

Residential Appeals Committee

STAFF REPORT

Case File Number: PLN15-152-A01(CP15-012)

November 16, 2021

Location:	Vacant lot located between 6326 and 6344 Thornhill Drive
Assessor's Parcel Number(s):	048F-7379-006-00
Proposal:	Appeal of Zoning Manager's approval of development application to construct a new single-family dwelling with an Accessory Dwelling Unit (ADU) on an existing vacant upsloping lot; and protect existing watercourse
Appellant:	Jeffrey Kessler (510)339-1701
Applicant:	Robert Wirth (510)459-1010
Owner:	Helen Yu
Case File Number:	PLN15-152-A01 (CP15-012)
Planning Permits Required:	Appeal of Zoning Manager's approval of Regular Design Review including CEQA determination, for construction of a new single-family dwelling with an Accessory Dwelling Unit (ADU) on an existing vacant lot and a driveway bridge over an existing creek; and Category 4 Creek Protection Permit to protect existing watercourse.
General Plan:	Hillside Residential
Zoning:	RH-4 Hillside Residential
Environmental Determination:	Categorically Exempt: Section 15303 - New construction of small structures; 15332 - Infill development projects; and 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	Vacant Lot -X
City Council district	4
Status:	Appeal Pending Application was approved by the Zoning Manager on 9/23/2021.
Staff Recommendation	Deny appeal and uphold Zoning Manager's decision
Finality of Decision:	Final Decision
For further information:	Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@oaklandnet.com

SUMMARY

On September 23, 2021, the Zoning Manager approved an application to construct a new single-family dwelling with an Accessory Dwelling Unit (ADU), proposed for a vacant upsloping parcel located between 6326 and 6344 Thornhill Drive in the Oakland Hills area (See Attachment B for Approval Letter and Attachment C for the approved plans). The subject site is located within the RH-4 Hillside Residential zone and General Plan (GP) land-use classification, where detached residential developments (that may include ADUs) in hillside settings are permitted upon granting of a Regular Design Review Permit.

The proposed project was subject to the Regular Design Review criteria and Creek Protection Ordinance of the Oakland Municipal Code and complied with the applicable development standards including but not limited to permitted density, minimum front and rear yard setbacks, maximum height limits, required off-street parking, driveway width and slopes, and landscaping. After duly noticing the project on various occasions in the course of the project review, staff received several comments from interested parties. Staff reviewed all the public comments and worked with the applicant and environmental consultants and engineers to address all pertinent issues in the light of the applicable development standards, codes and regulations prior to approving the project.

On October 4, 2021, Jeffrey Kessler (Appellant, owners of abutting property located at 1714 Woodhaven Way) appealed the Zoning Manager’s approval of the project, citing various reasons, (See Attachment A for details) with key points summarized as follows:

A. The Appellant’s list of “Substantive Issues”

- 1) Size of Proposed Development;
- 2) Environmental Impact on Sensitive Area;
- 3) Infringement on the Community’s Right to Peacefully Enjoy the Footpath;
- 4) Proposed Use of Footpath;
- 5) ADU Approval in Fire Zone; and
- 6) Fire risk during construction.

B. The Appellant’s list of “Procedural Issues”

- 1) Lack of Notice, Knowledge and Due Process;
- 2) City Correspondence On Topic;
- 3) Public Records Requests;
- 4) Inadequate Notice of Use of Footpath for Construction Staging Area;
- 5) Planner Transition;
- 6) Involvement of City Department of Transportation; Inability to Communicate; and
- 7) Withholding of Public Records.

BACKGROUND

On May 12, 2015, the applicant applied for Regular Design Review to construct a new single-family dwelling at the subject site. The proposed project also involves a Creek Protection Plan and Permit to protect an adjacent watercourse and a Tree Removal/Preservation permit. For the past six years, Staff has worked with the applicant, neighbors, and technical consultants to identify and address pertinent issues of concern. As part of this effort, technical studies that include Creek Protection Plans, Hydrology Reports, Geotechnical Assessments, Arborist Report, and a Peer Review (Technical Peer Review of Hydrology and Geotechnical Issues) and responses, have been prepared by professionals to analyze the project and to determine that the City’s Standard Conditions of Approval (SCAs) adequately address all potential negative impacts (See Attachment B for SCAs, Peer Review conclusions, and COA#48 for recommendation and status). In the course of the project review, the City of Oakland adopted Standard Conditions of Approval and Uniformly

Applied Development Standards that specifically address various environmental issues including Creek Protection and Stormwater Management Measures, Tree Removal/Preservation, High Fire Hazard Severity Area Measures, and Earthquake Induced Landslide Zone Measures among several others as a comprehensive approach to addressing potential environmental issues. The Conditions of Approval contain details of these measures that address these pertinent issues and compliance with them will ensure that the project does not have adverse impacts on the topography or landscape.

The Tree Removal/Preservation Permit (T1500052) involves review and approval by the Oakland Tree Services by qualified professional arborists who evaluate all applications for compliance with applicable tree protection ordinance prior to approval of tree permits. The Tree Services reviewed and approved the associated Tree Permit for the project. (Status of T1500052: Approved by Tree Services on July 6, 2015, expires one year from date of issuance of Building Permits. See attachment B).

After several prior public notices, the applicant sent out through US mail on July 28, 2021, public notices to owners of properties located within three hundred feet of the subject site for comments. Staff received and reviewed several comments from interested parties. On September 23, 2021, after making a determination that the project complied with the applicable criteria, Staff approved the project subject to standard conditions of approval applicable to single-family home projects in this zoning district that addressed pertinent issues and concerns.

Not only does the Regular Design Review and Creek Protection findings for approval outlined in the attached September 23, 2021 decision letter (See Attachment B) explain the reasons why the project complies with the applicable regulations and adequately articulate the evidence supporting the Zoning Manager’s approval of the project, but Staff has also provided a point-by-point response to the appeal points below.

The appeal does not list any valid instance of purported error or abuse of discretion by the Zoning Manager. Staff, therefore, recommends that the Residential Appeals Committee deny the appeal and uphold the Zoning Manager’s approval of the project for the proposed new single family and ADU development.

Appellants’ Bases for Appeal and Staff’s Responses

Below are the key points of the appeal, followed by staff’s responses. *As detailed in the supporting Attachments included as part of this Appeal.* (See Attachment A for details)

A. Appellant’s list of “Substantive Issues”

Size of Proposed Development. Oversized development not consistent with the homes in the surrounding neighborhood;

Staff’s Response: The Zoning Manager did not err or abuse his discretion in determining that the proposed development meets all Regular Design Review criteria, including the finding that the building is well related to the surrounding area. The Oakland hills neighborhoods are characterized by diverse types of hillside designs, each tailored to their specific site’s topographies, size, shape and other configurations. Since no two hillside properties are exactly the same, designs and styles

are permitted to be different from one other as long as they comply with the development standards in the Oakland Planning Code, Design Review criteria, and the Design Review Manual for 1 and 2 Units. The proposed design has a contemporary design that breaks the building into distinct geometric volumes that step up with the slopes of the site and further away from the street, minimizing it's prominence on the street as recommended by the Design Review guidelines.

The overall building height of 35 feet is consistent with the allowed height for the RH-4 zone. The exterior materials of stucco and aluminum windows are fire-retardant and appropriate for the area. The Planning code does not regulate the nominal size of buildings, but rather applies a floor area ratio (FAR) and lot coverage maximums to achieve sizes that are proportional and equitable to the lot size. The maximum FAR on the subject site is 50%. The proposed 4,024 square-foot multi-level structure at the vacant 8,048 square-foot site has an FAR of 50%. It is not unusual under current regulations to have new buildings in hillside settings that maximizes the 50% allowable FAR as long as they successfully address bulk and manage massing of building elements. The manner in which building volumes are scaled, articulated, organized and set into the hillside determines the perceived bulk. The proposed design presents a design that responds the steep up-sloping hillside with distinct geometric volumes that not only aligns with the site contours but also steps each building volume back up the hillside with no more than two and one-half stacked stories visible at exterior at any vertical point around the building perimeter. This design approach allows the proposed building to have a moderate profile that is not too broad and not too tall at any one point. The resulting design is consistent with other newer hillside developments.

Due to the steep sloping nature of hillsides, it is challenging to get flat useable outdoor spaces on grade without grading and retaining walls outside of the building envelope; therefore the proposed project incorporates decks at various levels to provide usable open spaces. The proposed three car garage will provide the required off-street parking while the driveway and maneuvering space will also accommodate guest parking for at least two more regular-sized cars.

The General Plan is Hillside Residential that allows residential uses in the form of detached single-family dwellings (with accessory units) on hillside lots and therefore the proposed project complies with the general plan. The LUTE states that the desired character and uses of future development within the Hillside Residential classification should remain "residential in character".

1) Environmental Impact on Sensitive Area. Endangerment of Temescal Creek with fragile bank. CEQA exemption is ill-considered;

Staff's Response: In light of the extensive Creek Protection Plan, Hydrology analyses, Geotechnical assessments, Peer Review, all other technical assessments, conclusions, recommendations and conditions of approval, the claim that the creek banks will be endangered by the project is not supported by any tangible evidence and fails to show where the Zoning Manager erred or abused his discretion. The Creek Protection Plan incorporates recommendations from these technical studies and applies BMPs to ensure construction and post-construction impacts on the creek and its banks are reduced to less than significant levels. The remaining open areas of the site retain their vegetation and topography.

Pursuant to Section 15303 of the CEQA Guidelines, the proposal of a one-family dwelling on a vacant lot is categorically exempt from environmental review. In addition, the City has adopted a comprehensive Standard Conditions of Approval (SCAs) that are designed to address all other

potential negative environmental impacts. Conditions of approval #20-#21 (Biological), #25 (Seismic Hazards), #27 (Fire Hazards) and #28-#34 (*Hydrology Water Quality*) of the project decision letter include those Standard Conditions that adequately addresses vegetation, creek protection, stormwater management, wild-fire, earthquake induced liquefaction and landslides, etc. so that individual developments such as the proposed single-family dwelling can be developed with the necessary environmental safeguards and protections and be categorically exempted from any further environmental review. Based on the extensive technical studies in the record, and with the project's compliance with all relevant SCAs and the recommendations of the Peer Review, the City has determined that no exceptions to the categorical CEQA exemption apply.

Creek Protection

The project also involves a Creek Protection Plan (CPP) and other technical studies prepared by qualified environmental consultants to address potential impacts of the project on the existing adjacent creek and soil conditions at the subject site. The City of Oakland Watershed division has reviewed the CPP and determined that it adequately addresses pertinent issues and together with the associated Conditions of Approval, potential negative impacts to the creek will be minimized. The current scope of work, which includes a new driveway bridge, is not expected to cause a substantial impact on the creek because the CPP together with the conditions of approval require that protection measures before, during and post construction be installed and implemented to prevent sedimentation and erosion of the creek banks. No significant hydraulic erosions are anticipated to impact the creek. The Peer Review recommendations, which have been added to the Conditions of Approval (COA#48), requires that the Creek Protection Plan dated April 30, 2015, updated and submitted to the City in July 2021 be further updated to incorporate the most recent City SCAs and include a detailed approach to protect and monitor the oversteepened slope near the outlet of the upstream culvert during construction activities.

The updated Creek Protection Plan, the Amended Drainage Plan and the Addendum to the Geotechnical Report have since been prepared by the applicant to address this recommendation.

With regard to potential impact on the creek at the subject site, the project incorporates a comprehensive site drainage system that include pipes and cisterns to collect and store stormwater to minimize surface run-off into the creek. The Creek Protection Conditions of Approval require adherence to Best Management Practices (BMPs) during all construction activities. Temporary and permanent protection from erosion control measures will be implemented in the form of silt screens, hay bales and other barriers and fencing. The upgrades will minimize impervious (paved) surfacing to reduce storm-water run-off into the creek. The Peer Review also made the following recommendations aimed at protecting the creek:

1. Drill an additional boring behind the top of the steep bank above the outlet of the upstream culvert to provide data for both design and construction of appropriate stabilization measures, such as soil nails and/or rock bolts combined with a wire mesh facing due to previous filling of Temescal Creek and installation of undersized culverts on upstream properties. (Status: The additional boring has been drilled and the Geotechnical report has been updated with the results);
2. Update the Creek Protection Plan dated April 30, 2015 to incorporate the most recent City SCAs and include a detailed approach to protect and monitor the oversteepened slope near the outlet of the upstream culvert during construction activities. The additional soil boring described in Recommendation above, is intended to provide at least part of the information necessary to update

the Creek Protection Plan. (Status: The Creek Protection Plan has been updated. Further updates would be required as a condition of project approval prior to application for building permits.)

3. Prohibit grading or ground-disturbing activities between October 15 and April 15 should be enforced and the City of Oakland should not consider any request to waive such requirements, if such a request were to be made. (Status: Standard Condition of Approval #11 prohibits grading during this period.)

The project has addressed these recommendations in an amended Drainage Plan and an addendum to the Geotech Report. (See Attachment B).

The proposed site drainage plan is designed to capture stormwater runoff into storage tanks for controlled discharge and will not affect the capacity of the creek. Upon full compliance with the Creek Protection and Erosion and Sedimentation Control measures there are no other factors which would indicate that the proposed new building will adversely affect the creek.

The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.

The proposed CPP aims at preserving any riparian corridor adjacent to the creek. The proposed construction activities is required to engage BMPs to minimize adverse impacts on any riparian corridor, including riparian vegetation or result in loss of wildlife habitat. No significant landscape work is proposed in or near the creek. The proposed project is expected to maintain the visual quality and natural appearance of the riparian corridor. The creek protection plan contains limitations of powered equipment use, construction staging, and construction material storage away from the creek that will diminish the possibility of damage to the boundary of the riparian zone.

The CPP, hydrology studies and peer review discusses the bank stabilization and conclude that with implementation of the associated conditions of approval, (including all the SCAs and project specific COA#48 for the peer review recommendations) the proposed project will not result in the deposition of any amount of new material in the creek or cause substantial bank erosion or instability and the flow of the creek will not change. Also, standard BMPs during construction will prevent the deposit of any significant amount of material into the open portion of the creek.

2) Infringement on the Community’s Right to Peacefully Enjoy the Footpath. Desire of the community to continue to enjoy free access to the city footpath located directly behind a number of Woodhaven properties, including mine. We note that the footpath is designated on the subdivision map which created the path as an “equestrian path”;

Staff’s Response: The proposal to use the abutting public path by the applicant is merely an “ask” at the moment. The applicant proposed this as an initial site access in the proposed Construction Sequencing Plan and eventually access from Thornhill Drive after installing a bridge over the creek (see Attachment D). Staff has added requirements for the applicant to obtain approval from the Oakland Department of Transportation (OakDOT) prior to use of the public path and therefore, prior to issuance of a building permit, the applicant would need to formally submit an application for OakDOT for their review and approval. As per Condition of Approval #12, the applicant would also need to submit a Construction Management Plan (CMP) to detail out how all construction-

related conditions of approval would be complied with. If OakDOT does not approve the use of the path for initial construction access, the applicant would need to find an alternative means of site access for construction staging. Access off Thornhill Drive for all stages of the construction sequence is the remaining alternative.

3) Proposed Use of Footpath. No details have been provided regarding applicant’s proposed use of the city foot path;

Staff’s Response: See preceding response to #3 above. It is premature to expect any details at the moment since the application has not advanced to the building permit stage yet. If OakDOT approves the use of the public path, the applicant would be required to provide necessary details. On the other hand, if OakDOT does not approve it, the applicant would be required to provide an alternative means of initial site access (which would likely involve installation of the proposed driveway bridge) prior to approval of any building permits.

4) ADU Approval in Fire Zone. Use of ‘ministerial’ powers to approve an ADU in a very high-risk fire area, contrary to the directives of the City Fire Chief, and while the City Council is considering this very issue;

Staff’s Response: The proposal is for one primary dwelling unit that contains a 610 square-foot “Secondary Unit” also known as Accessory Dwelling Unit (ADU) within the building envelope. ADUs are ministerially permitted by State law in California in Single Family zones, and do not count towards residential density. ADUs are not independent of the primary unit and do not result in duplexes or two independent units; therefore, the ADU is consistent with, and does not change, the one-family zoning of the site.

The City does not have the authority to put applications for ADUs in high fire severity zones on hold while Council considers amendments.

5) Fire risk during construction. Construction is to occur only during ‘the dry months,’ yet these of course are the months of fire risk. Thornhill Drive is a major escape route for the entire surrounding community. Who will be on site to minimize risks to the public?

Staff’s Response: The Zoning Manager did not err or abuse his discretion in determining (by approving the project) that the Standard Conditions will address and minimize fire risks during construction. Conditions # 26 and #27 of the approval letter include those Standard Conditions that adequately addresses Hazards and Construction Hazards including wild-fire risk. Specifically, COA#27 include the following requirements:

a. *Fire Safety During Construction*

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

When Required: During construction

Monitoring/Inspection: Bureau of Building

b. ***Smoking Prohibition***

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

In addition to the above, the Construction Management Plan (CMP) required to be provided per COA#12 is expected to provide more specifics as to how the applicant intends to comply with all construction-related Conditions of Approval.

B. The Appellant’s list of “Procedural Issues”

- 1) **Lack of Notice, Knowledge and Due Process.** Throughout the many years the development of this lot has been pending, there has been a lack of full and fair disclosure of information regarding the development. In particular, during the transition of City Planners responsible for the project, which was exacerbated by COVID-19, there was little advance notice and time for all of the community to review the voluminous City files on topic. This impacted the ability of the community to understand the development fully and respond appropriately. Prior to COVID-19, it was fairly easy to walk in to the City Planning Department and view files; this all stopped with COVID-19. Numerous requests for copies of files on the project were made to the City, with little response; files eventually received were incomplete;

Staff’s Response: Staff has always made public records available to interested parties at all times without fail. Staff has also been responsive to periodic enquiries by interested parties when there was no new information during the Covid shut-down period. It is not clear what incomplete files the appellant is referring to, however Staff is aware that a prior Public Records Request by Leila Moncharsh, an attorney representing some of the interested parties, that had the records sent in batches on a rolling bases has been fully processed.

- 2) **City Correspondence On Topic.** There were a number of challenges regarding correspondence between the developer and the City, and between concerned neighbors and the City. More specifically, it appears that the emails from concerned neighbors have been forwarded by City Planners to the developer, although our neighborhood group has not been kept abreast of the developer’s communications to the Planners, despite numerous requests. It is my understanding that all communications with the City regarding potential developments are public information, subject to review upon request. This appears not to have been the case with all communications regarding this development;

Staff’s Response: It is standard practice for staff to forward neighbor’s comments on projects to the applicant so they can address issues and concerns. There is no policy or requirement for staff to forward every communication between Staff and applicants to interested parties unless expressly requested as part of a public records request.

- 3) **Public Records Requests.** Along with several members of the neighborhood group concerned with the proposed development, I have made requests for public records and have received no response. Other requests have been “answered” without the information I requested. One request (for correspondence between Original Planner, Caesar Quitevis, and the developer) was answered, but with substantial redactions. Naturally I wonder whose privacy is being protected, and who might be influencing the City Planning decision process behind the scene;

Staff’s Response: Planning Staff became aware of a Public Records Request (PRR #21-8436) by the appellant filed on October 1, 2021, which is being processed by the appropriate City Departments at the time of writing this staff report. The time it takes to fully process each of these requests depends on the volume of public record requests, the size and complexity of the requested records, and available staff time and resources to process each requested document. Staff expects the PRR to be completed well before the November 16, appeal hearing. Redactions are only made to the records in the file in accordance with the exemptions in the Public Records Act, including, for example, attorney-client privileged documents.

- 4) **Inadequate Notice of Use of Footpath for Construction Staging Area.** Along with several other neighbors, I was assured by Original Planner, Caesar Quitevis, that the developer would not be permitted to use the Woodhaven footpath as a construction road and staging ground. In fact, the issue of using the footpath for a staging area, to our knowledge, was not under discussion at all. The discussion only involved the house plans and protection of the creek, not use of the footpath as a construction staging area. The footpath is a wild and beautiful area enjoyed by the entire community, many of whom have objected via comment letters to its use for any purpose other than a footpath. Had we known that use of the footpath was a possibility in connection with the proposed development, our initial geotechnical report would have covered this issue.

Staff’s Response: The applicant made his proposal to use the public path for initial construction access through a draft Construction Sequencing Plan, which will need to be finalized prior to obtaining building permits. Staff provided this draft to the appellant and all interested parties shortly after it was submitted and also as an attachment to the September 23rd decision letter. At the moment the proposal is merely an informal “ask” by the applicant and yet to be filed with the Oakland Department of Transportation (OakDOT) for consideration. The use of any Public-Right-Of-Way (PROW) including the subject footpath, is under the jurisdiction of the Oakland Department of Transportation’s (OakDOT) review and approval and Planning staff has no authority to preclude any applicant from proposing access off any PROW. Staff has added COA#47 for the applicant to obtain approval from OakDOT prior to use of the subject public path. If OakDOT does not approve the use of the public path for initial construction access, the applicant would be required to provide an alternative means of site access prior to approval of any building permits.

As part of the building permitting process, the applicant would also be required to formally apply for and secure necessary clearance from OakDOT as well as submit a CMP for staff’s review.

Planning Staff's understanding is OakDOT determines these matters on a case-by-case basis and not required to notify the public if it decides to grant the use of the public path for temporary construction access.

- 5) **Planner Transition.** Our community group had open communication with Original Planner Quitevis, who retired in early 2020. Quitevis was replaced by his supervisor, Maurice Brenyah-Addow, who provided little information during a time when we were unable to physically visit the Planning Office to view such files. Unexpectedly, and with no advance notice or prior discussion, in July of 2021, the Planning Commission indicated that it intended to approve a plan for the property that calls for use of the Woodhaven footpath as a construction road and staging area. Comment period occurred during summer months when much of the community was on vacation;

Staff's Response: Staff continued to respond to all enquires from interested parties and provided all publicly available documents and information at all times. The fact that there were long stretches of times when there simply was no new information to report does not mean staff was unresponsive. Even during those times, Staff always responded to periodic enquiries for new information and indicated that there was no new information to report.

- 6) **Involvement of City Department of Transportation; Inability to Communicate.** When queried on use of the footpath, Planner Brenyah-Addow stated that use of the foot path is under the authority of the City Department of Transportation, not the City Planning Department. This is despite the fact that the notice for comment on use of the footpath for construction staging came from the Planning Department, not the Department of Transportation. I have been unable to reach the Department of Transportation, in person or by phone, despite numerous attempts. To date, neither the Planning Department nor the Department of Transportation has provided any information or documentation regarding authority over, and decisions regarding use of the footpath;

Staff's Response: See earlier response to #4 above. As part of the Peer Review recommendation requirements for a Construction Sequencing Plan, the applicant proposed initial site access from the rear via an existing public path. Pursuant to COA #47 of the September 23, 2021 decision letter, OakDOT will review and determine the outcome of that proposal when the applicant submit a formal application to OakDOT. At this moment a formal application has not been submitted yet.

- 7) **Withholding of Public Records.** Please note that I have filed a request for mediation with the City of Oakland's Public Ethics Commission in regard to the withholding of public records.

Staff's Response: The Public Ethics Commission will respond according to their procedures.

