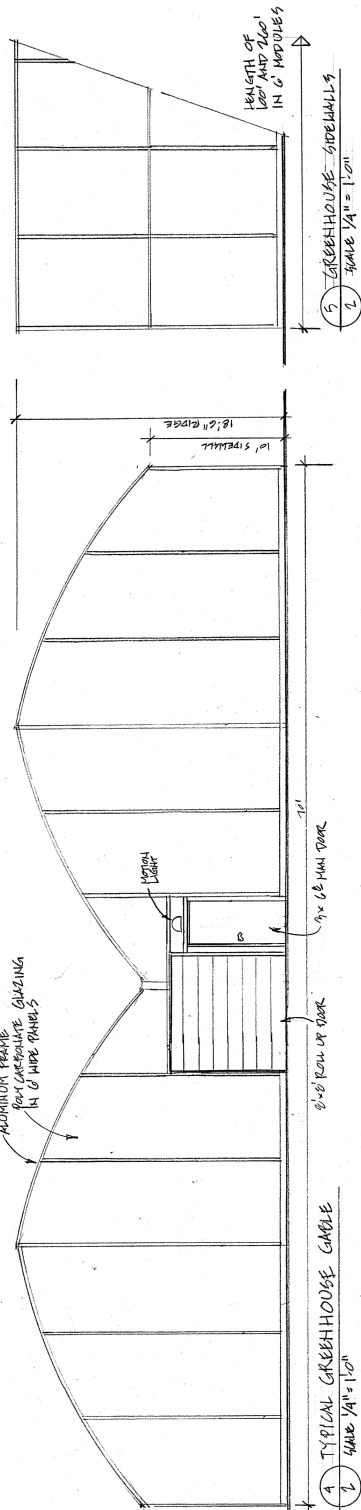
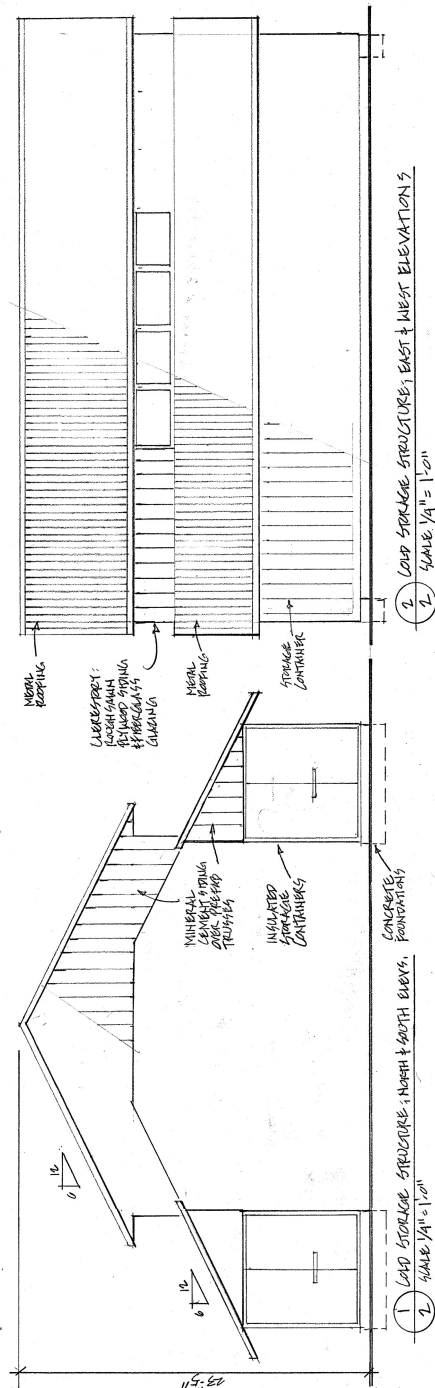
SHEET 1

RENOVATION OF THE NEISHI NUKSERY

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391 AND 399 105TH AVE. OAKLAND
ARCHITECT: BOB THOMAS
9999 LEBANON AVE.
RICHMOND CA 94805
(510) 599-0616
bob@bubthoms.net

SHEET 1



PROGRESS PRINT NOV 8, 2022
PROGRESS PRINT SEP 22, 2022

RENOVATION OF THE NEISHI HURSEY

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ARCHITECT:
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RICHMOND CA 94805
(510) 235-0016
bob@bobthies.net

BOB THOMAS
CA 95 CLAREMONT AVE
RICHMOND CA 94805
(510) 295-0616
bob@bobbies.net

Material Selections
Planting Justice Incubator Aquaponics Farm
 359 105th Avenue, Oakland



Roofing: standing seam 22G,
 coated steel in slate grey
 Siding: Hardie Panel vertical
 siding in cedarmill texture
 color: chiselled green
 Batten Boards: Hardie Panel
 3/4 x 2-1/2
 Color: chiseled green
 Trim: Hardie Trim
 5/4
 Color: cobblestone

Greenhouse Materials:
 Anodized aluminum frame
 Twinwall polycarbonate glazing



Insulated Intermodal Containers
 (used as the base of the Cold
 Storage Structure); ribbed steel,
 painted to match the Hardi
 Panel siding on the wood framing
 above.