CONCLUSION

The appeal fails to substantiate instances of purported error or abuse of discretion by the Zoning Manager. As demonstrated in the September 23rd 2021 approval letter “Findings” and Staff’s responses above, the proposed new single-family dwelling with and ADU complies with all the applicable development standards and Regular Design Review Criteria with regard to permitted uses, density, setbacks, height limits, off-street parking, landscaping, exterior materials, and neighborhood compatibility. The proposed project will improve a currently vacant hillside site and contribute to the City’s goal of increasing the housing stock in Oakland. The proposed development will provide a convenient and functional living space for future residents, and serve as a new investment that would contribute to high-quality buildings in the area.

RECOMMENDATIONS:

Staff recommends that the Planning Commission:

1. Deny the Appeal; and
2. Uphold the Zoning Manager’s CEQA determination; and
3. Uphold the Zoning Manager’s approval of the Regular Design Review and Category 4 Creek Protection Permit for the construction of a new single-family dwelling and ADU subject to the attached Zoning Manager’s Decision Letter with Findings dated September 23, 2021 (Attachment B).

Prepared by:

Maurice B Addow

MAURICE BRENYAH-ADDOW
Planner IV

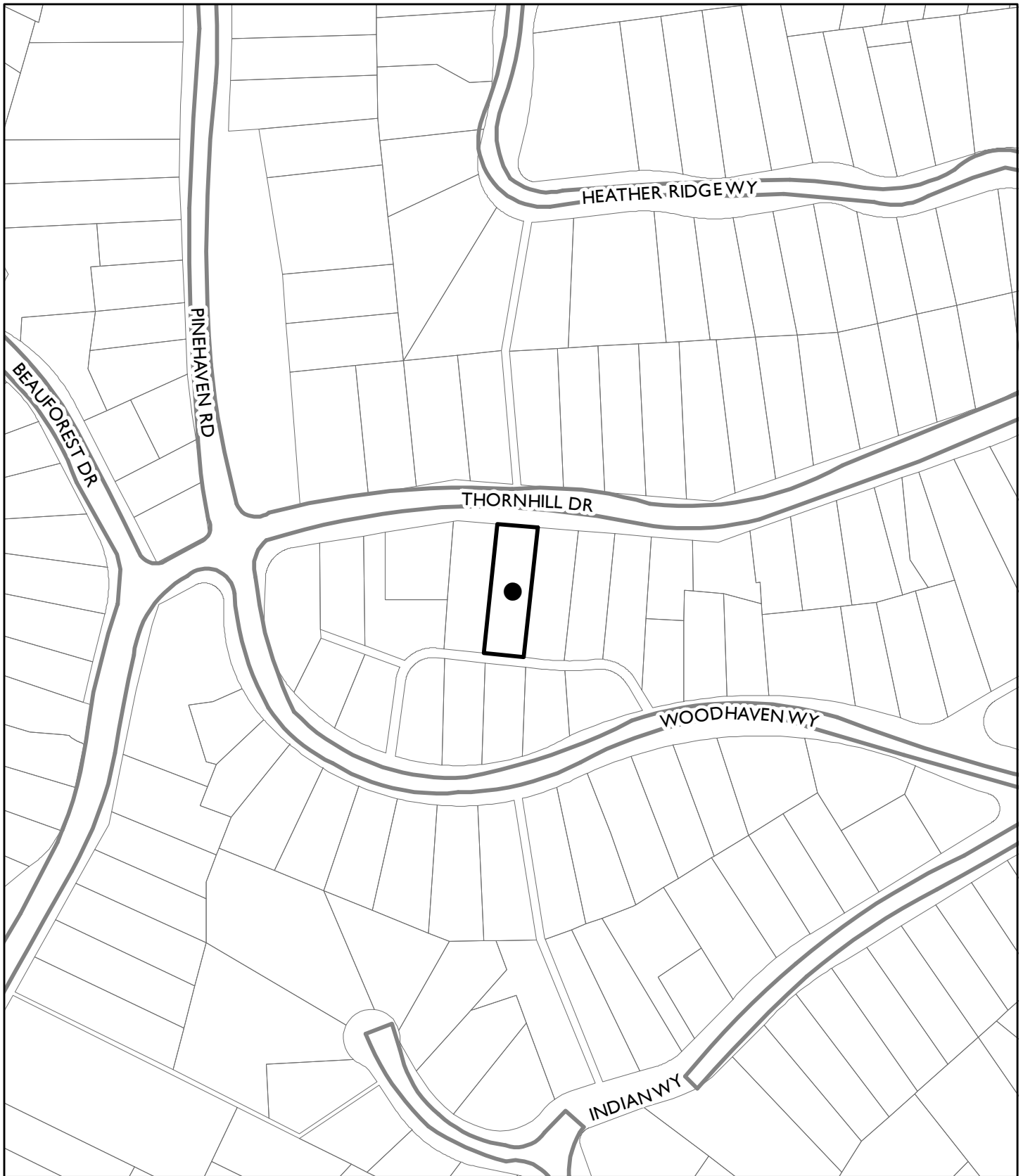
Reviewed by:



ROBERT D. MERKAMP
Zoning Manager - Bureau of Planning

Attachment:

- A. Appeal Documents
- B. September 23, 2021 Decision Letter, Conditions of Approval & Attachments
- C. Approved Plans
- D. Proposed Construction Sequencing Plan



PLN15152-A01
between 6326 and 6344 Thornhill Drive
048F737900600

Date: 11/3/2021

ATTACHMENT

A

December 17, 2018

To: Anne Hoskins & Robert Zdenek

From Wayne Magnusen, P.E., G.E., Principal

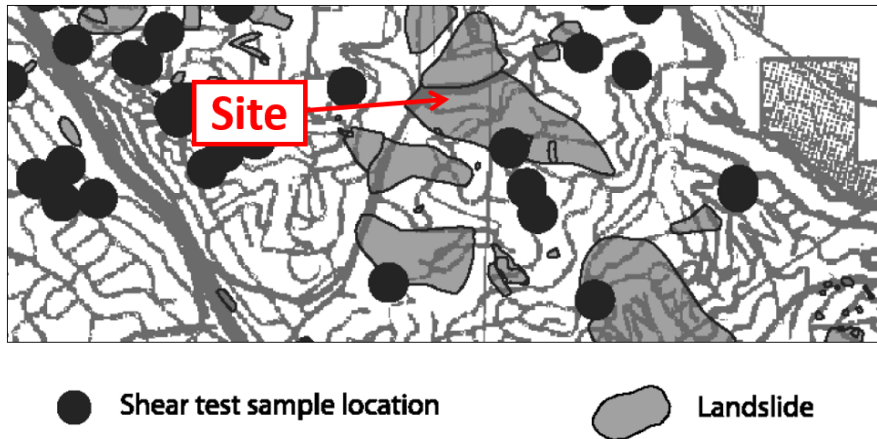
**RE: Geotechnical Review Comments
CEQA Initial Study / Mitigated Negative Declaration (Amended June 2018)
Montclair Lot APN 048F-7379-006-00**

This letter documents A3GEO’s concerns about the proposed development of the vacant lot between 6326 and 6344 Thornhill Drive (APN 048F-7379-006-00) in the Montclair District of Oakland. The professional opinions presented herein are based on generally-accepted geotechnical practices and State of California regulations/guidelines. My professional resume is attached.

Comment #1: The Geotechnical Investigation Report fails to note that the Site is within a landslide mapped as “definite or probable” by the California Geological Survey (CGS). The potential for landsliding to occur during excavation or because of seismic shaking are unknown and the proposed mitigation measures are therefore not known to be adequate.

The CGS Seismic Hazard Zone Report for this area includes a Landslide Inventory Map showing the locations of mapped landslides that the CGS considers “definite or probable.” The relevant portion of this map is reproduced below with the Site location indicated.

CGS Landslide Inventory Map

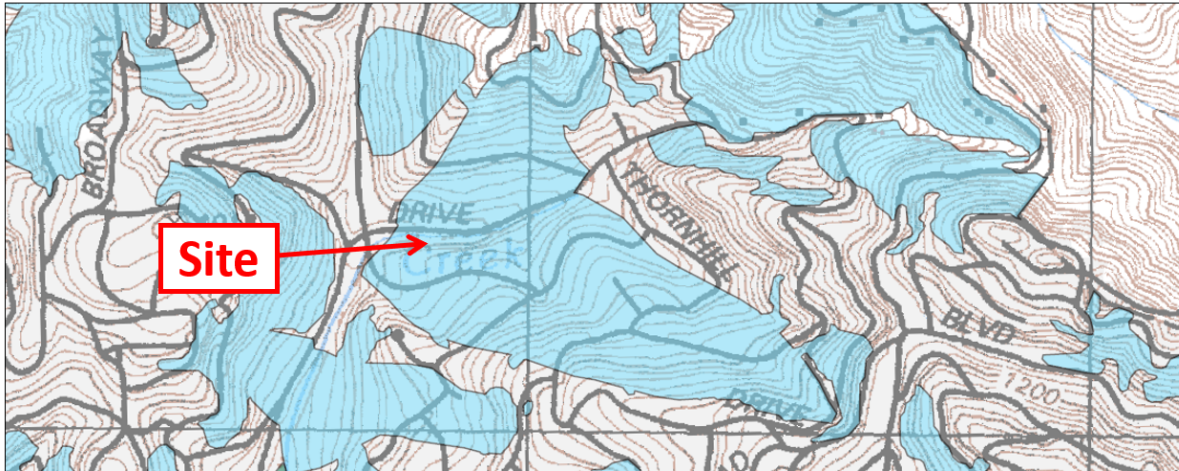


The Geotechnical Investigation Report for the Project fails to consider the possibility that the rock encountered in two less than 10-foot-deep borings drilled at the planned house location may not be “in-place” but instead part of a deeper landslide. In addition, 14- and 21-foot-deep borings drilled downslope at the bridge location failed to encounter rock at all, for which the Geotechnical Investigation Report offers no explanation. It is presently unknown whether the CGS mapping is correct, because the borings at the house location did not go deep enough. If one or more unidentified surfaces of weakness exist, excavation at the site could cause landsliding into the creek and/or landsliding into adjacent properties. If landsliding occurs during excavation, it will be too late to mitigate associated environmental impacts. If landsliding occurs as the result of an earthquake, there may be life safety concerns in addition to environmental impacts. At least one deep continuously-cored boring is needed at the planned house location to conclusively establish whether there are landslide slip surfaces or other geologic planes of weakness beneath the site. The geotechnical investigation is part of the mitigations necessary to reduce the potential impact from landsliding to a less than significant level. In our opinion, the geotechnical investigation is inadequate; therefore, the proposed mitigations are inadequate.

Comment #2: The Site is within a CGS-mapped Seismic Hazard Zone, which requires a higher degree of investigative diligence than what is reflected in the Geotechnical Investigation Report.

The official State of California seismic hazard map (below) shows the site within a "zone of required investigation" for earthquake-induced landsliding. CGS Special Publication 117A (SP117A), titled "*Guidelines for Evaluating and Mitigating Seismic Hazards in California*", applies to the preparation and local agency review of geotechnical investigation reports for proposed projects within CGS-mapped Seismic Hazard Zones.

CGS Seismic Hazard Map



Earthquake-Induced Landslide Zones

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

SP117A outlines two levels of investigative study (screening and quantitative), noting that:

*"If a screening investigation can **clearly** demonstrate the absence of seismic hazards at a project site, and if the lead agency technical reviewer concurs with this finding, the screening investigation will satisfy the site-investigation report requirement and no further investigation will be required. If the findings of the screening investigation cannot demonstrate the absence of seismic hazards, then the more-comprehensive quantitative evaluation needs to be conducted."*

Among the questions that screening investigations must address is whether there are any *"existing landslides, active or inactive, present on, or adjacent (either uphill or downhill) to the project site."*

SP117A recommends that site investigation reports in seismic hazard zones include a geologic map showing *"pertinent geologic and soil features existing on and adjacent to the project site"* and geologic cross sections showing *"geologic structure, stratigraphy and subsurface water conditions supported by boring and/or trench logs at appropriate locations."* The Geotechnical Investigation Report (Geotechnia, 2014) does not include a geologic map or a cross section and therefore fails to meet basic SP117A requirements. As previously noted, the absence of previous landsliding at the house location has not been established due to a lack of subsurface data (i.e. one or more deep borings that extend below the depth of potential landsliding). Additional investigation and analyses would be needed to comply with the requirements of the Seismic Hazard Mapping Act, as outlined in the official State of California guidance contained in SP117A.

Comment #3: The Geotechnical Investigation Report mentions temporary excavation cut slopes, recommends that Geotechnia observe during excavation, and notes that underpinning and temporary shoring are responsibilities of the contractor. The proposed mitigation measures do not include details pertaining to the temporary shoring, which will almost certainly be needed to accomplish safe site excavations and avoid negative impacts to the creek.

Even if supplemental investigations confirm that the rock at the house location is “in-place”, it’s very difficult to understand how the project can be built without adverse impacts to the creek. No information is presently available pertaining to proposed construction methods, the need for temporary shoring and/or how the onsite excavation work will be sequenced. For example: if the bridge is built first, the deep excavation needed to construct the southern piers and pier cap has the potential to destabilize upslope portions of the lot. On the other hand, if the house excavation occurs first, there is no reasonable access route for the heavy construction equipment and trucks needed to accomplish the work. If the site is to be excavated working from the Thornhill side, it’s hard to imagine how the creek will be protected during site clearing, shoring installations, excavation, loading/offhauling and onsite construction activities. If the site is excavated “top-down” (i.e. working from the path above), creek impacts might be less but permission would be needed improve/utilize/restore the upper path it to the degree that it could serve as an access road. Creek protection, temporary shoring and construction sequencing are part of the mitigations necessary to reduce potential impacts from landsliding and erosion to a less than significant level. Consequently, the proposed mitigations are incomplete and therefore inadequate.

Comment #4: The Plans do not include structural drawings for the residence or details pertaining to the foundation design. In addition, the borings drilled at the residence site do not extend as deep as the deepest planned excavation or below the bottom of planned foundations.

The architectural cross sections provided include what appear to be drilled pier foundations, although the lengths/depths of the piers and other design details are yet unspecified. The drawings provided show the tops of the drilled piers at the rear of the garage greater than 15 feet below existing grade and the geotechnical report recommends piers be at least 13 feet long; based on this information it appears that the piers will extend to depths greater than 28 feet. The two borings drilled at the location of the planned residence are only 9 and 9.5 feet deep. Consequently, the drilled piers currently planned would extend below the depth of the deepest boring, where geologic conditions are uncertain. This is a concern for the following reasons: 1) if the deeper rock at the site is harder/stronger than anticipated it may not be possible to drill the pier holes; 2) if the deeper rock is softer/weaker than anticipated, the drilled piers may not provide adequate vertical and/or lateral support; and 3) if the deeper rock is softer/weaker than anticipated or if a slide plane is present, the lateral forces assumed in the structural design may be too low. At least one supplemental deep test boring is needed to resolve these ambiguities. The lateral force design of the residence is part of the mitigations necessary to reduce potential impacts from landsliding to a less than significant level. Consequently, the proposed mitigations are incomplete and therefore inadequate.

A3GEO, Inc.

Wayne Magnusen, P.E., G.E.
Principal Engineer
Cell: (510) 325-5724



Attachment: Professional Resume for Wayne Magnusen, P.E., G.E., Principal

Wayne Magnusen, PE, GE Principal Geotechnical Engineer



Wayne Magnusen is a co-founder and Principal Engineer of A3GEO, Inc., a Northern California consultancy specializing in geotechnical, geologic and seismic engineering. He is a California-licensed Geotechnical Engineer with 25+ years of experience; Wayne has specialized expertise in the assessment and mitigation of geologic hazards, with a focus on landsliding and earthquake-induced soil liquefaction. His consulting experience includes peer reviews, legal consultation, geotechnical forensics and large engineering projects involving buildings, roads, bridges, earthwork and infrastructure. Wayne's landslide-related experience includes causation assessments, risk analysis, mitigation alternatives analysis, mitigation design recommendations and comprehensive risk-hazard assessment reports. Wayne previously served as geotechnical lead consultant and project manager for a State of California study of the La Conchita Landslide where 10 people lost their lives in 2005. Wayne's broad project-based experience serves as a base for professional opinions on design standards of practice, construction means and methods, and the management of geologic and seismic risk.

CURRICULUM VITAE

Education

Bachelor of Science (1983)
Civil Engineering
University of California, Berkeley

Master of Science (1988)
Geotechnical Engineering
University of California, Berkeley

Registrations

Geotechnical Engineer, California
#2705
Civil Engineer, California
#60415

Professional Memberships

Earthquake Engineering Research
Institute (EERI)

American Society of Civil Engineers
(ASCE)

American Society of Foundation
Engineers (ASFE)

Litigation Support/Remediation

Marina Estates Landslide

Project Manager for the forensic evaluation and remediation of a landslide that occurred at the Marina Estates residential development on the Carquinez Strait. Provided geotechnical consultation and reports on geotechnical conditions and causes leading to the failure. A second project phase involved conducting an alternative analysis and providing geotechnical recommendations for slope stabilization. Managed a geotechnical investigation to supplement available onsite data and developed recommendations for strengthening underlying weak and disturbed soils using wick drains and surcharging. Also provided geotechnical observation and monitoring during wick drain installation and surcharge placement and removal.

Contra Costa County, California

RELEVANT PROJECTS

Forensic Assessment and Consultation Building Damage due to Landsliding

Lead geotechnical consultant responsible for evaluating causes of structural damage to condominiums located near the top of a bedrock ridge. Services included reviewing reports, plans and correspondence, conducting a geotechnical/geologic reconnaissance, performing background research on site geology, topography and rainfall, preparing figures, tables and timelines, developing professional opinions on causation, preparing reports and consulting with attorneys and insurance company representatives on geotechnical and geologic issues and standards of practice.

Contra Costa County, California

Federal Facility Litigation Support Seismic Slope Stability

Expert consultant to the U.S. Department of Energy (DOE) responsible for evaluating seismic risks to an occupied building located at the top of a steep geo-reinforced fill slope less than ½ mile from the active Hayward fault. Services included reviewing historical records, reports, plans and correspondence, conducting a reconnaissance, developing opinions on seismic slope stability, consulting with DOE legal counsel and preparing a report.

Berkeley, California

State-Sponsored Geo-Risk Study La Conchita Landslide Stabilization

Project manager and leader of large multi-disciplinary project team assessing landslide causes, hazards, risks and mitigation costs associated with 500-foot-high failing coastal bluffs. Study included a geotechnical and geologic investigation and development of plans and cost estimates for multiple mitigation scenarios. Key aspects of the project included laser aerial scanning (LiDAR) of the study area, which limited the number of new borings required to evaluate subsurface conditions. Project also included laboratory strength testing, downhole geophysics, earthquake ground motion analyses, evaluations of seismic slope stability and deformations, and quantitative assessments of geologic risk.

Ventura, California

Forensic Assessment and Consultation Business Interruption due to Landsliding

Lead geotechnical consultant responsible for assessing the legitimacy of a business interruption claim involving alleged impacts of landslides and fires on road closures. Services included reviewing reports, plans and correspondence, researching site geology, topography and rainfall, directing the preparation of figures, tables and timelines, developing professional opinions on causation, preparing reports and consulting with attorneys and insurance company representatives on geotechnical and geologic issues.

North-Central California Coast

Expert Consultant on Geologic Stability UC Berkeley Lawrence Hall of Science

Expert consultant to UC Berkeley responsible for the evaluation of geologic hazards and risks to a large hilltop public science education facility. Consulted on potential seismic, geotechnical and engineering geologic risks associated with siting and construction that occurred in the 1960's. Responsibilities included reviewing extensive amounts of data, conducting a reconnaissance, developing professional opinions on site stability, presenting findings to UC Berkeley's Vice Chancellor and Seismic Review Committee, and assisting UC decision-makers in evaluations of potential site risks.

Berkeley, California

Federal Facility Litigation Support Wilson Landslide Causation Analyses

Expert consultant to the U.S. Department of Energy (DOE) responsible for evaluating causes of a water-activated landslide in the Berkeley Hills. Services included reviewing historical records, reports, plans and correspondence, conducting a reconnaissance, developing professional opinions on potential sources of subsurface water, consulting with DOE legal counsel and facilities management personnel, preparing a report, and participating in meetings with neighboring property owner representatives and experts involving upslope water management practices relative to increasing landslide risk.

Berkeley, California

**Expert Geotechnical Consultant
Moeser Lane Landslide**

Lead geotechnical consultant and project manager responsible for evaluating hazards and risks for an existing public school founded on a large landslide. Developed initial investigative scope involving large diameter borings logged by an engineering geologist that confirmed the existence of landslide materials. Conducted supplemental investigations and analyses to evaluate static and seismic stability under various groundwater flow conditions. Probabilistically evaluated risks of seismically-induced landslide and consulted with school district representatives and attorneys on landslide-related risks. Prepared written summaries of findings and participated in meetings with California Geological Survey and Office of Public School Construction to achieve concurrence on risk and funding issues.

El Cerrito, California

**Expert Geotechnical Consultant
Riverside Elementary School**

Lead geotechnical consultant during the evaluation of stability and risk issues associated with existing occupied school buildings located adjacent to 25-foot-high creek banks within the near field of the active Hayward fault. The investigation program included multiple phases of borings and CPTs and extensive laboratory testing. Preliminary analyses showed that portions of the site closest to the creek banks were susceptible to seismically-induced landsliding, liquefaction, and lateral spreading. Consulted during supplemental analyses performed to better-define the lateral extent of the hazard and provided input to District stakeholders on geotechnical mitigation and risk.

San Pablo, California

**Expert Geotechnical Consultant
Richmond Bay Campus**

Expert geotechnical consultant for multiple projects associated with the proposed development of the Richmond Bay Campus, a joint initiative of UC Berkeley and the Lawrence Berkeley National Laboratory. Conducted geotechnical investigations for proposed facilities close to the bay shore. Analyzed static and earthquake-induced settlements, evaluated sea level rise runoff limits and adaptive strategies, and developed recommendations for foundations, earthwork, safe setbacks, and onsite stormwater discharge in support the project EIR.

Richmond, California

**Expert Geotechnical Consultant
Pacific Gas & Electric Company**

Served as geotechnical consultant and Project Manager for multi-year geotechnical on-call contracts for a PG&E nuclear power facility located along California's Central Coast. Primary responsibilities included traveling to the site to observe and assess slope instabilities along an 8-mile-long private road that provided the only access to the facility. Following consultation with onsite technical personnel, developed recommendations leading to design and construction appropriate repairs. Design-phase scope typically included reviewing data, investigating subsurface conditions, performing engineering analyses, developing professional opinions on causation, and preparing geotechnical deliverables including design reports, grading plans and specifications. Also provided geotechnical consultation, observation/testing and as-built plans during project implementation.

San Luis Obispo County, CA

**Expert Geotechnical Consultant
Twelve Measure M Campuses**

Geotechnical project manager and expert consultant responsible for preliminary geologic and geotechnical studies at twelve West Contra Costa County public school campuses (Bayview, Ellerhorst, Harding, Kensington, Lincoln, Madera, Mira Vista, Peres, Riverside, Sheldon, Verde, and Washington). Managed field investigations and characterized geologic hazards including faults, landsliding and liquefaction. Also served as lead geotechnical consultant during more detailed follow-on geologic hazard characterization studies at specific school campuses where geologic and/or seismic hazards were found.

West Contra Costa County, California

**Expert Geotechnical Consultant
UC Berkeley Centennial Drive Bridge**

Project manager for a multidisciplinary engineering and geologic study to evaluate hazards and risks associated with Centennial Bridge; an asset jointly managed by UC Berkeley and the Lawrence Berkeley National Laboratory. The bridge crosses an area of extremely complex geotechnical and geologic conditions at a skew angle and has experienced ongoing distress since it was constructed in 1963. Conducted historical research that revealed the bridge was constructed on deposits related to a landslide that occurred at the site in 1907. Prepared a comprehensive geotechnical, geotechnical and historical report that included mapped the lateral extent of unstable deposits, evaluated the causes and mechanisms of ongoing movements, presented several alternative mitigation scenarios, and provided geotechnical input to the University and the Laboratory on seismic risk.

Berkeley, California

**Expert Geotechnical/Geologic Reviewer
Alameda County Public Works Agency**

Project Manager for multi-year geotechnical on-call contracts for the Alameda County Public Works Agency. Responsibilities include conducting geotechnical and geologic peer reviews for the Grading and Inspections Department, and performing geotechnical investigations and providing geotechnical services during construction for selected County projects. Peer reviews conducted under this contract include a wide variety of building and development projects located on unincorporated lands throughout Alameda County.

Alameda County, California

**Expert Geotechnical/Geologic Reviewer
UC Berkeley Bowles Hall Fault Mitigation**

Consultant and peer reviewer for a project to mitigate surface fault rupture hazards to UCB's Bowles Hall, a portion of which overlies an active strand of the Hayward fault. Responsible for reviewing plans, fault displacement estimates and other related engineering documents; participating in meetings during design development; and developing conclusions pertaining to the appropriateness of the work.

Berkeley, California

**Expert Geotechnical/Geologic Reviewer
SLAC LCLS II Initiative**

Geotechnical QA/QC and technical advisor for the Stanford Linear Accelerator Center's LCLS II initiative, which included underground tunnels/caverns, surface buildings, underground utilities and localized ground improvement. Conducted a thorough independent review of available onsite geotechnical, geologic, seismic and historical information prior to reviewing LCLS II technical work products, which included plans, engineering geologic cross sections, geotechnical narratives and a geotechnical data report (GDR). Consulted with the project tunneling engineer (Jacobs Associates) on a variety of technical issues involving excavation methods, ground support, ground improvement, schedule and design-level geotechnical data.

Menlo Park, California

**Expert Geotechnical Consultant
Strawberry Creek Bank Stability**

Lead geotechnical consultant to the UC Berkeley for ongoing creekbank landsliding and erosion concerns along Strawberry Creek and its principal northern tributary, both of which are located within Strawberry Canyon. Prepared multiple geotechnical investigation and site evaluation reports relating to approximately 3,000 feet of unimproved creekbank and qualitatively evaluated relative risk at multiple sites with slope stability and/or erosion concerns. Also prepared a geotechnical investigation report and geotechnical contract documents for an emergency design-build repair at one roadway site affected by landsliding.

Berkeley, California

**Urban Commercial Project
Macy's San Francisco West**

Geotechnical project manager for the Macy's Union Square Project, which included construction of a new 8-story department store facing Union Square and the seismic upgrade of the 11-story former I. Magnin building. Provided preliminary design recommendations based on geotechnical data from test borings and CPTs conducted inside of existing buildings using remote-access drilling equipment. Assumptions regarding deep foundations conditions were confirmed by supplemental deep test borings drilled following building demolition. Managed geotechnical services during construction that included observation during the installation of high-capacity drilled pier and spread footing foundations. [San Francisco, California](#)

**Urban High-Rise Project
Watermark Condominiums**

Geotechnical project manager during final design for the Watermark, a 22-story high-rise located on the Embarcadero. Investigated subsurface conditions with borings and prepared the design geotechnical investigation report that included recommendations for high-capacity H-pile foundations extending through near-surface liquefiable soils and into competent soil and bedrock. Also provided extensive post-report consultation that included developing axial and lateral load-deflection diagrams for the pricing of competing foundation alternatives (H-piles and drilled shafts). [San Francisco, California](#)

**Mass Transit Project
BART Warm Springs Extension**

Geotechnical project manager for an approximately 5.4-mile-long extension of heavy BART from the Fremont Station south to Warm Springs. Responsible for conducting a geotechnical field investigation and preparing a Geotechnical Data Report that included borings, CPTs, seismic CPTs, piezometers and a compilation of existing data. The BART Warm Springs Extension project crosses active strands of the Hayward fault at three locations and includes up to two new BART stations. Geotechnical analyses performed included conventional and GIS-based analyses of soil liquefaction, SSI analyses and racking curves for the subway section, probabilistic seismic hazard analyses, embankment stability and settlement analyses, and fault deformation analyses. [Fremont, California](#)

**Urban Seismic Retrofit Project
The Landmark at One Market Street**

Geotechnical project manager for the seismic upgrade and renovation of the historic One Market Street building. Constructed in 1917, the 11-story, 390,000-sq-ft building at One Market Street once served as the headquarters for Southern Pacific Railroad Company. The new owner sought to modernize and seismically retrofit the landmark, while preserving its historic integrity. The geotechnical investigation of the site included a comprehensive review of site history to evaluate existing foundations, buried foundations from previous structures, and boundary conditions with the neighboring BART tunnel. Managed and coordinated site exploration, which included 200-foot-deep test borings and CPTs to evaluate subsurface conditions and to supplement existing site-specific subsurface data. Developed recommendations for deep CIDH piles and micropiles to support new seismic elements. Provided post-report consultation during the evaluation and pricing of competing foundation alternatives and provided geotechnical services during the installation of new deep foundations. [San Francisco, California](#)

**Landslide Hazard Zone Project
Hazardous Waste Handling Facility**

Geotechnical project manager for the seismic strengthening of the HWHF, which is located along the margins of a large landslide complex. The project includes structural upgrades to the HWHF buildings as well as a below grade structural restraint system designed to keep seismic-related landslide deformations within tolerable limits. Managed a geotechnical and engineering geologic study that included surficial mapping, borings, trenches, and geophysics to evaluate key geometric relationships between the landslide deposits and existing HWHF buildings. Subsequent phases included seismic ground motion and deformation analyses, conceptual mitigation designs, preliminary plans, and conceptual cost estimates. Developed final design recommendations that included deformation-compatible seismic landslide force loading diagrams for a below-grade structural restraint system comprised of large-diameter drilled piers and high-capacity strand tension anchors. [Berkeley, California](#)

**Fault Hazard Zone Project
UC Berkeley Switching Station #6**

Lead geotechnical consultant and Principal-in-Charge for the project that brings power to UCB's Memorial Stadium. Engineering aspects of the project include a new two-story switching station building and branched duct banks connecting the campus, switching station and stadium. The project is within the Hayward fault earthquake fault zone and project responsibilities included consulting on potential fault displacement hazards/risks. [Berkeley, California](#)

**Urban Deep Excavation Project
Bryant Square**

Bryant Square is an entire city block located in San Francisco's Northeast Mission district. About half of the block is occupied by historic structures, including a two-story brick manufacturing building built before the 1906 San Francisco Earthquake. The project involved: 1) renovating and upgrading historic onsite buildings; and 2) a new 5-story residential building with a three-level basement garage that would extend below groundwater. Conducted a geotechnical investigation and provided recommendations for site shoring, micropiles, and mat foundation design. Also provided geotechnical observation and testing services that included monitoring the installation of a low-permeability secant wall shoring system that also served as a ground water cutoff thereby limiting onsite dewatering as well as drawdown-related settlements outside of the excavation. [San Francisco, California](#)

**Urban Low-Income Housing Project
Broadway Family Apartments**

Led the geotechnical design and construction services for the affordable housing development that included a 7-story tower, two 4-story buildings, and below-grade parking. Soil included liquefiable fill, soft Bay Mud overlying bedrock. Foundation consisted of drilled piers founded on bedrock. [San Francisco, California](#)

**Landslide Stabilization Project
LBNL Wilson Landslide**

Lead geotechnical consultant for the emergency stabilization of a 30-foot thick landslide intersecting a steep cut slope at LBNL's hillside campus. Managed a fast-track geotechnical investigation of a moving landslide and developed engineering recommendations for stabilization that included below-grade structural buttresses comprised of drilled piers and tiebacks. Assisted LBNL in preparing bid documents for the project, which was procured under a design-build contracting approach. Conducted design reviews and provided geotechnical observations and testing services in the design-build phase. [Berkeley, California](#)

**Liquefaction Hazard Zone Project
Splunk Building - 270 Brannan Street**

Mr. Magnusen led the design of the 270 Brannan office building. Geotechnical challenges included liquefiable fill, basement adjoining neighboring properties and support for a complex foundation system. Developed an innovative solution that led to significant savings for the project. The structure is supported on CDSM panels to mitigate liquefaction potential and also to support the structure on shallow spread footings. Worked closely with the project structural engineer and contractor to optimize the design. [San Francisco, California](#)

JILL E. ADAMS, ESQ.

6344 Thornhill Drive, Oakland, CA 94611

510.788.4240 · jillea@ gmail.com

APN: 048F737900600

August 6, 2021

Maurice Brenyah-Addow
District Supervisor
City of Oakland Planning
mbrenyah@oaklandca.gov
RE: PLN15152

Dear Mr. Brenyah-Addow:

I am writing to express my concerns and opposition to the plan by Wirth-Yu for the construction of an enormous, four-story home on the lot next to mine (between 6326 and 6344 Thornhill Dr.)

The multi-year period of construction and equipment required to build this house will impact traffic on Thornhill Drive, which is the major fire escape route for hundreds of residents in the Oakland Hills. Blocking the road with construction equipment will cause significant delays to residents in the Oakland Hills and will create a dangerous situation during emergencies. There is also limited street parking near our home.

The massive size of the proposed development poses risks to the steep hillside and Temescal Creek. The current proposed size of the development is particularly concerning because the property is on the edge of a landslide area (that extends throughout and beyond our neighborhood), and threatens to increase erosion, flooding, and damage to the creek. Therefore, we request that grading and other ground-disturbing activities not be permitted during the October-April rainy season when heavy downfalls could pollute and damage the creek.

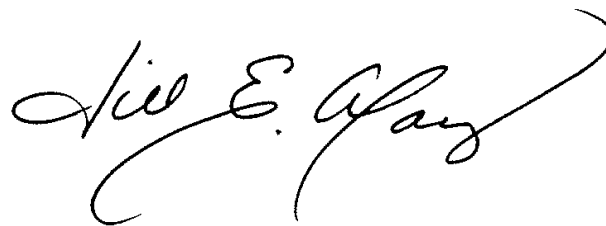
To ameliorate the environmental and safety issues, the development should be downsized significantly. The proposed size is an oddity in our section of Thornhill. The surrounding homes are one to two stories high and significantly smaller in square footage and lot coverage. A smaller footprint would lead to better water absorption for the hill, less run-off into the creek, reduced harm to protected trees and will enable a shorter construction period that could be important during a fire or earthquake evacuation.

If the project proceeds, it is essential that an independent geotechnical engineer be required to be onsite during pier drilling and excavation work to ensure it is done correctly with the necessary supervision. Given the scale of this project, the City must ensure that all safety requirements are adhered to.

The new proposal in the construction sequencing plan that would bring construction vehicles to the site via Woodhaven and the equestrian walking path needs to be thoroughly reviewed for safety and environmental impact. One question is whether approaching the site from the top of the hill could add to erosion and landslide risk. Other issues include relocating the fire hydrant on Woodhaven, and cutting down trees on the walking path, and cutting off access to the path during the (likely long) construction process.

With such a large footprint, I object to the removal of the various trees and vegetation and the impact on the animal habitat that currently utilizes the upper portion of the property. I also have concerns about how this development will impact the sensitive habitat of Temescal Creek. I request that the project be reduced in size, condensing the development farther away from Temescal Creek and from the vegetative growth at the rear of the property.

Respectfully,

A handwritten signature in black ink, reading "Jill E. Gray". The signature is written in a cursive style with a large, sweeping flourish at the end.

7 August 2021

Oakland, CA

To the Planning-Zoning Department for the City of Oakland:

I am writing to express strong opposition to PL15152, the plan submitted by Robert Wirth to build a 4 level, 4000+ sq ft house with ADU on the vacant lot located between 6326 and 6344 Thornhill Drive in Oakland.

My opposition is based on the following procedural and substantive issues:

PROCEDURAL ISSUES:

I object to the Planning Department's manifestly biased processes. All of my communications with the Planning Department are forwarded to the developer, but none of his communications are forwarded to me. This places me and other neighbors at a huge disadvantage.

Before the pandemic, I was able to go down to the Planning Department in person, to check on the plans and files. Caesar Quitevis, the planning manager at that time, seemed very even-handed and fair-minded in keeping the neighborhood informed of important developments in the project.

For over a year though, in-person visit to the Planning Department have not been possible due to the pandemic. The Planning Department should have been keeping me and other neighbors abreast of significant developments in the project, but did not do so.

Caesar Quitevis, who was the project manager for the Planning Department from 2015 until he retired at the beginning of the COVID pandemic early in 2020, assured me and other neighbors on more than one occasion, that the Planning Department would not allow Mr. Wirth to use the 12 ft. wide city path on Woodhaven to stage construction of his project from above. This is why geotechnical issues regarding the path are not included in Wayne Magnussen's initial report to the Planning Department.

Last month, in documents sent out by Mr. Brenyah-Addow, we were surprised to learn that Mr. Wirth was planning to get the City Department of Transportation to give him permission to use the city path as a construction road to bring in material and heavy equipment to stage, excavate and build from the top of the vacant lot, rather than from Thornhill, which is the designated street address of the property.

When I inquired with Mr. Brenyah-Addow about this development, he told me that the Planning Department does not have authority over whether or not to grant permission to use the city path, but that this rests with the City DOT. My understanding is that Mr. Brenyah-Addow was Mr. Quitevis' supervisor, prior to taking over the project when the latter retired: so I object to being given contradictory information by the Planning Department's agents about authority over the path, and to being kept in the dark about this reversal of stated position on the part of the Planning Department until the last minute.

I have tried to contact someone at the City DOT to understand and verify whether or not they in fact have exclusive authority over the use of a city foot path – which is also designated as an equestrian path – as it is a popular and secluded spot enjoyed by children and adults in the neighborhood. Why would the City DOT have authority over the use of such a foot path? This makes no prima facie sense to me. I assume that the Planning Department must be aware of some regulation that would give the City DOT exclusive jurisdiction over city foot paths, but the current project manager, Mr. Brenyah-Addow, has not been willing share that information with me or other neighbors, despite our requests.

I have tried to learn how the City DOT makes its decisions, and by what avenues citizens of Oakland can voice their views. There is no contact information on the City DOT webpage on the City of Oakland Website beyond the city 311 telephone number. I have gone down to Ogawa Plaza to inquire in person, but was told that I need an appointment to enter the building, due to the pandemic I suppose. But I find no way to make such an appointment. The security guard at the building kindly went up to the City DOT and brought me a name and telephone number (Tesfaye Beyene, 510-385-9247) but the many voice messages I have left remain unanswered.

I have asked Mr. Brenyah-Addow to assist me in contacting the relevant civil servants in the City DOT, but he has not been willing to help in this regard.

I have also made two requests for public records on the subject (request 21-6749 and request 21-6751), but have received no response.

All of the above are the sort of procedural injustices that induce disempowered citizens to resort to court injunctions.

Before proceeding to comment on the substantive issues, I would like to request the answer to this question: who from the Planning Department or City DOT has inspected the proposed construction site in person – both from below (Thornhill side of the vacant lot) and above (from the Woodhaven path)? I ask the question, because first-hand experience is critical to understanding the nature of the situation.

SUBSTANTIVE ISSUES:

Mr. Wirth's proposed plan is for a 4 level MacMansion on a narrow, severely sloped lot, located directly above Temescal Creek. I do not believe that it will be possible to build the MacMansion without damaging the creek bank and dumping building materials and dirt into the creek, which feeds Lake Temescal. I have read the developer's and city's peer review, but remain unconvinced.

The project's grandiose proportions are out of character in this neighborhood of modest homes. I do support Mr. Wirth's right to develop the property – but not in ways that would damage the environment and create an eyesore.

The project's proposed ADU should not be allowed in this area of the Oakland hills, which is designated a very high-risk fire zone. I understand that it is the strong recommendation of the current Fire Chief of Oakland that no ADUs be permitted in high-risk and very high-risk fire areas of Oakland, since increased vehicular congestion would create increased hazard for residents needing to flee a wildfire.

Thornhill Drive is one of the few major arteries leading down out of the Oakland hills. Thousands of people use it every day. Thornhill would be the only artery of escape for many hundreds or even thousands of people in the event of a wildfire. So, while ADUs are indeed desirable in most of Oakland, ADUs represent a terrible threat to the lives and safety of Oakland residents who live in high-risk and very high-risk fire zones. No one wants to get burned alive as the residents of Paradise, CA did, when their only artery of escape became clogged with too many vehicles.

It is extremely worrisome that neither Thornhill Drive nor Woodhaven Way (where I live) is the requisite 26 ft wide for certain types of fire engine access and maneuvering. In light of all the above, the idea that the Planning Department would seek to move forward a plan with an ADU in this very high-risk fire area seems both dangerous and disrespectful to the hundreds of citizens whose lives would be endangered as a result.

Increased density in a high-risk fire zone also translates into steep pricing and limited availability of home insurance for all of us residing in this area. The City Planning Department should immediately adopt the pending ordinance and disallow any new ADUs in high-risk fire areas. Indeed I understand that the City Council is currently considering adopting this ordinance.

In my discussion of procedural issues above, I trust that I have made it clear that, if and when Mr. Wirth's project is allowed to move forward, I am opposed to him being allowed to turn the path on Woodhaven into a construction road and staging site for any part of that project.

If 26 ft are required for major fire suppression equipment to be mobilized, such equipment would not have access to the site of construction via a 12 ft wide construction road. Again, does the Planning Department really want to increase the fire hazards in an area that is already very high-risk?

Moreover, turning a secluded woodland path into a construction road would damage and degrade the land for years to come, and perhaps permanently. How could this be accomplished without causing major erosion?

As Wayne Magnussen of A3GEO points out in his letter of 27 July, 2021, the total lack of detail in Mr. Wirth's proposed sequence of construction makes it impossible to assess the extent of the damage such a scheme would do. How many and what vehicles would be driving on the path? What materials would be brought into the staging site? What quantity of dirt would be excavated from the vacant lot? How would this dirt be removed? How would the creek be protected in this process? In all, how many times would motorized vehicles be driving back and forth over the path? For how long would the path be turned into Mr. Wirth's personal construction road and staging site?

Mr. Wirth's proposed sequence of construction mentions restoring the path, more or less, to its original state. How would this be accomplished, and according to what standards? Who would oversee this restoration? the Planning Department? the City DOT? Clear and binding stipulations would be needed, in regard to the time-frame and quality of the restoration.

Mr. Wirth recently stated that his son, who I understand has recently graduated from college, would be the engineer in charge of safety, quality control, and environmental protection during the project's construction. If and when Mr. Wirth builds on the vacant lot – whether with his current plan or some other plan – the peer review specifies that careful oversight would be necessary during construction. With no disrespect intended to RW Jr., he would seem not to be the right choice. It's impossible to imagine that a recent graduate would have the experience or expertise to oversee such a difficult and delicate construction project – directly above a creek whose bank and waters are to be protected from all harm. Moreover, the person fulfilling the role of engineer-overseer would need to be someone without financial interest in the project, to insure that no corners are cut.

I also want to respond to some specious assertions that Mr. Wirth has made in response to comment letters that have been forwarded to him:

Portions of this path have been used for decades, and maintained by private citizens like myself. The fact that the entire path has been open for use for only 5+ years, and that Mr. Wirth was instrumental in bringing this about, has no bearing on whether dozens of citizens should be deprived of the enjoyment of the path for the duration of his construction project. The path exists now, and is frequently used and enjoyed by many adults and children throughout the neighborhood. This adds to the quality of life and to the property values in our neighborhood. I am sure that many in the neighborhood are grateful to Mr. Wirth for his hand in opening up this valuable resource.

As justification for turning the Woodhaven path into a construction road, Mr. Wirth has pointed to the fact that the other end of the path is roughly paved, and serves as a driveway for 1690 and 1700 Woodhaven. But this is a specious argument: this 'driveway' and both of these homes have been in existence since well before 1950 – for more than 70 years! Whatever zoning regulations may have obtained at that time are no longer applicable.

As far as I know, neither the Planning Department nor the developer has provided any documentation regarding who, exactly, owns the path. In Oakland, there are paths which, after careful research, turn out to belong to heirs of owners from prior generations...Use of the path as a construction road for a personal project should not be allowed to proceed under any circumstances, and certainly not without clear documentation of the path's ownership.

I do understand and appreciate that Mr. Wirth has invested considerable funds generating the reports required for the potential permitting of construction on the property. The previous owner of this vacant lot (and the owner or two before that) came to the conclusion that the lot is not suitable for development. The fact that someone has put money into an unworkable plan is no reason for the City of Oakland's Planning Department to permit such a plan over the objections of so many concerned neighbors.

In conscience,

Jeffrey Kessler

1714 Woodhaven Way, Oakland, CA 94611

510-339-1701

7 August 2021

Oakland, CA

To the Planning-Zoning Department for the City of Oakland:

I am writing to express strong opposition to PL15152, the plan submitted by Robert Wirth to build a 4 level, 4000+ sq ft house with ADU on the vacant lot located between 6326 and 6344 Thornhill Drive in Oakland.

My opposition is based on the following procedural and substantive issues:

PROCEDURAL ISSUES:

I object to the Planning Department's manifestly biased processes. All of my communications with the Planning Department are forwarded to the developer, but none of his communications are forwarded to me. This places me and other neighbors at a huge disadvantage.

Before the pandemic, I was able to go down to the Planning Department in person, to check on the plans and files. Caesar Quitevis, the planning manager at that time, seemed very even-handed and fair-minded in keeping the neighborhood informed of important developments in the project.

For over a year though, in-person visit to the Planning Department have not been possible due to the pandemic. The Planning Department should have been keeping me and other neighbors abreast of significant developments in the project, but did not do so.

Caesar Quitevis, who was the project manager for the Planning Department from 2015 until he retired at the beginning of the COVID pandemic early in 2020, assured me and other neighbors on more than one occasion, that the Planning Department would not allow Mr. Wirth to use the 12 ft. wide city path on Woodhaven to stage construction of his project from above. This is why geotechnical issues regarding the path are not included in Wayne Magnussen's initial report to the Planning Department.

Last month, in documents sent out by Mr. Brenyah-Addow, we were surprised to learn that Mr. Wirth was planning to get the City Department of Transportation to give him permission to use the city path as a construction road to bring in material and heavy equipment to stage, excavate and build from the top of the vacant lot, rather than from Thornhill, which is the designated street address of the property.

When I inquired with Mr. Brenyah-Addow about this development, he told me that the Planning Department does not have authority over whether or not to grant permission to use the city path, but that this rests with the City DOT. My understanding is that Mr. Brenyah-Addow was Mr. Quitevis' supervisor, prior to taking over the project when the latter retired: so I object to being given contradictory information by the Planning Department's agents about authority over the path, and to being kept in the dark about this reversal of stated position on the part of the Planning Department until the last minute.

I have tried to contact someone at the City DOT to understand and verify whether or not they in fact have exclusive authority over the use of a city foot path – which is also designated as an equestrian path – as it is a popular and secluded spot enjoyed by children and adults in the neighborhood. Why would the City DOT have authority over the use of such a foot path? This makes no prima facie sense to me. I assume that the Planning Department must be aware of some regulation that would give the City DOT exclusive jurisdiction over city foot paths, but the current project manager, Mr. Brenyah-Addow, has not been willing share that information with me or other neighbors, despite our requests.

I have tried to learn how the City DOT makes its decisions, and by what avenues citizens of Oakland can voice their views. There is no contact information on the City DOT webpage on the City of Oakland Website beyond the city 311 telephone number. I have gone down to Ogawa Plaza to inquire in person, but was told that I need an appointment to enter the building, due to the pandemic I suppose. But I find no way to make such an appointment. The security guard at the building kindly went up to the City DOT and brought me a name and telephone number (Tesfaye Beyene, 510-385-9247) but the many voice messages I have left remain unanswered.

I have asked Mr. Brenyah-Addow to assist me in contacting the relevant civil servants in the City DOT, but he has not been willing to help in this regard.

I have also made two requests for public records on the subject (request 21-6749 and request 21-6751), but have received no response.

All of the above are the sort of procedural injustices that induce disempowered citizens to resort to court injunctions.

Before proceeding to comment on the substantive issues, I would like to request the answer to this question: who from the Planning Department or City DOT has inspected the proposed construction site in person – both from below (Thornhill side of the vacant lot) and above (from the Woodhaven path)? I ask the question, because first-hand experience is critical to understanding the nature of the situation.

SUBSTANTIVE ISSUES:

Mr. Wirth's proposed plan is for a 4 level MacMansion on a narrow, severely sloped lot, located directly above Temescal Creek. I do not believe that it will be possible to build the MacMansion without damaging the creek bank and dumping building materials and dirt into the creek, which feeds Lake Temescal. I have read the developer's and city's peer review, but remain unconvinced.

The project's grandiose proportions are out of character in this neighborhood of modest homes. I do support Mr. Wirth's right to develop the property – but not in ways that would damage the environment and create an eyesore.

The project's proposed ADU should not be allowed in this area of the Oakland hills, which is designated a very high-risk fire zone. I understand that it is the strong recommendation of the current Fire Chief of Oakland that no ADUs be permitted in high-risk and very high-risk fire areas of Oakland, since increased vehicular congestion would create increased hazard for residents needing to flee a wildfire.

Thornhill Drive is one of the few major arteries leading down out of the Oakland hills. Thousands of people use it every day. Thornhill would be the only artery of escape for many hundreds or even thousands of people in the event of a wildfire. So, while ADUs are indeed desirable in most of Oakland, ADUs represent a terrible threat to the lives and safety of Oakland residents who live in high-risk and very high-risk fire zones. No one wants to get burned alive as the residents of Paradise, CA did, when their only artery of escape became clogged with too many vehicles.

It is extremely worrisome that neither Thornhill Drive nor Woodhaven Way (where I live) is the requisite 26 ft wide for certain types of fire engine access and maneuvering. In light of all the above, the idea that the Planning Department would seek to move forward a plan with an ADU in this very high-risk fire area seems both dangerous and disrespectful to the hundreds of citizens whose lives would be endangered as a result.

Increased density in a high-risk fire zone also translates into steep pricing and limited availability of home insurance for all of us residing in this area. The City Planning Department should immediately adopt the pending ordinance and disallow any new ADUs in high-risk fire areas. Indeed I understand that the City Council is currently considering adopting this ordinance.

In my discussion of procedural issues above, I trust that I have made it clear that, if and when Mr. Wirth's project is allowed to move forward, I am opposed to him being allowed to turn the path on Woodhaven into a construction road and staging site for any part of that project.

If 26 ft are required for major fire suppression equipment to be mobilized, such equipment would not have access to the site of construction via a 12 ft wide construction road. Again, does the Planning Department really want to increase the fire hazards in an area that is already very high-risk?

Moreover, turning a secluded woodland path into a construction road would damage and degrade the land for years to come, and perhaps permanently. How could this be accomplished without causing major erosion?

As Wayne Magnussen of A3GEO points out in his letter of 27 July, 2021, the total lack of detail in Mr. Wirth's proposed sequence of construction makes it impossible to assess the extent of the damage such a scheme would do. How many and what vehicles would be driving on the path? What materials would be brought into the staging site? What quantity of dirt would be excavated from the vacant lot? How would this dirt be removed? How would the creek be protected in this process? In all, how many times would motorized vehicles be driving back and forth over the path? For how long would the path be turned into Mr. Wirth's personal construction road and staging site?

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In conscience,

Jeffrey Kessler

1714 Woodhaven Way, Oakland, CA 94611

510-339-1701

JILL E. ADAMS, ESQ.
6344 THORNHILL DRIVE, OAKLAND, CA 94611
JILLEa@gmail.com | 510.788.4240

To: Maurice Brenyah-Addow

From: Jill E. Adams

Re: Opposition to proposed project between 6326 and 6344 Thornhill Drive (PLN15152 and PLN15152-ER-01)

Date: February 27, 2020

Dear Mr. Brenya-Addow:

I write today to express my strong opposition to the proposed development for the lot between 6326 and my home at 6344 Thornhill Drive. **The proposed development is a monstrosity that threatens the security of the surrounding neighbors, land, and homes set upon a steep hillside above Temescal Creek.**

My neighbors and I are concerned after reading reports by geology and hydrology experts that **the size of the proposed development will increase the chances of landslide, erosion, flooding, and damage to the creek.** The lot is too steep and small to safely accommodate such an imposing structure, and the sheer bulk of the proposed house is beyond the scale of the surrounding neighborhood.

It will take an excessively long time and require large equipment to construct this gargantuan, complicated structure. This will severely impact traffic on Thornhill Drive, which is already heavy and congested during rush hour as the streets flood with parents dropping children off at an elementary school and several preschools. **The consequences of this construction project blocking the narrow street and/or slowing traffic could be devastating for families during an evacuation for fire, earthquake, or active shooter at one of the nearby schools.**

The safest approach for the environment, adjacent properties, and neighbors would be for there not to be any new construction on this lot. Barring that, **the next best precaution would be to scale down the proposed development to a size comparable to its neighbors, which is 1400 square feet on average.** This would preserve more undeveloped land for water absorption and for a faster construction period with less blockage of Thornhill Drive.

We implore the City of Oakland to require the developer to follow the recommendations put forth by technical experts in the recent peer review report, should the development be allowed to proceed. Specifically, a geotechnical engineer must be required to be onsite during pier drilling and excavation work to provide adequate supervision. Grading and other ground-disturbing activities should not be permitted during the October-April rainy season when heavy downfalls could pollute and damage the creek. **The developer and city need to make sure that excess water from the development does not overflow into the creek or onto adjoining properties.**

I appreciate your time and consideration of the concerns I share with my neighbors about this proposed development.

CC: Councilmember Sheng Tao
Councilmember Dan Kalb

Dear Mr. Brenyah-Addow:

Today I'm writing to express my strong opposition to the proposed development for the lot between 6326 and my home at 6344 Thornhill Drive. The behemoth proposed development threatens the security of the surrounding neighbors, land, and homes set upon a steep hillside above Temescal Creek.

I share my neighbors' concerns after reading reports by geology and hydrology experts that the size of the proposed development will increase the chances of landslide, erosion, flooding, and damage to the creek. The lot is too steep and small to safely accommodate such an imposing structure, and the sheer bulk of the proposed house is beyond the scale of the surrounding neighborhood.

I have worked in property development and know it will take an excessively long time and require large equipment to construct this gargantuan, complicated structure. This will severely impact traffic on Thornhill Drive, which is already heavy and congested during rush hour as the streets flood with parents dropping children off at an elementary school and several preschools. The consequences of this construction project blocking the narrow street and/or slowing traffic could be devastating for families during an evacuation for fire, earthquake, or active shooter at one of the nearby schools.

Of course, the safest approach for the environment, adjacent properties, and neighbors would be for there not to be any new construction on this lot. Barring that, the next best precaution would be to scale down the proposed development to a size comparable to its neighbors, which is 1400 square feet on average. This would preserve more undeveloped land for water absorption and for a faster construction period with less blockage of Thornhill Drive.

If the City of Oakland allows this project to go through, I ask that it require the developer to follow the recommendations put forth by technical experts in the recent peer review report, should the development be allowed to proceed. Specifically, a geotechnical engineer must be required to be onsite during pier drilling and excavation work to provide adequate supervision. Grading and other ground-disturbing activities should not be permitted during the October-April rainy season when heavy downfalls could pollute and damage the creek. The developer and city need to make sure that excess water from the development does not overflow into the creek or onto adjoining properties.

I hope you and your colleagues will take seriously our concerns and suggestions. I'm thankful for your time.

Best regards,
Vincent G. Valente

CC: Councilmember Sheng Tao
Councilmember Dan Kalb

LAW OFFICES
VENERUSO & MONCHARSH
5707 REDWOOD RD., STE 10
OAKLAND, CALIFORNIA 94619
TELEPHONE (510) 482-0390
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DONNA M. VENERUSO, P.C. (d.'09)
LEILA H. MONCHARSH, P.C.

January 30, 2019

City of Oakland
Community and Economic Development Agency
Planning and Zoning Services Division
250 Frank H. Owaga Plaza, Suite 2114
Oakland, CA 94612

Attn: Caesar Quitevas

Re: PLN15152 and PLN15152-ER-01— Proposed project located between 6326 and 6344
Thornhill Drive— APN: 048F-7379-006-00

Dear Mr. Quitevas:

While the City reviews the expert geotechnical and hydrology reports and legal analysis that I submitted previously, I have reviewed the rest of the City's file. The proposed project does not meet the criteria for granting a creek protection permit and it does not comply with design review criteria, either.

Creek Protection Permit

The project application proposes construction of a large house, parking pad and bridge, crossing Temescal Creek. The creek is located in the Temescal Creek watershed and drains into Lake Temescal and eventually into the San Francisco Bay at Emeryville. Temescal Creek has been mapped and described by the Alameda County Flood Control Agency and falls within protection of the Oakland Creek Protection Ordinance (See MND, p. 63.) The applicant requests an exception to the 20-foot setback permit requirement while proposing to install a significant amount (4,204 sq. ft) of impervious surfaces. The applicant's experts estimate that 15,724 gallons of water will runoff the completed project where it will primarily flow into the creek during a 100-year, 24 hour storm event. (See MND at p. 72 (June, 2018).) To address this large amount of potential run-off, the development proposes to include a 3-tank cistern. The MND does not indicate any contingency water collection plan if there is a failure or blockage of the cistern system or if recent, severe climate change impacts result in more extensive rainfall.

Pursuant to Section 13.16.200, a Creek Protection permit may only be granted if the applicant demonstrates that a number of criteria are satisfied. The proposed plan and MND fail to meet the required criteria. William Vandivere (M.S., P.E.) (Clearwater Hydrology) evaluated the creek at the proposed project site, reviewed the conclusions of Balance Hydrologics (BH) and concluded that "the project continues to present potentially significant impact" on *Hydrology and Water Quality IS checklist, Item c.* ("Substantially alter existing drainage pattern of the site or

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area, including through alteration of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.”) (See Vandivere report at p. 7.)

Section 13.16.200 Criteria for Reconsideration

A. Whether the proposed activity (during construction and after project is complete) will (directly or indirectly) adversely affect the creek.

1. The proposed construction activity will very likely discharge pollutants into the creek.

The nature of the proposed construction, including substantial grading, will cause construction debris to flow into the creek, no matter how carefully the applicant tries to prevent it. Also, construction materials generally include pollutants:

Why do stormwater discharges from construction activities matter?

When it rains, stormwater washes over the loose soil on a construction site, along with various materials and products being stored outside. As stormwater flows over the site, it can pick up pollutants like sediment, debris, and chemicals from that loose soil and transport them to nearby storm sewer systems or directly into rivers, lakes, or coastal waters. (Article from Environmental Protection Agency: <https://www.epa.gov/npdes/stormwater-discharges-construction-activities>.)

The MND did not adequately consider the extent of the construction risks for the project, including that there will be a high likelihood of hillside failure. As hydrologist William Vandivere notes, “the CEQA analysis and Balance Hydrologics (BH) did not discuss any of the potential actual construction-related impacts that could occur in the process of excavating the street side bridge abutment or the actual slope/residence excavation.” (Vandivere at p. 6.) Geotechnical expert Wayne Magnusen (P.E., G.E.) also warns that “creek protection, temporary shoring and construction sequencing are part of mitigations necessary to reduce potential impacts from land sliding and erosion to a less than significant level. Consequently, the proposed mitigations are incomplete and inadequate.” (Magnusen at p. 3).

Given that the City has not yet considered the impact of a landslide on the creek and that pollutants from construction will be washed into the creek even without a landslide, this project does not qualify for a creek protection permit.

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2. The proposed activity will potentially deposit new material into the creek or cause bank erosion or instability.

See Number 1, above. Additionally, Mr. Vandivere found that the developer's expert (BH) ignored the "potential for creek bank instability due to drilling and placement of concrete piers for the eastern retaining wall leading to the bridge" and thereby "underestimated the potential impacts on creek stability through the upstream portion of the reach, adjoining a historical left (south) bank failure zone." (Vandivere at pp. 6, 7.) He also warned that BH did not evaluate "potential impacts to the channel due to excavation of the street side bridge foundation/abutment and any bank stabilization work required to safeguard the foundation." (Vandivere at p. 6.) He further concluded that BH understated the potential velocities in the creek and therefore had an "insufficient basis to conclude that the project will not have a significant impact on creek bank stability." (Vandivere at p. 6.) He noted that higher local flow velocities would "increase the potential erosive pressure on portions of the bank that could be weakened by project pier drilling and excavations" and that the BH modeling overstated the roughness value in describing channel form and vegetation resistance. (Vandivere at p. 5.) Vandivere concluded that the MND's assessment of the project's impact on erosion and filtration (i.e., in this case, bank stability) should be changed from less than significant with SCA and IM to potentially significant. (Vandivere at p. 5.) He opined that given the risk of increased erosion and impact on Temescal Creek, the creek permit should not be approved without further analysis and mitigation.

Therefore, the proposed project does not meet the criteria for granting a creek protection permit since it will potentially deposit material into the creek, cause bank erosion, and destabilize the creek beds.

B. Whether the proposed activity will adversely affect the riparian corridor, including riparian vegetation, animal wildlife or result in loss of wildlife habitat.

The Deputy City Attorney (Mark Wald) rejected the MND's conclusion that the project would have no impact on riparian habitat in the creek. (MND Comments, p. 8.) He requested further analysis for the creek protection permit "to support the conclusion that the project will not cause erosion or bank instability (and not fundamentally conflict with the City of Oakland Creek Protection Ordinance)." (MND Comments, p. 11.) It does not appear that the final MND required any modifications to address these concerns, but rather relied on conclusory statements by KTC Environmental consultants that by building above the elevation of the 100-yr flow, they will have no impact on the riparian corridor. (Bill Christner letter to Caesar Quitevas, 1/2/2018.) However, given the conservative estimates relied upon from BH relating to creek

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velocities and flood impacts (See Vandivere Report), this conclusion is suspect and should be re-evaluated.

The fact that the proposed project presents a considerable risk of landslide and creek bank instability, as shown by our two experts, raises the issue of damaging the creek. Furthermore, the construction debris that falls into the creek in the event of a landslide and creek instability will create a potential environmental problem for wildlife and fish. See number 1, above.

C. Whether the proposed activity will potentially endanger public or private property.

Geotechnical engineering expert Magnusen has concluded that the project's geotechnical investigation report was inadequate because it did not sufficiently assess the potential impact of a landslide. (See Magnusen report at p. 1.) Given the location of the proposed development within a landslide mapped as "definite or probable" by the California Geological Survey (CGS) and the inadequate geotechnical investigation relating to potential landslide activity, there is a strong potential for portions of the very large house structure sliding into the creek. As a result, there will be a blockage in the creek and flooding of adjacent or upstream properties. Accordingly, the proposed project also does not meet this criteria for this reason and the reasons stated in our two experts' reports.

D. Whether the proposed activity will (directly or indirectly) threaten the public's health or safety.

As shown above, and in our experts' reports, a landslide or creek instability can have an impact on the neighboring properties. Once a landslide starts, it is impossible to predict or prevent it from taking more than just one parcel with it. In contrast to the conclusion in the MND at p. 71, there is no evidence that construction of the house and bridge "would not result in on-site or off-site effects from erosion and/or filtration." (Magnusen report.) The MND defers to future "best management practices" that would be implemented "to the extent practicable," and to regulatory compliance with standard conditions HYDRO-1 through HYDRO-3. However, no project development plans have been submitted, or concrete commitments made to ensure that the fragile creek area will not be harmed during the construction process. (Magnusen report.)

For example, one creek protection BMP requires that "all work in or near creek channels must be performed with hand tools and by a minimum number of people." (MND at p. 66.) It is hard to imagine how construction of the proposed bridge can be accomplished in this manner. Similarly, the steep slope and limited setback on the south side of the creek makes compliance with the following requirement highly questionable: "On sloped properties, the downhill end of the construction area must be protected with silt fencing and hay bales oriented parallel to the

Mr. Quitevas
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contours of the slope to prevent erosion into the creek.” (Magnusen at p. 66.) Mr. Magnusen notes in his engineering review that “the proposed mitigation measures do not include details pertaining to the temporary shoring, which will almost certainly be needed to accomplish safe site excavations and avoid negative impacts to the creek.” (Magnusen at p. 3.)

The Temescal Creek feeds into Lake Temescal, where people swim and fish recreationally. Absent strong and enforceable restrictions against release of pollutants during construction into the Creek, public health by recreational users of Lake Temescal could be threatened. It is not sufficient to postpone the determination of construction requirements until a future building permit process; health and safety protections related to the creek should be delineated in the creek permit process.

As our expert reports demonstrate, the proposed plan threatens the Temescal Creek and therefore does not meet the requirements for approval. The proposed Conditions for Issuance (pursuant to Section 13.16.190) are insufficient to address the serious risks posed to the creek from the proposed project, including its construction.

With the known, increased risks due to wildfires, landslides and earthquakes and flooding that could impact the Thornhill neighborhood, the City has a heightened duty to ensure that this project does not result in harm to existing residents or their property. Recently a utility in southern California sued Santa Barbara County and the state’s transportation department for neglecting to prepare for deadly mudslides that followed a wildfire and resulted in widespread destruction and death. (See San Francisco Chronicle, 1/20/2019, “Utility sues agencies over fatal Montecito mudslides.”) If this project proceeds as in the current application, the City of Oakland will bear responsibility should it cause harm to my clients or other neighborhood residents. Given the risks identified by our engineering experts, I urge the City to deny the application. It does not comply with the criteria for the granting of a creek protection permit.

Regular Design Review

Pursuant to 17.136.050, Regular Design Review approval for residential facilities may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

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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.

As numerous neighborhood residents have noted, the proposed building's height, scale and materials are inconsistent with the surrounding area. The proposed building is scaled to fully cover 50% of the square footage of the lot, along with a large parking area. Unlike the other homes on Thornhill Drive that are built along the bottom of the hillside, the proposed development extends up and into a very steep hill. It will tower over the adjacent small home (1430 sq. ft), blocking sunlight from the East.

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

As explained by our expert engineers, the proposed design will not protect or preserve desirable neighborhood characteristics, because it threatens the safety of residents as well as the sustainability of Temescal Creek, due to expected erosion and impacts during and potentially after the building construction. The proposed project does not provide creek protection, temporary shoring and construction sequencing details to ensure that potential impacts from landsliding and erosion are reduced to a less than significant level. (See report of Wayne Magnusen, Dec. 17, 2018 at p. 3.)

It also does not sufficiently address the safety risks from blocking Thornhill Drive during a very long construction period. Thornhill is a major egress artery from the upper Oakland Hills. Given the increased risk of fire, as well as the current inaccessibility to Snake Road (due to landslide damage), blocking Thornhill for an extended period during fire season will create risk for many Oakland Hills residents. The MND (at pp. 93), understates this risk by misrepresenting that "construction activities would be short-term and temporary" and that "during construction activities there could be slight delays to emergency access due to temporary lane closures and construction vehicles accessing the project site." Thornhill is a narrow road, with very little room for construction vehicles. Given the complexity of the proposed project (and the sensitivity of the creek and related bridge), it is hard to expect that the construction activities will be short term, and it is unreasonable to impose emergency access delays on residents who live in high fire and earthquake risk areas.

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

The most significant deficiency in the proposed plan is its lack of recognition that the site is located within a landslide and seismic hazard area. See report of Wayne Magnusen (December

Mr. Quitevas
City of Oakland
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Oakland, CA 94612
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17, 2018 at p. 1) which indicated that the site is within a landslide area mapped as “definite or probable” by California Geological Survey (CGS). Mr. Magnusen concluded that “the geological investigation is inadequate; therefore the proposed mitigations are inadequate.” The site is also located within a CGS-mapped Seismic Hazard Zone, which according to Mr. Magnusen “requires a higher degree of investigative diligence than what is required in the Geotechnical Investigation report” submitted by the applicant.

As you noted in your June 22, 2015 email to the applicant, “the proposal is comprised of significant building volumes that leave little natural buffer or transition to existing topography. The site appears overbuilt and out of scale given its riparian habitat.” While you recommended a design revision with less impact, the size and scale of the proposed building continues to leave little natural buffer (as most of the bottom portion will be covered by a parking pad). You further concluded that “given the project’s proximity to the creek and the site characteristics and constraints, Staff recommends and requests that the proposed building footprint be reduced and the proposed site design for the retaining wall and parking pad and proposed secondary dwelling be reconsidered for redesign.” (Letter to Robert Wirth, August 13, 2015.) While minor design changes were made, the fundamental size and scale issues remain unchanged.

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

The proposed project site is on a very steep hill, and the proposed structure would be built into that hill, covering most of it. Beyond the significant safety issues identified by expert engineers, the height and scale of the building will also significantly reduce the amount of natural light that can be received by the home at 6326 Thornhill Drive. The applicant did not hire an architect or expert to complete the shading study, but rather completed it himself. Before he is allowed to construct a building that will clearly block the residents at 6326 Thornhill from receiving light from the east, the City should require a shadow study from an independent expert.

The homes on the south hillside of Thornhill Drive receive limited light from the south since they are at the bottom of the canyon (and since they did not build on the top of the hillside as the applicant is requesting to do). I note that one of the changes the City required the applicant to make in his design was to “consider relocating bedroom towards natural light and ventilation” because “bedroom #2 has very minimum access to natural light and ventilation.” (Staff summary of code reference concerns, August 12, 2015.) Therefore, it is not appropriate to allow the applicant to build his home in a manner that significantly blocks access to natural light by other residents.

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The applicant also inaccurately concludes that there is no possibility for homes to add solar systems to roofs that are not south-facing. (See MND, at p. 21.) While south-facing solar systems are the most efficient, it is not a requirement. However, the addition of this large sun-blocking structure will make solar energy much less feasible for the home at 6326 Thornhill. There is also likely negative impact from artificial light and glare at nighttime, as the very large structure will cast light down upon the homes at 6326 and 6344 Thornhill and potentially on homes across the street. The MND states that there will be exterior lighting “intended to enhance nighttime safety,” but does not detail how that lighting would be limited to protect the interests of neighbors located beneath the large structure.

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.

The proposed project violates the General Plan LUTE requirements for “Hillside Residential” (see pg. 153) in the following ways:

Policy N3.9: Residential developments should be encouraged to . . . orient their units to . . . avoid[] blocking sunlight and views for neighboring buildings.

As discussed above, the proposed project interferes with sunlight for adjacent houses.

Policy N3.11: The City should aggressively enforce the requirements of the City’s Housing Code and other applicable regulations on housing of all types.

This policy requires the City to enforce the creek protection permit.

The OSCAR section of the General Plan also contains policies relevant to the proposed project and which the City should enforce:

CO-6.2: Strictly enforce local, state, and federal laws and ordinances on the maintenance of creeks and watercourses. . . .

This would include the creek protection permit regulations.

CO-6.1: Creek Management: Protect Oakland’s remaining natural creek segments by retaining creek vegetation, maintaining creek setbacks, and controlling bank erosion.

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As shown in our two expert reports, the proposed project violates this policy.

CO-5.3 Control of Urban Runoff: Employ a broad range of strategies, compatible with the Alameda Countywide Clean Water program to: (a) reduce water pollution associated with stormwater runoff . . .

As demonstrated in the expert reports, a high likelihood of damage to the creek will create flooding onto Thornhill Drive. The combination of flooding and the use of construction materials potentially will cause water pollution downstream.

CO-2.1: Slide Hazards: Encourage development practices which minimize the risk of landsliding.

That would presumably include not building on an unstable hillside.

CO-2.2: Unstable Geologic Features: Retain geologic features known to be unstable, including . . . areas of known landsliding . . . as open space.

The proposed project site appears to be unbuildable due to instability of the hillside. It is interesting to note that as best as the elderly neighbors can remember this site has never been developed. It appears from the tax assessor records that the current owner obtained it through a county foreclosure due to nonpayment of property taxes. Given the value of land in Montclair, it is inconceivable that developers overlooked this one lot, if indeed it were buildable.

CO-2.3: Development on Filled Soils: Require development on filled soils to make special provisions to safeguard against subsidence and seismic hazards.

The expert report from Magnusen demonstrates that subsidence is already a very real risk.

For all of the reasons described above, the City should deny the application for permits.

Thank you for considering my comments.

Mr. Quitevas
City of Oakland
Community and Economic Development Agency
Planning and Zoning Services Division
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Sincerely,

Leila H. Moncharsh

Leila H. Moncharsh, J.D., M.U.P.
Veneruso & Moncharsh

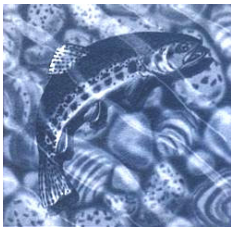
LHM:lm

cc: Clients

Robert Merkamp, Planner V, rmerkamp@oaklandnet.com

William Ghilchrist, Planning Director, wgilchrist@oaklandnet.com

City Council Member-elect Sheng Thao, sthao@oaklandnet.com



CLEARWATER HYDROLOGY

Consultants in Hydrology
and Water Resources

Watershed Management

Stream and Wetland
Restoration

Wetland Delineation
and Permit Acquisition

Stormwater Drainage
and Flooding

2974 Adeline St.
Berkeley, CA 94703
Tel: 510 8411836
Fax: 510 8411610

Dec. 16, 2018

To: Robert Zdenek & Anne Hoskins

From: William Vandivere, M.S., P.E., Principal

RE: Technical memorandum on field hydrogeomorphic reconnaissance and CEQA documentation review- proposed residential development on Thornhill Drive, Oakland CA (APN 48F-7379-06)

Thank you for inviting Clearwater Hydrology (CH) to comment on the referenced project's CEQA assessment and supporting analyses. I have reviewed the CEQA documentation you provided on the project, including the Hydrology and Water Quality section of the IS/MND and the therein-appended hydraulic model impact assessment report and supplemental memo, both prepared by Balance Hydrologics (BH). In addition, I reviewed the BH HEC-RAS (US Army Corps of Engineers' River Analysis System) hydraulic model files obtained from the City of Oakland. On Dec. 9, 2018, I conducted a visual reconnaissance-level inspection of the subject reach of Temescal Creek, which is bookmarked on either end by reinforced concrete pipe culverts set in vertical headwalls. My observations are outlined below, followed by a peer review assessment of the BH hydraulic model assessment and findings/conclusions and the related IS/MND findings.

Existing Conditions- Project Reach of Temescal Creek

As noted above, the project reach of Temescal Creek is bounded by two culverts. The upstream culvert that conveys westbound flows under several properties east of the subject property was measured by BH at 36 inches. This reinforced concrete pipe (RCP) culvert is set in a vertical reinforced concrete headwall and its slope is unknown. It is likely similar or somewhat steeper than the roughly 3 % referenced in BH documents. It discharges into a roughly elliptically-shaped scour pool with a downstream length of 25-30 feet. The scour pool is unreinforced, i.e. its bottom material is similar to the predominantly gravel bed downstream of the pool tailout. Its depth appeared to be 3-4 feet. These dimensions and the lack of any evidence of current, adjoining bank instability suggest that the channel has adjusted long ago to the potentially erosive effects of the concentrated culvert discharge. That historical adjustment appears to have included a slump failure on the left bank along the bulk of the scour pool's longitudinal extent. At its maximum, the scarp is upwards of 15 ft. in height and is extremely steep, i.e. nearly vertical. It is currently covered in ivy and shows no signs of reactivation. The BH amendment memo points out that English Ivy is sometimes planted for bank stabilization in other parts of the country (East coast). The important thing to note is that ivy rooting is shallow and while it does provide some anchoring to surface soil, its impact is minimal below the first few inches of soil.

The south bank (left bank, looking downstream) within the upper third to half of the channel reach is likely anchored by the root systems of two multi-trunked bay trees. One is positioned immediately adjacent to the concrete headwall roughly 12-15 ft. above the toe of bank, while the other is further upslope a distance of approximately 10-15 ft. Any potential damage to these trees should be avoided to the extent possible. Loss of these trees, particularly collapse and removal of the trees' root boles, could reduce the extent of rooting that is currently helping bind the hillslope soils and increase bank and/or hillslope instability.

Downstream of the scour pool, the channel appears relatively stable even though the lower 5-10 feet of the left bank is nearly vertical. The lower left bank does become less precipitous as the channel enters the adjoining, downstream residential property at 6326 Thornhill. The north (right) bank has a more compound geometry which includes a low flood terrace over the bulk of the upper and middle portions of the reach. The terrace feathers out and the bank steepens in the approach to the culvert at the downstream end of the reach. The terrace feature appears very stable and is rooted by a small grove of bay trees, all of which are slated to be cut for the bridge driveway. According to the BH addendum memo, the lower two feet of the cut trees will remain as stumps in order to maintain rooting system function for the bank soils. Bays nearly always re-sprout and send out new limbs/trunks, which will eventually eliminate the initial benefit cited related to reducing the local extent of flow obstruction. However, it is more important for channel stability that the stump and root systems be maintained and some degree of re-sprouting be allowed. This will increase the longevity of the root systems.

At the lower end of the affected channel reach, flows enter another RCP which has a larger diameter (42 inches) than the upstream culvert. The larger diameter is helpful in that its higher capacity reduces the headwater (water build-up) at the entrance that is required to force higher flood discharges through the culvert, before possibly overtopping the driveway or diverting excess flow onto Thornhill Drive. While CH did not conduct an actual survey of the driveway vs. channel and Thornhill roadway topography, it appears that any overtopping flows would be diverted onto the left shoulder of the roadway, rather than proceed in a straight line over the driveway. This is due to the sloping driveway surface (south to north) and the presence of bermed landscaping along the western edge of the driveway. Any water diverted in this manner during a major flood would either return to the channel just downstream of the driveway or flow downslope along the shoulder area to Woodhaven Lane and a catch basin inlet that discharges road runoff to the creek culvert under Woodhaven.

Assessment of Project Hydrologic and Hydraulic Model Results from CEQA Assessment

I reviewed the "RE: Summary of Hydrologic and Hydraulic Modeling for APN 48F-7379-06" (Balance Hydrologics 2014, hereinafter "Report") prepared by BH, which was cited as the basis for the project CEQA evaluation. BH used two Army Corps of Engineer's computer models, HEC-HMS and HEC-RAS, to simulate the quantities and behavior of floodflows through the

project reach of Temescal Creek. It is atypical for a single lot development to be modeled at this level, and would be laudable if it were properly applied. This review of the assumptions cited for modeling in the Report, and of the Report's characterization of the hydraulic conditions in general, raised several potentially substantive concerns which may affect the conclusions reached by the authors, and thus the findings of the CEQA assessment.

- *Due to lack of survey data, the modelers ignored the hydraulic effects of the upstream culvert, excluded it from their modeling and used the model results for a mid-reach cross-section (Fig. 5 in Report) to characterize the flow characteristics as representative for the project reach.*

The modelers assumed a continuous open channel for the upstream approach instead of the long culvert and short open reach that exists. During a significant flood event the flow velocities exiting the culvert will be much higher than the 1.4 to 2.4 ft/sec (fps) noted in the Report. Based on a simple calculation for a long culvert at roughly the same slope as BH assigned for the downstream culvert (5.6%), the exit velocity for the culvert discharge at the upstream end of the project reach could approach 14.5 fps during the 2-yr. to 5-yr. flood events. As noted in the Existing Condition section above, the presence of the scour pool at the outlet will dissipate much of that erosive energy in the form of turbulence through the pool. The old, now revegetated slump scar on the left bank just downstream of the outlet is likely related to this hydraulic transition. By mid-reach, the flow characteristics will be affected to some degree by backwater emanating from the downstream culvert inlet (@6326 Thornhill), as noted in the Report. The effect of this culvert backwater will increase with the magnitude of the floodflow. However, neither the upstream culvert hydraulics nor the relationship of the scour pool to that culvert discharge and any effects on channel stability are described in the Report. If a more detailed assessment of the variation in channel velocities through the entire project reach is not made, the potential vulnerability of the near vertical left bank downstream of the 36-in. culvert outlet under the project-altered bank/hillslope conditions cannot be accurately addressed. This is explained below under the "Additional Concerns" section of this report.

- *Backwater effects due to the 42-inch RCP culvert crossing at the 6326 driveway crossing appear to be overstated.*

A culvert implies a constriction in the available flow cross-section for floodflow passage. It is rarely economical for culverts in rural or urban fringe areas to be sized to convey the 100-yr. flood discharge; a 10-20-yr. flood capacity is more typical. So usually the culvert is set in a headwall to accommodate a buildup in the water level that is required to pressurize the discharge for the higher flood discharges. The extent of that buildup depends in part on the flow conditions immediately downstream of the culvert outlet, referred to as the "tailwater" conditions. The assumptions or computations made to establish this downstream flood elevation/depth are thus important in the overall hydraulic evaluation and simulation of the culvert flow. The BH modelers made what appears to be a questionable assumption with regard to the tailwater conditions affecting the 42-inch culvert discharge, which in turn may affect the modeled flow

velocities through the project reach. It could also affect the simulated extent of driveway overtopping at 6326 Thornhill, which the BH analysis showed would occur at even the 5-yr. flood discharge.

The discussion of “Tailwater Assumptions” on p. 7 is not clear, but it does seem to infer that the tailwater condition for the next reach downstream of the 42-inch culvert could not be estimated using the normal depth assumption. In other words, there is some substantial change in the channel form or an in-channel obstruction exists, one or both of which could produce backwater effects on this downstream reach. Otherwise, a normal depth assumption would be valid. The description continued by stating that this is due to the presence of a clear span bridge crossing about 50 ft. downstream of the 6326 driveway. Because of this structure, an assumption was made that the bridge would create such an obstruction to floodwaters and would be overtopped (surcharged) to a depth of 1.0 ft. (in a manner similar to what initial BH simulations indicated for the 42-inch culvert crossing), and this elevation was followed upstream to determine the tailwater elevation at the 42-inch culvert outlet. If this reading of the BH’s rationale for their tailwater assumption is accurate, it presents a problem for the overall analysis.

CH conducted an independent normal depth computation for a channel with similar overall dimensions to the project reach, minus the low right bank terrace which was not present in this downstream reach, a slope of 0.030 ft/ft (3%) and a channel roughness of 0.045, indicated flow depths of roughly 3.5 ft. and 5.1 ft. for the 5-yr. and 100-yr. peak discharges, respectively. (Note: the roughness value of 0.045 is much closer to an accurate representation of the bulk channel cross-section, including the upper banks, for which BH designated a value of 0.070.) The associated velocities were 7.1 fps and 8.2 fps. The clearance to the low chord of the clear span bridge appears to be substantially greater than 5.1 feet depth indicated by the computation, resulting in unobstructed flow under the bridge. This also indicates that the culvert outfall will not be completely submerged during the 5-yr. flood, particularly since the culvert itself is steeper (5.6%) and the depth of flow will be slightly lower than the 3.5 ft. computed. The BH tailwater assumption by contrast assumed the tailwater depth to be 6.0 ft. (elev. 679.0 in Fig. 4) for both the 5-yr. and 100-yr. flood simulations.

Based on the more accurate independent computation of the tailwater condition, the actual flood level at the 6326 driveway during the 5-yr. flood would unlikely get anywhere near that depicted in Figure 4 for the 5-yr. event, which was predicted to overtop the driveway. The 100-yr. event could overtop the driveway, but further simulations would be required to more accurately confirm the floodflow behavior for that event. Note that the neighbors opposite the project site on the other side of Thornhill Drive (Larry and Sharon Yale) reported that they had never witnessed flow over the driveway at 6326 Thornhill during the 50 yrs. they’ve resided at their address. This would encompass both the 1982, 1997 and 1998 floods, the most likely to have approached the 100-yr. event. As noted in the BH Report, some upstream discharge could be

diverted down Thornhill Drive and this diverted discharge may or may not re-enter the channel along the studied reach of Temescal Creek. More upstream diversion of flow could reduce the discharge entering and conveyed by the project reach.

CH reached several conclusions based on the above review of the BH Report:

- Conclusion 1: Due to the issue of the tailwater assumption noted above, the flood water surface profiles should be reassessed for all of the modeled flood events, plus the 2-yr. peak discharge which would be less affected by culvert backwater, and more appropriate estimates for flow velocities should be reported, both in the Report and the CEQA assessment that references the results of the Report- The proper range of velocities should also include the culvert outlet velocities at the head of the project reach and an evaluation of whether the existing scour pool has reached equilibrium dimensions and thus a degree of acceptable long-term stability for the existing conditions.
- Conclusion 2: The BH modeling utilized an excessively high roughness value to describe the existing condition effect of channel form and vegetation resistance on floodflow behavior- The BH modeling (see Fig. 5) identified the lightly incised low-flow channel as the “channel” for purposes of hydraulic computations, and the remainder of the channel, including the low flood terrace and the upper banks, as the “overbank”. Hydraulic roughness (i.e. Manning’s “n”) values of 0.045 and 0.070, respectively were noted from those portions of the cross-section. Based on our visual assessment of the site conditions, the low flow channel was relatively straight and lacked deep pools outside of the culvert scour pool, and exhibited a roughness in the 0.030-0.035 range. However, the terrace and upper banks were lightly vegetated (south bank) with English ivy, which offers little hydraulic resistance to floodflows, or leaf litter (north bank). So the assignment of a roughness of 0.070 is much higher than is appropriate for the modeled reach. A roughness of 0.035-0.045 would be more appropriate for that portion of the cross-section. Use of these more appropriate roughness values together with the amended tailwater assumptions downstream of the 6326 Thornhill culvert crossing would increase flow velocities and lower the flood elevations along the middle and upper portions of the reach for the lesser flood discharges. Higher local flow velocities will increase the potential erosive pressure on portions of the bank that could be weakened by project pier drilling and upslope excavations. This conclusion, in conjunction with Conclusion 4 below, will properly result in a change in the IS/MND’s assessment of the project’s impact on erosion and siltation (i.e. in this case, bank stability) from less than significant w/ SCA and IM to potentially significant, as none of the SCAs or mitigations provided address this impact.

- Conclusion 3: The combination of assumptions applied to the BH modeling: higher than appropriate mid- to upper bank roughness; presumed overtopping of a downstream clear span bridge and excessive tailwater depths at the 6326 Thornhill culvert outlet, leading to overstated backwater influence and flood levels; and the lack of consideration of the proposed development plan on bank stability during and after construction, resulted in a mischaracterization of the potential for bank instability with project implementation. Due to this favoring of more conservative modeling assumptions for purposes of flooding characterization, the higher flow velocities likely present over the upper portion of the reach have been ignored. Thus, there is insufficient basis to conclude that the project will not have a significant impact on creek bank stability.

Additional Concerns Unmentioned in the CEQA Analysis and BH Reports

The BH Report emphasized that the analysis and model simulations they conducted for the project were for the existing conditions. By extension, they projected the post-project channel and watershed conditions to change little compared to the existing conditions. The CEQA analysis and BH did not discuss any of the potential actual construction-related impacts that could occur in the process of excavating the street side bridge abutment or the actual slope/residence excavation. I cite two additional conclusions related to the implementation of project construction:

Conclusion 4: The potential for creek bank instability due to the drilling and placement of concrete piers for the eastern retaining wall leading to the bridge was ignored in BH analysis of Creek Stability- Even if all construction equipment required for the residential excavation could access the footprint from further upslope, the site design and the BH creek stability analysis avoid recognition that the piers noted in development plan for the lower, eastern retaining wall leading from the stairway to the bridge are sited at the head of a historical slump bank failure zone, roughly vertical and only vegetated with shallow-rooting English ivy. A slump failure along the upper portion of the reach due to pier installation could require further measures to check its upslope expansion. If the risk of such a failure (i.e. erosion) is significant, then the project should propose channel stabilization measures that would ameliorate that risk. Those channel stabilization measures would carry their own requirements for permitting and mitigation. Please refer to the attached plan sheet from the project development plan (Kwan Design), which outlines the historical bank failure (“slump scarp”) adjoining the scour pool, as well as the planned pier locations immediately upslope of the top of the scarp.

Conclusion 5: There was no mention in the BH Report or the Jan. 2015 addendum of potential impacts to the channel due to excavation of the streetside bridge foundation/abutment and any bank stabilization work required to safeguard that foundation- The bridge foundation will lie within the jurisdiction of the CA Dept. of Fish and Wildlife (CDFW) and likely the SF Bay Regional Water Quality Control Board. Both agencies will also evaluate the potential impacts of

bridge foundation and south bank pier-supported retaining walls in their consideration of permitting requirements. If the bridge foundation will require some degree of bank reinforcement, this should be noted in the project plan, since project impacts to erosion and siltation would rightly be deemed potentially significant and could expand the level of mitigation required for the project.

Summary of Findings

In summary, my assessment of the BH hydraulic modeling that was conducted to characterize the existing flooding behavior along the project reach is that it was overly conservative (i.e. resulting in higher flood levels, lower flow velocities). It, therefore, underestimated the potential project impacts to creek stability through the upstream portion of the reach, adjoining a historical left (south) bank failure zone. The project's proposed drilling and installation of pier supports for the driveway/bridge and eastern retaining walls was not adequately assessed for the impact such hillslope excavations could have on the stability of the aforementioned, very steep failure zone. In fact, the BH Report did not even mention the close proximity of the planned pier drilling to this portion of the bank.

In my opinion, and based on my conclusions above, the project continues to present potentially significant impact in the following area listed in the IS checklist:

- Hydrology and Water Quality, Item c. "Substantially alter the existing drainage pattern of the site or area, including through the alteration of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site"

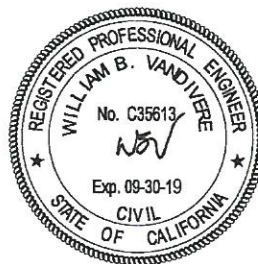
Finally, it is my opinion that without implementing the hydraulic model amendments I've outlined above, the proposed mitigations to ensure creek stability are insufficient to ensure that project impacts are reduced to a less than significant level.

Yours truly,



William Vandivere, M.S., P.E.

Principal





TECHNICAL APPENDIX

- Normal Depth Computations for Tailwater Conditions
@ 42-inch RCP Culvert Outlet

Channel Report

<Q5>

User-defined

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Slope (%) = 3.00
N-Value = 0.045

Highlighted

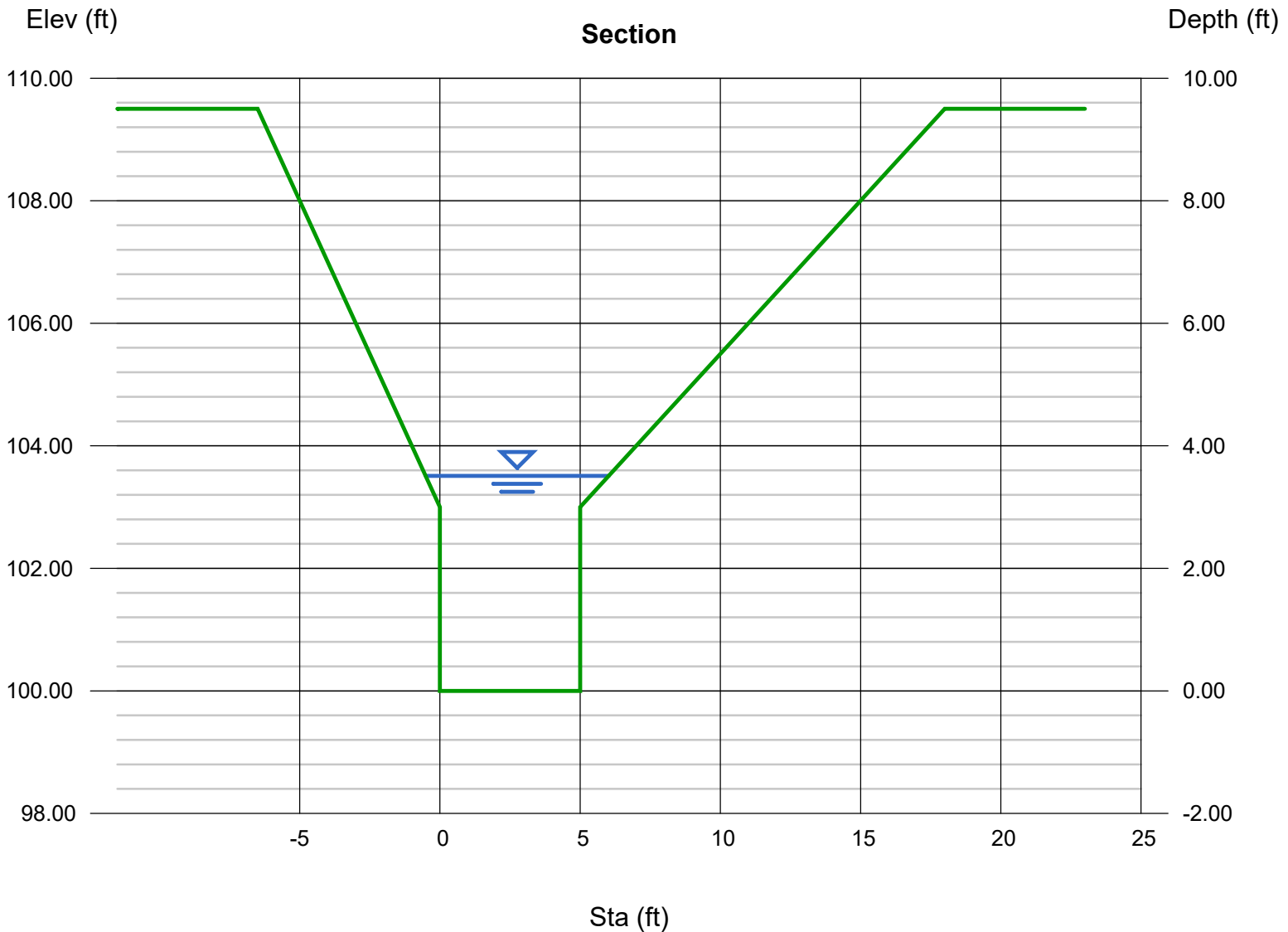
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Q (cfs) = 128.00
Area (sqft) = 17.94
Velocity (ft/s) = 7.13
Wetted Perim (ft) = 12.86
Crit Depth, Yc (ft) = 2.74
Top Width (ft) = 6.53
EGL (ft) = 4.30

Calculations

Compute by: Known Q
Known Q (cfs) = 128.00

(Sta, El, n)-(Sta, El, n)...

(-6.50, 109.50)-(5.00, 100.00, 0.045)-(5.00, 103.00, 0.045)-(18.00, 109.50, 0.045)



Channel Report

<Q100>

User-defined

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Slope (%) = 3.00
N-Value = 0.045

Calculations

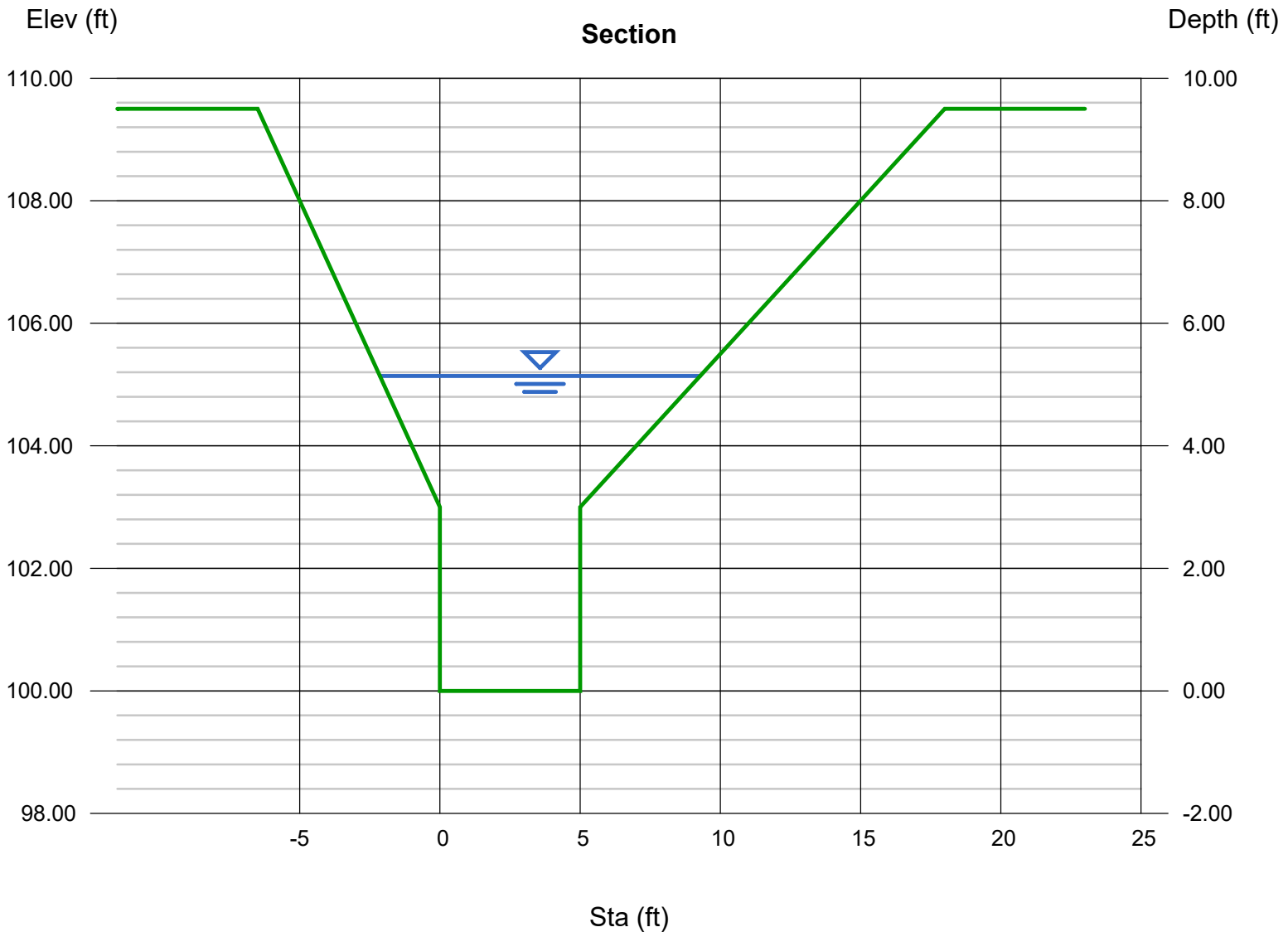
Compute by: Known Q
Known Q (cfs) = 268.00

Highlighted

Depth (ft) = 5.14
Q (cfs) = 268.00
Area (sqft) = 32.57
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Wetted Perim (ft) = 18.81
Crit Depth, Yc (ft) = 4.76
Top Width (ft) = 11.42
EGL (ft) = 6.19

(Sta, El, n)-(Sta, El, n)...

(-6.50, 109.50)-(5.00, 100.00, 0.045)-(5.00, 103.00, 0.045)-(18.00, 109.50, 0.045)





CITY OF OAKLAND

APPEAL FORM

FOR DECISION TO PLANNING COMMISSION, CITY COUNCIL OR HEARING OFFICER

PROJECT INFORMATION

Case No. of Appealed Project: ~~PLN 15-152~~ PLN 15-152 (CP 15-012)
Project Address of Appealed Project: VACANT LOT BETWEEN 6326 + 6344
Assigned Case Planner/City Staff: MAURICE BRUNYAN-ADDOW THORNHILL D.
(APN: 048-7379-006-00)

APPELLANT INFORMATION:

Printed Name: JEFFREY KESSLER Phone Number: (510) 339-1701
Mailing Address: 1714 WOODHARZEN WAY Alternate Contact Number:
City/Zip Code OAKLAND, CA 94611 Representing:
Email: yesh1021@yahoo.com

An appeal is hereby submitted on:

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

YOU MUST INDICATE ALL THAT APPLY:

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

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

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

(Continued on reverse)

Dear Mr. Brenyah-Addow,

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[Oakland, CA 94611](#)

Re: Proposed project between 6326 and [6344 Thornhill Drive](#) (PLN15152)

Mr. Brenyah-Addow,

I strongly oppose the proposed development for the extremely steep and narrow vacant lot between 6326 and 6344 Thornhill Drive. It calls for an oversized house that is out of sync with the neighborhood and its location on one of the main evacuation routes in the Oakland hills means the long period of construction poses a substantial risk for thousands of people in the event of a wildfire or earthquake.

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Because the proposal includes an accessory dwelling unit (ADU) in the high fire risk severity zone, any decision on this development should wait until the Planning Commission and the City Council consider a staff proposal to ban ADUs in this dangerous area.

The ADU was approved in the Public Notice September 23, 2018. The size is only 500 sq ft. The ADU includes its own off-street garage.

The lot cannot safely accommodate such an imposing structure, and its sheer bulk is beyond the scale of the surrounding neighborhood. Some geology and hydrology experts have said that the size of the proposed development will increase the chances of landslide, as well as erosion, flooding, and damage to Temescal Creek. The city of Oakland should conduct a full CEQA environmental review because of these significant risks.

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The long period of construction and equipment required to build this giant, complicated structure will severely impact traffic on Thornhill Drive, one of the major thoroughfares in Montclair, creating a particular risk during fire season when an evacuation could become necessary.

We will have a Traffic Plan which is required for any project such as this one.

Of particular concern to those of us who live on Woodhaven Way, the developer's new construction plan calls for bringing huge vehicles and machinery to the site via the narrow equestrian walking path off of our street that is frequently used by residents. That will require relocating the fire hydrant on Woodhaven, destroying many trees on the walking path, and cutting off community access to the path during the construction process. While the developer is promising to repair the damage, his previous insulting and abusive communications with neighbors and city planners make it very doubtful that he will follow through on that.

The equestrian path is 12 feet wide which is the same size as a Federal Interstate lane 144 inches. The narrowest point is 112 inches wide due to a tree. A D60 Compact BobCat Excavator is 77.2 inches wide and weighs 6 tons. A D20 Compact BobCat Excavation is 39 inches wide and weighs 2 tons. For comparison, Phil's automobiles are 72 inches wide and weighs 1-1/2 tons.

The city has not given adequate review to the safety and environmental impact of this proposed construction plan, including whether approaching the site from the top of the hill could add to erosion and landslide risk.

What inadequate City review are you basing your charge on? What technical report are you basing your charge on? Please specify.

I'm dealing with Joe Johnson with Access Construction. I'm also will have the on-site expertise of a State licensed Geotechnical Engineer Luis Moran and engineered shoring designs.

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Why 2000 Square feet. Thornhill homes don't affect your Woodhaven homes. We're at the bottom of the hill. Your at the top of the hill and you have a lot of land and trees between the rear lots of Thornhill homes and even street numbered Woodhaven Wat homes. In fact, your home will not see my house.

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Pollution occurs when people culvert the creek and fill the creek with dirt and concrete over it or build there house on it such as the 1950 to 1970 houses on the Temescal Creek.

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As a 30+ year resident of Montclair, specifically, on Woodhaven Way, I have found Mr. Wirth's proposed plan since its inception to have an adversarial tone and a hostile disrespect for the myriad ways in which his project would negatively impact our local ecologic, social, and physical environment.

He has not tried in any way to work with neighbors to address our valid concerns about the impact to the creek, the impact to the hillside above the proposed project and, now, outrageously, (1) the inclusion of an ADU in our high fire area, (2) the bringing of construction vehicles to the building site from above, and/or (3) the takeover of a well-established neighborhood public path that many of us (including wildlife) have used daily for decades. It is not at all clear how anyone could lay claim to a public path for personal gain. The number of California Oaks (approximately 30) and the redwood tree that would have to be removed is unconscionable. What that disruption to the steep hillside would bring to the buildings adjacent to the path is unlikely to have been studied.

Mr. Wirth has every right to develop his property. That his taste is both garish and completely out of tune with most of the homes that were built in the 1950's, is very unfortunate. In addition to the ecological assaults posed by the home itself, the proposed ADU compounds the dangers. We live in a "Very High Fire Hazard Severity Zone" as designated by the city. The Oakland Fire Department wants to ban new ADUs in our area because of the added fire danger caused by the addition of cars on streets with very limited and often illegal parking. How, exactly, could an ADU be approved considering those very real fears?

Woodhaven Way is an extremely narrow and somewhat winding road. Oftentimes, when vehicles are approaching each other, one will either be required to pull over or to back part way down the hill so that the other car or truck can continue onward. People are parked on both sides of the road, there are not enough driveways to accommodate all the cars. On Red Flag warning days, we all hold our collective breath that if an evacuation is necessary, we would all be able to safely evacuate the area using Woodhaven Way. There are people on adjacent streets who would also be required to use Woodhaven Way as an exit.

The concern about using the walking path, in addition to cutting down old and healthy oak trees so that Mr. Wirth can continue with his project is uncreative thinking. If he has the money to afford building this new, very large project, he could certainly spend a bit more money to figure out another solution that would not have such a negative impact on the path, not antagonize his soon-to-be neighbors, and not disrupt their lives further by the incredible nuisance of having trucks rumbling in their backyards for the entire duration of the project. We are still in a pandemic and many people are working from home. Mr. Wirth does not seem to understand that, as neighbors, we are pretty much connected, both by proximity and by ecology. He is NOT the only person involved in his project.

Sincerely,

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[See the enclosed Peer Report.](#)

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[They haven't updated or approved anything as of today Phil. There'll be a lot of lawsuits when they do.](#)

Access to the property by construction vehicles from above would be impossible given the fact that neither the public access road that leads to my property or the footpath that runs behind the houses along that section of Woodhaven Way are too narrow for such vehicles.

[The construction equipment is less than 54 inches wide, your vehicles are approximately 72" wide, an U.S. Interstate lane is 144" wide. The designated alley-path that you are currently using is 144" wide. If I use Access Construction he needs around 96" for his very large excavator. We haven't got that far into structural engineering and shoring design to determine what size equipment we'll use.](#)

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<https://1drv.ms/v/s!AgpmHfdYyKfT6U2Pa-Pc6JB8OE8A?e=UscCYx>

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With all due respect Phil,

Bob Wirth

Respectfully,

Philip A. Miller

1690 Woodhaven Way

To: Maurice Brenyah-Addow
Project Manager
City of Oakland Planning Department
Regarding Development Proposal PLN15152

July 28, 2021

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With all due respect Phil,

Bob Wirth

Respectfully,

Philip A. Miller

1690 Woodhaven Way

August 1, 2021

TO: Maurice Brenyah-Addow

RE: Comments and Objections to: PLN15152

I have reviewed this proposed development, which fronts on Thornhill Drive in Oakland, and have serious concerns and objections regarding the use of the walking path between Woodhaven and the lot to be developed that fronts on Thornhill as a construction road and the proposed storage of heavy equipment and construction materials on the upper portion of the property being developed and possibly on the pathway itself. In order to use this area for this proposed purpose will require the removal of anywhere between 15 and 20+ mature trees, most of them Oaks, on both the public pathway and the upper end of the property being developed. Oaks are supposedly protected trees in the the city of Oakland.

There is no need to destroy these trees as there is no actual construction proposed for this portion of the lot. On the contrary, this proposed action will negatively impact the neighborhood and the adjoining property owners. My wife and I have lived on Woodhaven Way for over 27 years and the path is used by neighbors for walks and enjoyment of the forested ambience it provides. This proposed use of the upper end of the lot to be developed will destroy this very positive aspect of the neighborhood.

Additionally, the tree removal, grading, preparation and use of this upper area for storage and staging of the proposed project will require many trips of heavy equipment up a narrow alleyway over an extended period of time and negatively impact the adjoining neighbors, while leading to further deterioration of the Woodhaven Way roadway surface. Woodhaven Way is currently a patch work of pot holes, filled in utility pathways, and ongoing eroding and deteriorating pavement for its entire length. Added heavy equipment and the construction traffic will only make this situation worse. I did not see any mitigation or correction measures, such as resurfacing of the street in this plan.

I respectfully submit that an alternative way of staging, delivery, and utilizing materials be developed for this project that does not impact Woodhaven Way's environment, street surface, and residents. The proposed use of this upper site as a construction staging area for this project is unnecessary and unacceptable.



Steven M Mathews
1877 Woodhaven Way
Oakland, CA 94611

3 October 2021

To the Planning Commission for the City of Oakland

From Jeffrey Kessler, 1714 Woodhaven Way, Oakland, CA 94611

I am hereby appealing your decision to approve PLN15152, for all of the reasons stated in my own comment letter and the comment letters of numerous neighbors, all of which are found in the attached google drive folder.

I am appealing in regard to both substantive and procedural issues:

Substantive issues:

- Size of Proposed Development. Oversized development not consistent with the homes in the surrounding neighborhood.
- Environmental Impact on Sensitive Area. Endangerment of Temescal Creek with fragile bank. CEQA exemption is ill considered.
- Infringement on the Community's Right to Peacefully Enjoy the Footpath. Desire of the community to continue to enjoy free access to the city footpath located directly behind a number of Woodhaven properties, including mine. We note that the footpath is designated on the subdivision map which created the path as an "equestrian path."
- Proposed Use of Footpath. No details have been provided regarding applicant's proposed use of the city foot path.
- ADU Approval in Fire Zone. Use of 'ministerial' powers to approve an ADU in a very high-risk fire area, contrary to the directives of the City Fire Chief, and while the City Council is considering this very issue.
- Fire risk during construction. Construction is to occur only during 'the dry months,' yet these of course are the months of fire risk. Thornhill Drive is a major escape route for the entire surrounding community. Who will be on site to minimize risks to the public?

Procedural Issues:

- Lack of Notice, Knowledge and Due Process - Throughout the many years the development of this lot has been pending, there has been a lack of full and fair disclosure of information regarding the development. In particular, during the transition of City Planners responsible for the project, which was exacerbated by COVID-19, there was little advance notice and time for all of the community to review the voluminous City files on topic. This impacted the ability of the community to understand the development fully and respond appropriately. Prior to COVID-19, it was fairly easy to walk in to the City Planning Department and view files; this all stopped with COVID-19. Numerous requests for copies of files on the project were made to the City, with little response; files eventually received were incomplete.
- City Correspondence On Topic. There were a number of challenges regarding correspondence between the developer and the City, and between concerned neighbors and the City. More specifically, it appears that the emails from concerned neighbors have been forwarded by City Planners to the developer, although our neighborhood group has not been kept abreast of the developer's communications to the Planners, despite numerous requests. It is my understanding that all communications with the City regarding potential developments are public information, subject to review upon request. This appears not to have been the case with all communications regarding this development.
- Public Records Requests. Along with several members of the neighborhood group concerned with the proposed development, I have made requests for public records and have received no response. Other requests have been "answered" without the information I requested. One request (for correspondence between Original Planner, Caesar Quitevis, and the developer) was answered, but with substantial redactions. Naturally I wonder whose privacy is being protected, and who might be influencing the City Planning decision process behind the scene.
- Inadequate Notice of Use of Footpath for Construction Staging Area. Along with several other neighbors, I was assured by Original Planner, Caesar

Quitevis, that the developer would not be permitted to use the Woodhaven footpath as a construction road and staging ground. In fact, the issue of using the footpath for a staging area, to our knowledge, was not under discussion at all. The discussion only involved the house plans and protection of the creek, not use of the footpath as a construction staging area. The footpath is a wild and beautiful area enjoyed by the entire community, many of whom have objected via comment letters to its use for any purpose other than a footpath. Had we known that use of the footpath was a possibility in connection with the proposed development, our initial geotech report would have covered this issue.

- Planner Transition. Our community group had open communication with Original Planner Quitevis, who retired in early 2020. Quitevis was replaced by his supervisor, Maurice Brenyah-Addow, who provided little information during a time when we were unable to physically visit the Planning Office to view such files. Unexpectedly, and with no advance notice or prior discussion, in July of 2021, the Planning Commission indicated that it intended to approve a plan for the property that calls for use of the Woodhaven footpath as a construction road and staging area. Comment period occurred during summer months when much of the community was on vacation.
- Involvement of City Department of Transportation; Inability to Communicate. When queried on use of the footpath, Planner Brenyah-Addow stated that use of the foot path is under the authority of the City Department of Transportation, not the City Planning Department. This is despite the fact that the notice for comment on use of the footpath for construction staging came from the Planning Department, not the Department of Transportation. I have been unable to reach the Department of Transportation, in person or by phone, despite numerous attempts. To date, neither the Planning Department nor the Department of Transportation has provided any information or documentation regarding authority over, and decisions regarding use of the footpath.

- Withholding of Public Records. Please note that I have filed a request for mediation with the City of Oakland's Public Ethics Commission in regard to the withholding of public records.

I have completed the attached *Appeal Form For Decision To Planning Commission* to the best of my ability. Please contact me with any questions you may have regarding the Form and this matter. It is my understanding that filing this Appeal provides an opportunity for a public hearing, as well as for further appeal to the Oakland City Council.

Thank you,

Jeffrey Kessler

20 May 2014

Dear Ladies and Gentlemen,

I have lived happily and at peace for the past 15 years at 1714 Woodhaven Way in Oakland, 94611 – the APN# of my lot is 048F-7379-045.

Yesterday morning I was surprised to encounter three people looking about on the hill behind my back fence. This is a vacant lot on between 6326 Thornhill Drive and 6344 Thornhill Drive; I believe that the APN # of that vacant lot is 48F-7376-6.

When I engaged them in conversation, I was told that they hope to build a home on the Thornhill lot, which is, of course, their right.

I became alarmed, however, when they told me that, rather than access the intended home by building a driveway from Thornhill across Temescal Creek, they are hoping to get permission from the City of Oakland to gain access from Woodhaven Way, by building a driveway through the beautiful and thickly forested hillside at the end of the City of Oakland path that takes off between 1690 Woodhaven and 1700 Woodhaven.

I am writing to you right away to let you know that I object to this plan, as it would detract from the quiet and natural beauty of the area. It would, additionally, disturb native flora and fauna, which are abundant in this area above the creek. All the other houses on this stretch of Thornhill access their homes via driveways off Thornhill, which is why

the hillside above their home and behind our homes on Woodhaven has remained so wild and beautiful.

I am aware of your obligation to inform all parties within the immediate radius of any building plans that might affect them. I am such a party – as are a number of my neighbors – so I am writing to alert you to the need to let us know, well in advance of any decision, should a request to build a driveway such as I have described above come before you.

Thank you.

Jeffrey Kessler

1714 Woodhaven Way

Oakland, CA 94611

(510) 339-1701 yesh1021@yahoo.com

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1714 Woodhaven Way

Oakland, CA 94611

(510) 339-1701 yesh1021@yahoo.com

Vincent G. Valente
6344 Thornhill Drive
Oakland CA
August 4, 2021

Maurice Brenyah-Addow
District Supervisor
City of Oakland Planning
mbrenyah@oaklandca.gov
RE: PLN15152

Dear Mr. Brenyah-Addow:

I am writing to express my concerns and opposition to the plan by Wirth-Yu for the construction of an enormous, four-story home on the lot next to mine (between 6326 and 6344 Thornhill Dr.)

The multi-year period of construction and equipment required to build this house will impact traffic on Thornhill Drive, which is the major fire escape route for hundreds of residents in the Oakland Hills. Blocking the road with construction equipment will cause significant delays to residents in the Oakland Hills and will create a dangerous situation during emergencies. There is also limited street parking near our home.

The massive size of the proposed development poses risks to the steep hillside and Temescal Creek. The current proposed size of the development is particularly concerning because the property is on the edge of a landslide area (that extends throughout and beyond our neighborhood), and threatens to increase erosion, flooding, and damage to the creek. Therefore, we request that grading and other ground-disturbing activities not be permitted during the October-April rainy season when heavy downfalls could pollute and damage the creek.

To ameliorate the environmental and safety issues, the development should be downsized significantly. The proposed size is an oddity in our section of Thornhill. The surrounding homes are one to two stories high and significantly smaller in square footage and lot coverage. A smaller footprint would lead to better water absorption for the hill, less run-off into the creek, reduced harm to protected trees and will enable a shorter construction period that could be important during a fire or earthquake evacuation.

If the project proceeds, it is essential that an independent geotechnical engineer be required to be onsite during pier drilling and excavation work to ensure it is done correctly with the necessary supervision. Given the scale of this project, the City must ensure that all safety requirements are adhered to.

Maurice Brenyah-Addow

8/4/2021

Page 2

The new proposal in the construction sequencing plan that would bring construction vehicles to the site via Woodhaven and the equestrian walking path needs to be thoroughly reviewed for safety and environmental impact. One question is whether approaching the site from the top of the hill could add to erosion and landslide risk. Other issues include relocating the fire hydrant on Woodhaven, and cutting down trees on the walking path, and cutting off access to the path during the (likely long) construction process.

With such a large footprint, I object to the removal of the various trees and vegetation and the impact on the animal habitat that currently utilizes the upper portion of the property. I also have concerns about how this development will impact the sensitive habitat of Temescal Creek. I request that the project be reduced in size, condensing the development farther away from Temescal Creek and from the vegetative growth at the rear of the property.

Regards,

Vincent G. Valente

ATTACHMENT

B

ARBORIST REPORT

**MONTCLAIR LOT APN 048F-7379-06
OAKLAND, ALAMEDA COUNTY, CALIFORNIA**



Prepared for

Robert Wirth and Helen H. Yu
39 Cork Road
Alameda, CA 64502

Prepared by

Erin McDermott
Certified Arborist
Cert. No. WE7318A



(925) 228-1027
832 Escobar Street
Martinez, Ca 94553

MARCH 2015

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Section 1. INTRODUCTION

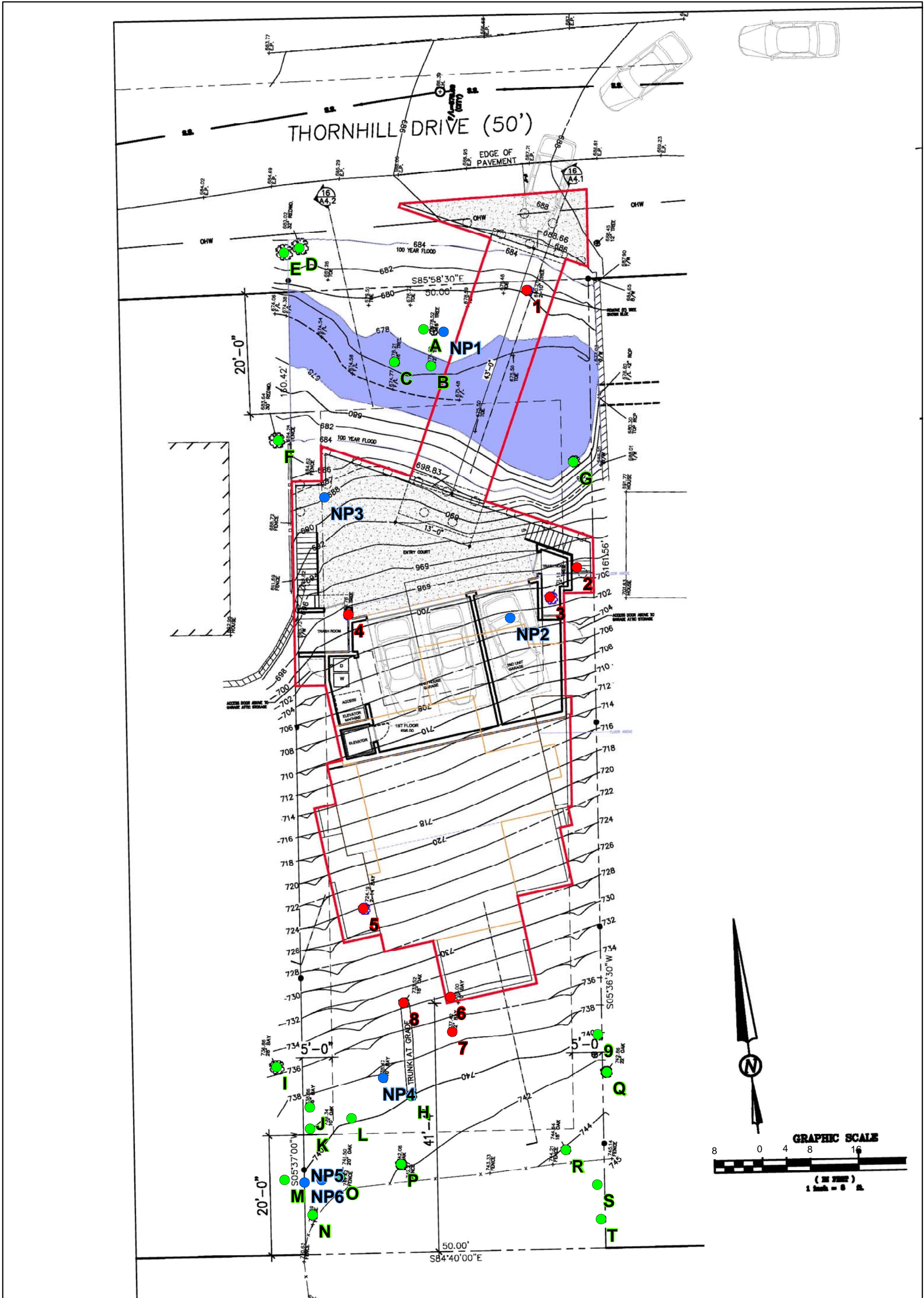
As requested by Mr. Robert Wirth, Nomad Ecology, LLC conducted a tree survey for the Montclair Lot APN 048F-7379-06 project (Project) located on Thornhill Drive in Oakland, Alameda County, California (Figure 1).

The tree survey was conducted in compliance with the City of Oakland Tree Preservation Ordinance (Oakland Municipal Code 2015). As specified in the ordinance, a permit is required for any proposed construction activity within 10-feet of a protected tree. A protected tree includes, on any property, coast live oak (*Quercus agrifolia*) trees measuring 4-inches in diameter at diameter breast height (DBH; measured at 4'6" from the ground) or larger, and any other tree measuring 9 inches DBH or larger except Eucalyptus (*Eucalyptus globulus*) and Monterey pine (*Pinus radiata*). Monterey pine trees are protected only on city property and in development-related situations where more than five Monterey pine trees per acre are proposed to be removed.

The purpose of the tree survey was to compile an inventory of all trees within 30-feet of the proposed development, on the project lot, and within 10 feet of the proposed development (including neighboring properties and public right-of-way); determine the protection status; determine the potential for construction impacts to each tree; and provide recommendations for action. This arborist report outlines the survey methodology, summarizes trees on site and their protection status, analyzes potential construction impacts to each tree, and provides specifications for tree protection during construction activities. Mapped trees are shown in Figure 1.

1.1. PROJECT DESCRIPTION

The project is considered new construction on an undeveloped lot. Development components include the building of a new, multi-level, single-family residence on the subject lot, south of the creek, a clear-span bridge over the creek to access the residence, as well as a parking apron/driveway located between the south bridge abutment and the residence. The project will involve some excavations as required to provide the necessary grade separations for the parking apron, garage, and various levels of the house.



March 2015

Tree Survey Report

Legend	
Tree Category and Action	
●	Preserve Protected Tree
●	Remove Protected Tree
●	Not Protected Tree

Figure 1
Tree Survey Map
 Montclair Lot APN 048F-7379-06



Sources: Base map provided by Kwan Design Architects.

Section 2. STUDY METHODS

2.1. DEFINITIONS PER OAKLAND TREE ORDINANCE

The City of Oakland Municipal Code addresses trees under Title 12: Streets, Sidewalks and Public Places in Chapter 12.36: Protected Trees. The Municipal Code includes the following definitions:

DBH	DBH (diameter at breast height) means trunk diameter measured at 4 ½ feet above the ground. For multi-stemmed trees, a permit is required if the diameter of all individual trunks, when added together, equals or exceeds the minimum size stipulated for the species.
Development Related	Development related means any activity regulated by the city of Oakland and which requires design review or a zoning, building, grading, or demolition permit.
Non-native	Non-native means any tree species which does not naturally occur within the Oakland city limits.
Protected Perimeter	Protected perimeter means an area of land located underneath any protected tree which extends either to the outer limits of the branches of such tree (the drip line) or such greater distance as may be established by the Office of Parks and Recreation in order to prevent damage to such tree.
Protected Tree	A protected tree is the following: 1) On any property, coast live oak (<i>Quercus agrifolia</i>) measuring 4 inches DBH or larger, and any other tree measuring 9 inches DBH or larger except Eucalyptus or Monterey pine; 2) Monterey pine trees shall be protected only on city property and in development related situations where more than 5 Monterey pine trees per acre are proposed to be removed. Although Monterey pine trees are not protected in non-development-related situations by the City of Oakland, nor in development-related situations involving 5 or fewer trees per acre, public posting of such trees and written notice of proposed tree removal to the Office of Parks and Recreation is required per Section 12.36.070A and Section 12.36.080A; 3) Except as noted, Eucalyptus and Monterey pine trees are not protected.
Tree	A tree means a woody perennial, usually with one main trunk, attaining a height of at least 8 feet at maturity.
Tree Removal	Tree removal means the destruction of any tree by cutting, regarding, girdling, interfering with the water supply, or applying chemicals, or distortion to the tree's visual proportions by topping.

A Tree Removal Permit is required for any proposed construction activity (including buildings, driveways, paths, decks, construction vehicle routes, sidewalk improvements, & perimeter grading) within 10 feet of a protected tree, even if such trees are not being removed or if they are located on a neighbor's property. The City of Oakland Tree Preservation Ordinance is included in Appendix C.

2.2. PERSONNEL AND FIELD INVESTIGATION

The following personnel conducted the tree survey:

Erin McDermott
Certified Arborist
Nomad Ecology
832 Escobar Street
Martinez, CA 94553
(925) 228-1027

Brian Peterson
Botanist
Nomad Ecology
832 Escobar Street
Martinez, CA 94553
(925) 228-1027

A survey of the trees within a 30 foot perimeter of construction activities was conducted by Nomad's ISA Certified Arborist Erin McDermott and botanist Brian Peterson on February 11, 2015.

The survey included 35 trees within 30 feet of the construction. All trees within 30 feet of construction activity were given an ID number, mapped, and assessed for health. Trees were assigned numbers on the map but were not tagged with aluminum tags. Data recorded included species, DBH (diameter at breast height measured at 4½ feet above natural grade) and overall health. Trees were assigned a condition rating as follows:

Poor - significant epicormic growth, dieback in large branches, significant structural defects not correctable with proper care.

Fair - average vigor, some dieback of twigs and/or small branches, structural defects that may be corrected or alleviated with proper care.

Good - good vigor and leaf color, some twig dieback may be present, minor structural defects correctable with proper care.

Notes on the tree condition were also recorded. Trees within 10 feet of construction activity were identified for preservation or removal on the Tree Preservation/Removal Permit based on an evaluation of potential construction impacts.

2.3. LIMITATIONS

The proposed activities and work areas evaluated in this report are based on the study area provided by Kwan Design Architects dated December 26, 2014. Significant changes in the project design may warrant further analysis.

Section 3. TREE SURVEY RESULTS

3.1. SUMMARY OF TREES

A total of 35 trees were surveyed representing 7 species, 5 of these species are native including coast redwood (*Sequoia sempervirens*), bigleaf maple (*Acer macrophyllum*), California bay (*Umbellularia californica*), coast live oak (*Quercus agrifolia* var. *agrifolia*), and blue elderberry (*Sambucus nigra* subsp. *caerulea*) and 2 of these species are non-native species including silver wattle (*Acacia dealbata*), and plum species (*Prunus* sp.). Of the 35 trees, 18 are within 10 feet of construction (Table 1) and 17 are within 30 feet of construction (Table 2). Out of the 35 trees, 29 trees are considered protected under the Tree Preservation Ordinance. Fifteen protected trees are within 10 feet of construction, and 14 protected trees are within 30 feet of construction. Of the protected trees, 9 are proposed for removal due to their proximity to proposed structures, because they are in the development footprint, or because they have a health rating of poor and are not suitable for preservation.

All protected trees to be preserved were labeled with a letter (A-T), all protected trees to be removed were labeled with a number (1-9), and all trees that are not protected were labeled “NP” (NP1- NP6). The majority of trees surveyed were in Fair condition. All tree data collected is included in Appendix A (Table 5). Site Photos are included in Appendix B.

Table 1. Trees within 10 Feet of Construction

TREE ID #	SPECIES	COMMON NAME	DBH (INCHES)	STATUS	TREE CONDITION	ACTION	LOCATION	DISTANCE FROM CONSTRUCTION
1	<i>Acacia dealbata</i>	silver wattle	9, 9.5	Protected	Fair	Remove	Project Lot	Within 10'
2	<i>Prunus</i> sp.	plum	9.5	Protected	Poor	Remove	Project Lot	Within 10'
3	<i>Acer macrophyllum</i>	bigleaf maple	24, 6.75	Protected	Good	Remove	Project Lot	Within 10'
4	<i>Prunus</i> sp.	plum	7.5, 7, 6	Protected	Poor	Remove	Project Lot	Within 10'
5	<i>Umbellularia californica</i>	California bay	12.75, 13.5, 6.5	Protected	Fair	Remove	Project Lot	Within 10'
6	<i>Umbellularia californica</i>	California bay	11	Protected	Fair	Remove	Project Lot	Within 10'
7	<i>Umbellularia californica</i>	California bay	11	Protected	Fair	Remove	Project Lot	Within 10'
8	<i>Quercus agrifolia</i> var. <i>agrifolia</i>	coast live oak	20.5	Protected	Poor	Remove	Project Lot	Within 10'
A	<i>Acacia dealbata</i>	silver wattle	6, 16.5	Protected	Fair	Preserve	Project Lot	Within 10'
B	<i>Acacia dealbata</i>	silver wattle	12.5	Protected	Fair	Preserve	Project Lot	Within 10'
C	<i>Acacia dealbata</i>	silver wattle	17	Protected	Fair	Preserve	Project Lot	Within 10'
D	<i>Sequoia sempervirens</i>	coast redwood	30	Protected	Poor	Preserve	Project Lot	Within 10'
E	<i>Sequoia sempervirens</i>	coast redwood	24.25	Protected	Poor	Preserve	Project Lot	Within 10'
F	<i>Sequoia sempervirens</i>	coast redwood	32.5	Protected	Good	Preserve	Project Lot	Within 10'
G	<i>Acer macrophyllum</i>	bigleaf maple	26	Protected	Fair	Preserve	Project Lot	Within 10'
NP1	<i>Acacia dealbata</i>	silver wattle	7.25	Not Protected	Fair	Preserve	Project Lot	Within 10'
NP2	<i>Prunus</i> sp.	plum	6.75	Not Protected	Poor	Remove	Project Lot	Within 10'
NP3	<i>Sambucus nigra</i> subsp. <i>caerulea</i>	blue elderberry	6	Not Protected	Fair	Remove	Project Lot	Within 10'

Table 2. Trees within 30 Feet of Construction

TREE ID #	SPECIES	COMMON NAME	DBH (INCHES)	STATUS	TREE CONDITION	ACTION	LOCATION	DISTANCE FROM CONSTRUCTION
9	<i>Quercus agrifolia</i> var. <i>agrifolia</i>	coast live oak	10	Protected	Poor	Remove	Project Lot	Within 30'
H	<i>Prunus</i> sp.	plum	11.5	Protected	Poor	Preserve	Project Lot	Within 30'
I	<i>Umbellularia californica</i>	California bay	25	Protected	Fair	Preserve	Project Lot	Within 30'
J	<i>Umbellularia californica</i>	California bay	15.25	Protected	Good	Preserve	Project Lot	Within 30'
K	<i>Quercus agrifolia</i> var. <i>agrifolia</i>	coast live oak	9.75	Protected	Poor	Preserve	Project Lot	Within 30'
L	<i>Umbellularia californica</i>	California bay	5, 5	Protected	Good	Preserve	Project Lot	Within 30'
M	<i>Quercus agrifolia</i> var. <i>agrifolia</i>	coast live oak	11.5	Protected	Poor	Preserve	Project Lot	Within 30'
N	<i>Quercus agrifolia</i> var. <i>agrifolia</i>	coast live oak	18	Protected	Fair	Preserve	Project Lot	Within 30'
O	<i>Quercus agrifolia</i> var. <i>agrifolia</i>	coast live oak	19	Protected	Fair	Preserve	Project Lot	Within 30'
P	<i>Quercus agrifolia</i> var. <i>agrifolia</i>	coast live oak	14.75	Protected	Fair	Preserve	Project Lot	Within 30'
Q	<i>Quercus agrifolia</i> var. <i>agrifolia</i>	coast live oak	19	Protected	Good	Preserve	Project Lot	Within 30'
R	<i>Quercus agrifolia</i> var. <i>agrifolia</i>	coast live oak	16	Protected	Fair	Preserve	Project Lot	Within 30'
S	<i>Quercus agrifolia</i> var. <i>agrifolia</i>	coast live oak	11.8, 9.7	Protected	Poor	Preserve	Project Lot	Within 30'
T	<i>Quercus agrifolia</i> var. <i>agrifolia</i>	coast live oak	13.8	Protected	Poor	Preserve	Project Lot	Within 30'
NP4	<i>Umbellularia californica</i>	California bay	8.75	Not Protected	Poor	Preserve	Project Lot	Within 30'
NP5	<i>Umbellularia californica</i>	California bay	5.5	Not Protected	Fair	Preserve	Project Lot	Within 30'
NP6	<i>Umbellularia californica</i>	California bay	3, 3.5	Not Protected	Fair	Preserve	Project Lot	Within 30'

3.2. ANALYSIS OF POTENTIAL IMPACTS

Trees were analyzed for preservation or removal based on health and proximity to proposed structures. A total of 11 trees were identified for removal including 1 silver wattle, 3 plums, 1 bigleaf maple, 3 California bays, 1 elderberry, and 2 coast live oaks. Of the 11 trees proposed for removal, 9 are considered Protected Trees (Table 3). All 11 trees are located within the project lot. Problems such as erosion, decreased land stability or windscreen are not expected to result from tree removal.

Table 3. Protected Trees Proposed For Removal

REMOVAL PERMIT #	COMMON NAME	DBH (INCHES)
1	silver wattle	9, 9.5
2	plum	9.5
3	bigleaf maple	24, 6.75
4	plum	7.5, 7, 6
5	California bay	12.75, 13.5, 6.5
6	California bay	11
7	California bay	11
8	coast live oak	20.5
9	coast live oak	10

Eight trees were identified for preservation within 10 feet of construction activities including 4 silver wattle, 3 coast redwood, and 1 bigleaf maple. Of the 8 trees identified for preservation, 7 are considered Protected Trees (Table 4). Trees A-C are non-native species that could be removed if decreased shading of the creek is desired.

Table 4. Protected Trees Not Proposed for Removal but located within 10 Feet of Construction Activity

REMOVAL PERMIT #	COMMON NAME	DBH (INCHES)
A	silver wattle	6, 16.5
B	silver wattle	12.5
C	silver wattle	17
D	coast redwood	30
E	coast redwood	24.25
F	coast redwood	32.5
G	bigleaf maple	26

Several trees within 30 feet of construction have fair to poor health, in particular, the California bay and coast live oak trees near the southern property boundary. These trees provide a visual screen and the landowner wishes to preserve them. The trees are greater than 15 feet from the limit of construction. With the implementation of construction recommendations, these trees should tolerate construction impacts without suffering adverse health effects. These trees should be monitored post-construction as specified in Section 4.4.

Section 4. RECOMMENDATIONS

4.1. SUMMARY OF RECOMMENDATIONS

4.1.1 TREE REMOVAL

After considering all avoidance possibilities including reasonable redesign plans for the site, and other reasonable tree treatment including trimming and thinning, a total of 11 trees are recommended for removal due to their proximity to proposed structures. Of the 11 trees for removal, 9 are considered protected trees (Trees 1-9). As specified in the Oakland Tree Ordinance, protected trees for removal should be painted with sequential numbering and a summary notice posted within two days of submitting an application for a tree removal permit. Recommendations for the removal and disposal process of trees are detailed below in Section 4.2.

4.1.2 TREE PRESERVATION

Twenty-four of the 35 trees on site are identified for preservation. Eight trees identified for preservation are within 10 feet of proposed development activities 7 of which are protected trees (Trees A-G). Within 30 feet of construction, 13 protected trees are identified for preservation (Trees H-T). Methods to ensure the health of preserved trees are detailed below in Section 4.2.

4.1.3 TREE PRUNING

Trees on site may require pruning. Any tree pruning should follow specifications as detailed in Section 4.2.

4.2. CONSTRUCTION RECOMMENDATIONS

4.2.1 PRE-CONSTRUCTION MEETING

Prior to the start of construction, the certified arborist should meet with the project engineer and/or contractor to:

- determine the location of tree protection fencing;
- review planned work procedures around trees;
- review the need for certified arborist approval for any adjustment of the tree protection fencing and/or need to work within fenced areas;
- identify locations, if any, where specialized treatments are required; review the requirements for clearance pruning based on contractor's equipment;
- clearly identify trees to be removed and develop a scheme for the removal and disposal of debris.

A certified arborist should conduct a pre-construction training meeting with construction staff to explain the tree protection requirements. Access routes, staging and stockpile areas, equipment servicing areas, no-travel areas, trees to remove, and trees to preserve should be clearly indicated on grading or construction plans. All on-site personnel should be provided with an orientation to tree preservation measures and rules. Personnel must understand that access or work within the tree protection perimeter is restricted and must be supervised by the certified arborist.

4.2.2 PROTECTION PERIMETER ESTABLISHMENT

Before the start of any clearing, excavation, construction or other work on site, every protected tree deemed to be potentially endangered by site work should be securely fenced off at a distance from the base of the tree to be determined by the certified arborist. Temporary construction fencing or other barriers should be installed for the duration of work to prevent accidental damage to trunks or branches. If equipment such as backhoes, fork lifts, front-end loaders, etc. will be operated beneath the canopy of any tree, trunks should be wrapped or otherwise shielded to prevent bark damage by accidental strikes from equipment.

For all protected trees to be preserved in unpaved areas and in the vicinity of proposed equipment operations, a protection perimeter should be established. The tree protection perimeter should be fenced prior to beginning of construction on site. No grading, construction, trenching, demolition, vegetation removal, or other work should be allowed in this area. No excess soil, chemicals, debris, equipment, or other material should be dumped or stored within the tree protection perimeter. Where proposed work needs to occur within the tree protection perimeter special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. No change in existing ground level, or burning or use of equipment with an open flame should occur within the protected perimeter of any protected tree. Wires, ropes, or other devices should not be attached to any protected tree, except as needed for tree support of the tree. Periodically during construction, the leaves of protected trees should be thoroughly sprayed with water to prevent buildup of dust or other pollution that would inhibit leaf transpiration.

The dripline method and trunk diameter method are two methods commonly used to identify the radius of the tree protection perimeter. The dripline is defined as the outline of the tree canopy as projected on the ground below. It is generally used to imply the area in which a majority of the structural roots occur. A dripline is calculated using the radial distance of the furthest canopy spread surrounding the entire tree. This generalization does not necessarily apply to leaning trees, which produce tensile roots on the opposite side of the lean. It also does not apply to trees that have very narrow crowns such as conifers. The trunk diameter method assumes a relationship between a tree's diameter at breast height (DBH) and the extensiveness of the root system. The tree protection perimeter is designated by measuring one foot outward from the tree trunk for each one-inch of diameter at breast height. For example a tree with a 30-inch DBH would have a tree protection perimeter extending 30 feet from the base around the entire tree. Both the dripline method and trunk diameter method will be used to determine the tree protection perimeter. Whichever measurement occurs farthest from the tree trunks should be applied as the tree protection perimeter.

All fence sections shall be clearly marked with a sign stating "This is a Tree Protection Perimeter (TPP) and no one is allowed to disturb this area." The sign shall also list contact information for the contractor and arborist and clearly state that a violation of the TPP will result in a stop work order. The fencing should only be relocated by a certified arborist in consultation with the project engineer. Fences should remain in place until all construction is completed.

If a protected tree to be preserved on site is severely damaged, the Office of Parks and Recreation should be immediately notified of such damage. A certified arborist will make the determination whether to preserve or remove the tree.

4.2.3 TREE REMOVAL

Following the issuance of a tree removal permit, a copy of the permit shall be posted on site in plain view while tree removal work is underway. Tree removal work should be completed prior to the initiation of construction. All protected trees to be removed will be clearly identified in plain view of the street with water soluble paint using a numbering scheme consistent with the numbering scheme used on the site

plan. Care should be taken not to damage trees to be preserved during pruning or felling. Vehicle access routes should be clearly identified to avoid compacting soil in unpaved areas around trees to be preserved.

All tree removal should be performed by a tree contractor possessing a State of California Contractor's License for Tree Service. All tree removal should be supervised by a certified arborist. All operations should be in accordance with the Tree Pruning Guidelines (International Society of Arboriculture) and adhere to the most recent editions of the American National Standard for Tree Care Operations¹ and Pruning². All debris created as a result of any tree removal work must be removed within two weeks of debris creation, or chipped and spread on site. All debris shall be properly disposed of in accordance with all applicable laws, ordinances, and regulations.

4.2.4 PRUNING

Pruning should be kept to the minimum necessary for safety, improving long-term tree structure, and providing the necessary clearance for construction equipment. All pruning should be performed by a contractor possessing a State of California Contractor's License for Tree Service. All operations should be in accordance with the Tree Pruning Guidelines (International Society of Arboriculture) and adhere to the most recent editions of the American National Standard for Tree Care Operations and Pruning. Heading cuts should not be used.

4.2.5 ROOT PRUNING

If excavation will occur near trees, the roots should first be pruned to sever them cleanly. Soil excavation equipment pulls, rips, and shatter roots, causing unnecessary damage for some distance towards the tree. Root pruning equipment designed specifically for sidewalk construction should be used. Roots should be cut to a depth of 8 inches just outside of the edge of excavation toward the tree. Tree protection fencing will be installed at the edge of the root pruning limit.

4.2.6 MULCH

In areas where construction equipment needs to travel in the vicinity of tree roots, a thick layer (6 inches or thicker) of wood chip mulch should be placed on the soil surface. The mulch will help prevent compaction of the soil surface.

4.3. CONSTRUCTION SPECIFICATIONS

The following specification should be included on construction drawings.

- Prior to the start of construction, the certified arborist should meet with the project engineer and/or contractor to determine the location of tree protection fencing, review planned work procedures around trees, review the need for certified arborist approval for any adjustment of the tree protection fencing and/or need to work within fenced areas, identify locations, if any, where specialized treatments are required; review the requirements for clearance pruning based on contractor's equipment.
- For all protected trees to be preserved in unpaved areas and in the vicinity of proposed equipment operations, a Tree Protection Perimeter should be established. The tree protection perimeter should be fenced prior to beginning of construction on site. No grading, construction, trenching, demolition, vegetation removal, or other work should be allowed in the tree protection perimeter of any trees to be preserved. No soil, chemicals, debris, equipment, or other material should be

¹ ANSI Z133.1

² A300

dumped or stored within the tree protection perimeter on unpaved areas. Any work that needs to occur within the tree protection perimeter should be directly supervised by a certified arborist. Any modifications must be approved and monitored by the certified arborist.

- In locations where excavation will occur near trees roots should first be pruned with root pruning equipment designed specifically for sidewalk construction. Roots should be cut to a depth of 8 inches just outside of the edge of excavation toward the tree. Set up tree protection fencing at the edge of the root pruning limit.
- Any root pruning required for construction purposes should be approved and supervised by a certified arborist. Any roots greater than 1-inch in diameter that are injured (*i.e.*, torn, broken, wounded, desiccated *etc.*) during construction must be pruned to a point 1-inch behind the edge of damage.
- Water stress is detrimental to tree health, particularly during the spring. Supplemental irrigation is required whenever tree roots are uncovered or severed by trenching or grading. Open trenches with exposed roots require a two-layer minimum of damp burlap or other acceptable covering at all times. Exposed roots should be kept moist until they can be buried. A certified arborist should determine the amount of supplemental watering required based on evaluation of soil moisture and weather conditions. In addition, any damage to existing irrigation systems must be reported to the project supervisor.
- If injury should occur to any protected tree during construction, including broken branches, it should be evaluated as soon as possible by a certified arborist so appropriate treatments can be applied.
- Any additional tree pruning for clearance during construction must be performed under supervision of a certified arborist and not by construction personnel.

4.4. POST-CONSTRUCTION RECOMMENDATIONS

Trees preserved at the site will experience a physical environment different from that pre-development. As a result, a management plan for trees that include pruning, fertilization, mulch, pest management, replanting, and irrigation should be developed. Any trees that has had its dripline encroached upon (not expected) will likely need supplemental irrigation and a 6 inch layer of mulch placed over the soil surface.

Regular visual inspection of impacted trees should be performed to assess tree health. Trees that decline should be visual assessed and noted recorded and referenced against the pre-construction assessment. Trees should be inspected annually for hazard potential for a minimum of five years following construction.

Section 5. REFERENCES

- City of Oakland. 2015. Code of Ordinances Chapter 12.36. Protected Trees. Oakland, California.
Accessed online
https://www.municode.com/library/ca/oakland/codes/code_of_ordinances?nodeId=TIT12STSIPUPL_CH12.36PRTR.
- International Society of Arboriculture. 2012. American National Standard for Arboriculture Operations Safety Requirements (ANSI Z133). 71 pp + appendices.
- Matheny N. and JR Clark. 1998. *Trees and Development: A Technical Guide to Preservation of Trees During Land Development*. International Society of Arboriculture.

APPENDIX A TREE DATA

Table 5. Tree Survey Data

TREE ID #	SCIENTIFIC NAME COMMON NAME	DBH	TREE CONDITION	DISTANCE FROM CONSTRUCTION	NOTES
Protected Trees To Be Removed					
1	<i>Acacia dealbata</i> silver wattle	9, 9.5	Fair	Within 10'	1 tree with 2 stems. Tree has a thin canopy, and is shaded by neighbor's ivy on stem.
2	<i>Prunus sp.</i> plum	9.5	Poor	Within 10'	Tree has many codominate stems. Tree does not appear vigorous.
3	<i>Acer macrophyllum</i> bigleaf maple	24, 6.75	Good	Within 10'	No notes
4	<i>Prunus sp.</i> plum	7.5, 7, 6	Poor	Within 10'	Tree has codominate stems.
5	<i>Umbellularia californica</i> California bay	12.75, 13.5, 6.5	Fair	Within 10'	Tree has codominate stems, moderate vigor, and some dieback.
6	<i>Umbellularia californica</i> California bay	11	Fair	Within 10'	There is ivy on the tree trunk.
7	<i>Umbellularia californica</i> California bay	11	Fair	Within 10'	Tree is leaning.
8	<i>Quercus agrifolia</i> var. <i>agrifolia</i> coast live oak	20.5	Poor	Within 10'	Tree has been turned into a treehouse, one branch, leaning, and poor health.
9	<i>Quercus agrifolia</i> var. <i>agrifolia</i> coast live oak	10	Poor	Within 30'	Tree has been topped, just a few branches.

TREE ID #	SCIENTIFIC NAME COMMON NAME	DBH	TREE CONDITION	DISTANCE FROM CONSTRUCTION	NOTES
Protected Trees to be Preserved within 10 Feet of Construction					
A	<i>Acacia dealbata</i> silver wattle	6, 16.5	Fair	Within 10'	The tree has a sprout coming out as a codominate stem. This tree could be removed as it is non-native and shades the creek.
B	<i>Acacia dealbata</i> silver wattle	12.5	Fair	Within 10'	Tree has no lower limbs. This tree could be removed as it is non-native and shades the creek.
C	<i>Acacia dealbata</i> silver wattle	17	Fair	Within 10'	Tree is growing towards a redwood, and has a thin canopy. This tree could be removed as it is non-native and shades the creek.
D	<i>Sequoia sempervirens</i> coast redwood	30	Poor	Within 10'	Tree has been topped, under power lines, but it is in good enough health to be considered suitable for preservation.
E	<i>Sequoia sempervirens</i> coast redwood	24.25	Poor	Within 10'	Tree has been topped under power lines, but it is in good enough health to be considered suitable for preservation.
F	<i>Sequoia sempervirens</i> coast redwood	32.5	Good	Within 10'	Tree is in excellent health.
G	<i>Acer macrophyllum</i> big leaf maple	26	Fair	Within 10'	Tree may need pruning. There is a lot of deadwood.
Protected Trees to be Preserved within 30 Feet of Construction					
H	<i>Prunus</i> sp. plum	11.5	Poor	Within 30'	Tree is multi trunked, with some dieback in canopy. Tree will likely tolerate construction impacts.
I	<i>Umbellularia californica</i> California bay	25	Fair	Within 30'	Large tree with dieback in canopy.
J	<i>Umbellularia californica</i> California bay	15.25	Good	Within 30'	Tree has full canopy, vigorous.

TREE ID #	SCIENTIFIC NAME COMMON NAME	DBH	TREE CONDITION	DISTANCE FROM CONSTRUCTION	NOTES
K	<i>Quercus agrifolia</i> var. <i>agrifolia</i> coast live oak	9.75	Poor	Within 30'	Tree has few leaves, poor vigor. Tree is well away from construction.
L	<i>Umbellularia californica</i> California bay	5, 5	Good	Within 30'	Tree is leaning, but has a good canopy. Tree is well away from construction.
M	<i>Quercus agrifolia</i> var. <i>agrifolia</i> coast live oak	11.5	Poor	Within 30'	Tree is leaning, and has a thin canopy. Tree is well away from construction.
N	<i>Quercus agrifolia</i> var. <i>agrifolia</i> coast live oak	18	Fair	Within 30'	Tree is small, some branch dieback.
O	<i>Quercus agrifolia</i> var. <i>agrifolia</i> coast live oak	19	Fair	Within 30'	Tree is small, some branch dieback.
P	<i>Quercus agrifolia</i> var. <i>agrifolia</i> coast live oak	14.75	Fair	Within 30'	Tree is small, some branch dieback and one twisted stem.
Q	<i>Quercus agrifolia</i> var. <i>agrifolia</i> coast live oak	19	Good	Within 30'	Tree has a full canopy, and good structure.
R	<i>Quercus agrifolia</i> var. <i>agrifolia</i> coast live oak	16	Fair	Within 30'	Tree is leaning.
S	<i>Quercus agrifolia</i> var. <i>agrifolia</i> coast live oak	11.8, 9.7	Poor	Within 30'	Tree has a thin canopy, few leaves. Tree is well away from construction.
T	<i>Quercus agrifolia</i> var. <i>agrifolia</i> coast live oak	13.8	Poor	Within 30'	Tree has thin canopy, few leaves. Tree is well away from construction.
Unprotected Trees on the Project Lot					
NP1	<i>Acacia dealbata</i> silver wattle	7.25	Fair	Within 10'	To be preserved.

TREE ID #	SCIENTIFIC NAME COMMON NAME	DBH	TREE CONDITION	DISTANCE FROM CONSTRUCTION	NOTES
NP2	<i>Prunus sp.</i> plum	6.75	Poor	Within 10'	To be removed. Tree has poor form, leaning.
NP3	<i>Sambucus nigra</i> subsp. <i>caerulea</i> elderberry	6	Fair	Within 10'	To be removed. Tree has poor structure, but good vigor.
NP4	<i>Umbellularia californica</i> California bay	8.75	Poor	Within 30'	To be preserved. Trees lower branches are dead, small canopy.
NP5	<i>Umbellularia californica</i> California bay	5.5	Fair	Within 30'	To be preserved. Tree has a thin canopy, and does not appear vigorous.
NP6	<i>Umbellularia californica</i> California bay	3, 3.5	Fair	Within 30'	To be preserved. Tree is small, but vigorous.

APPENDIX B SITE PHOTOS



Tree #1

Photo 1. Tree #1 to be removed (far side of creek center of photo, orange tape). Trees NP1, A, B, and C to be preserved.



Photo 2. Tree #3 to be removed.



Tree #5

Photo 3. Tree # 5 (3 stems) to be removed.



Tree #6

Tree #7

Tree #8

Photo 4. Trees 6, 7, and 8 to be removed.



Photo 5. Coast live oak trees to be preserved on back of property line. These trees are in poor to fair health, but are well away from construction activities.

APPENDIX C CITY OF OAKLAND TREE
PRESERVATION ORDINANCE

Chapter 12.36 - PROTECTED TREES

Sections:

12.36.010 - Intent and findings.

The ordinance codified in this chapter is enacted in recognition of the following facts and for the following reasons:

- A. Among the features that contribute to the attractiveness and livability of the city are its trees, both indigenous and introduced, growing as single specimens, in clusters, or in woodland situations. These trees have significant psychological and tangible benefits for both residents and visitors to the city.
- B. Trees contribute to the visual framework of the city by providing scale, color, silhouette and mass. Trees contribute to the climate of the city by reducing heat buildup and providing shade, moisture, and wind control. Trees contribute to the protection of other natural resources by providing erosion control for the soil, oxygen for the air, replenishment of groundwater, and habitat for wildlife. Trees contribute to the economy of the city by sustaining property values and reducing the cost of drainage systems for surface water. Trees provide screens and buffers to separate land uses, landmarks of the city's history, and a critical element of nature in the midst of urban settlement.
- C. For all these reasons, it is in the interest of the public health, safety and welfare of the Oakland community to protect and preserve trees by regulating their removal; to prevent unnecessary tree loss and minimize environmental damage from improper tree removal; to encourage appropriate tree replacement plantings; to effectively enforce tree preservation regulations; and to promote the appreciation and understanding of trees.

(Prior code § 7-6.01)

12.36.020 - Definitions.

For the purposes of this chapter, the meaning and construction of words and phrases hereinafter set forth shall apply:

"Applicant" means either one of the following:

- 1. The owner of the real property upon which the protected tree(s) involved in a tree removal permit and/or site inspection applications are located, also referred to herein as the tree owner;
- 2. The agent of the property owner (tree owner), as established by legally binding written stipulations between the property owner and the agent for the property owner.

"dbh (diameter at breast height)" means trunk diameter measured at four and one-half feet above the ground. For multistemmed trees, a permit is required if the diameter of all individual trunks when added together, equals or exceeds the minimum size stipulated for the species.

For convenience in the field, circumferences are considered equivalent to diameter as follows:

Diameter	Circumference
4"	12"
9"	28"

"Development related" means any activity regulated by the city of Oakland and which requires design review or a zoning, building, grading or demolition permit.

"Nonnative" means any tree species which does not naturally occur within the Oakland city limits.

"Protected perimeter" means an area of land located underneath any protected tree which extends either to the outer limits of the branches of such tree (the drip line) or such greater distance as may be established by the Office of Parks and Recreation in order to prevent damage to such tree.

"Protected tree" means a protected tree for the purpose of this chapter is the following:

1. On any property, *Quercus agrifolia* (California or Coast Live Oak) measuring four inches dbh or larger, and any other tree measuring nine inches dbh or larger except *Eucalyptus* and *Pinus radiata* (Monterey Pine);
2. *Pinus radiata* (Monterey Pine) trees shall be protected only on city property and in development-related situations where more than five Monterey Pine trees per acre are proposed to be removed. Although Monterey Pine trees are not protected in non-development-related situations, nor in development-related situations involving five or fewer trees per acre, public posting of such trees and written notice of proposed tree removal to the Office of Parks and Recreation is required per Section 12.36.070A and Section 12.36.080A.
3. Except as noted above, *Eucalyptus* and Monterey Pine trees are not protected by this chapter.

"Topping" means elimination of the upper twenty-five percent or more of a tree's trunk(s) or main leader(s).

"Tree" means a woody perennial, usually with one main trunk, attaining a height of at least eight feet at maturity.

"Tree removal" means the destruction of any tree by cutting, regrading, girdling, interfering with the water supply, or applying chemicals, or distortion of the tree's visual proportions by topping.

"Tree reviewer" means a city employee in the classification of Arboricultural Inspector, Tree Supervisor II or Tree Supervisor I assigned by the Director of Parks and Recreation to review, inspect and prepare findings for all tree removal permit applications and appeals of decisions related thereto.

"Working day" means Monday through Friday, except officially designated city holidays.

(Prior code § 7-6.02)

12.36.030 - Application for permits.

All applications for tree removal permits shall only be made by applicants, as defined in this chapter, and no person who does not meet the definition of an applicant shall be issued a tree removal permit.

(Prior code § 7-6.03)

12.36.040 - Permit required.

- A. A protected tree may not be removed without a tree removal permit.
- B. A tree removal permit, if one is required, shall be authorized by the Tree Reviewer prior to the approval of any building, grading, or demolition permit application, and shall only be issued to the applicant concurrent with or subsequent to all other necessary permits pertinent to site alteration and construction.
- C. Tree removal permits shall be transferrable from one applicant to another applicant only upon the following conditions:
 1. The new applicant must meet the eligibility criteria set forth in Section 12.36.020

2. Prior to transfer, a written, notarized statement must be provided to the Tree Reviewer by the permit holding applicant and the new applicant identifying the new applicant by name, address, and telephone number, and stating the reason and effective date for the permit transfer;
 3. The permit holding applicant and new applicant must present proper identification to the Tree Reviewer;
 4. The new applicant must pay the fee established by the master fee schedule of the city for tree removal permit transfers;
 5. The transfer must be approved by the Tree Reviewer. Approval shall be granted, if the requirements of subsections (C)(1), (2), (3) and (4) of this section are met.
- D. All tree removal permits shall remain valid for one year from the date of permit issuance. An additional one year extension shall be granted upon receipt of a written request from the permit applicant by the Tree Reviewer. No tree removal permit shall remain valid for a period in excess of two years from the date of permit issuance. The applicant must pay the fee established by the master fee schedule of the city for tree removal permit extensions.

(Prior code § 7-6.04)

12.36.050 - Criteria for tree removal permit review.

- A. In order to grant a tree removal permit, the city must determine that removal is necessary in order to accomplish any one of the following objectives:
1. To insure the public health and safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers;
 2. To avoid an unconstitutional regulatory taking of property;
 3. To take reasonable advantage of views, including such measures as are mandated by the resolution of a view claim in accordance with the view preservation ordinance (Chapter 15.52 of this code);
 4. To pursue accepted, professional practices of forestry or landscape design. Submission of a landscape plan acceptable to the Director of Parks and Recreation shall constitute compliance with this criterion;
 5. To implement the vegetation management prescriptions in the S-11 site development review zone.
- B. A finding of any one of the following situations is grounds for permit denial, regardless of the findings in subsection A of this section:
1. Removal of a healthy tree of a protected species could be avoided by:
 - a. Reasonable redesign of the site plan, prior to construction;
 - b. Trimming, thinning, tree surgery or other reasonable treatment.
 2. Adequate provisions for drainage, erosion control, land stability or windscreen have not been made in situations where such problems are anticipated as a result of the removal.
 3. The tree to be removed is a member of a group of trees in which each tree is dependent upon the others for survival.
 4. The value of the tree is greater than the cost of its preservation to the property owner. The value of the tree shall be measured by the Tree Reviewer using the criteria established by the International Society of Arboriculture, and the cost of preservation shall include any additional design and construction expenses required thereby. This criterion shall apply only to development-related permit applications.

- C. In each instance, whether granting or denying a tree removal permit, findings supporting the determination made pursuant to subsection A or B of this section, whichever is applicable, shall be set forth in writing.

(Prior code § 7-6.05)

12.36.060 - Conditions of approval.

The following conditions of approval, depending upon the facts of each application, may be issued in conjunction with any tree removal permit:

- A. Adequate protection shall be provided during the construction period for any trees which are to remain standing. Measures deemed necessary by the Tree Reviewer in consideration of the size, species, condition and location of the trees to remain, may include any of the following:
1. Before the start of any clearing, excavation, construction or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the Tree Reviewer. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
 2. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the Tree Reviewer from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
 3. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the Tree Reviewer from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the tree reviewer. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
 4. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
 5. If any damage to a protected tree should occur during or as a result of work on the site, the applicant shall immediately notify the Office of Parks and Recreation of such damage. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
 6. All debris created as a result of any tree removal work shall be removed by the applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.
- B. Replacement plantings shall be required in order to prevent excessive loss of shade, erosion control, groundwater replenishment, visual screening and wildlife habitat in accordance with the following criteria:

1. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
2. Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Ancutus merciesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbelluiana californica* (California Bay Laurel).
3. Replacement trees shall be of twenty-four (24) inch box size, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
4. Minimum planting areas must be available on site as follows:
 - a. For *Sequoia sempervirens*, three hundred fifteen square feet per tree;
 - b. For all other species listed in subsection (B)(2) of this section, seven hundred (700) square feet per tree.
5. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.

Plantings shall be installed prior to the issuance of a certificate of occupancy, subject to seasonal constraints, and shall be maintained by the applicant until established. The Tree Reviewer may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the applicant's expense.

- C. Workers compensation, public liability, and property damage insurance shall be provided by any person(s) performing tree removal work authorized by a tree removal permit.
- D. The removal of extremely hazardous, diseased, and/or dead trees shall be required where such trees have been identified by the Tree Reviewer.
- E. Any other conditions that are reasonably necessary to implement the provisions of this chapter.

(Prior code § 7-6.06)

12.36.070 - Procedure—Development-related tree removals.

- A. Notice and Posting of Monterey Pine Removals. Any property owner or arborist who intends to remove one or more Monterey Pine trees from any parcel must notify the Office of Parks and Recreation in writing of the address, number and size of Monterey Pine trees to be removed, with such notice addressed to the Tree Reviewer, Park Services Division, 7101 Edgewater Drive, Oakland, CA 94621.

In addition, the public posting procedures detailed in subsections F of this section shall be required for all Monterey Pine tree removal situations.

- B. Pre-application Design Conference. Prior to the submission of a tree removal permit application, a prospective applicant may request a pre-application design conference or a design review checklist conference by filing a request with the City Planning Department.

The pre-application design conference shall be convened by City Planning staff, and shall include the applicant, the Tree Reviewer, City Planning staff, Public Works staff (if necessary), and property owners of parcels located adjacent to the site of the proposed tree removal. The purpose of the pre-application design conference shall be to review proposed tree removals and determine whether alternative designs might be possible which would reduce the number of trees to be removed.

The results of the pre-application design conference shall be advisory, and shall not be binding on the prospective applicant; however, failure of a prospective applicant to reasonably incorporate the advisory

findings made at the pre-application design conference into a subsequent tree removal permit application may be considered by the Tree Reviewer when making final permit determinations.

- C. Application. In any development-related situation which requires removal or possible damage to a protected tree or trees, including application for design review, zoning permits, planned unit developments, or land subdivisions, a tree removal permit application must be filed with the City Planning Department at the same time any zoning permit, design review, planned unit development, or land subdivision application is filed in accordance with the requirements of the regulations governing such applications.

All applicants for tree removal permits shall provide two copies of a survey and site plan as specified by Section 12.36.080 of the Oakland Municipal Code and Section 302(c) of the Oakland Building Code. All such surveys and site plans shall indicate the location, species, and dbh of all protected trees located within thirty (30) feet of proposed development activity on the subject property, regardless of whether or not the protected trees in question are included on any tree removal permit application; those protected tree(s) which are proposed for removal shall also be clearly identified.

The applicant shall also be required to certify in writing that the applicant has read, understood, and shall comply with the terms and provisions of this title, including any conditions of permit approval made pursuant thereto.

- D. Initial City Review. The City Planning Department shall review and receive all applications for development-related tree removal permits.

In those cases where a tree removal permit is required, the applicant shall submit a tree removal permit application. Tree removal permits shall be required for all protected trees which are to be removed by the applicant, or which are located within ten feet of the proposed building footprint or perimeter of earthwork. City Planning staff shall then:

1. Accept the tree removal permit application after confirming that the required information has been provided by the applicant;
2. Collect the fee established by the master fee schedule of the city for tree removal permit review from the applicant, who shall pay such fee;
3. Advise the applicant of the requirement to mark all protected trees proposed for removal in plain view of the street with water soluble paint using a numbering scheme consistent with the numbering scheme used on the survey and site plan;
4. Issue the applicant sufficient summary notices to be posted and maintained by the applicant in clear public view from all street frontages of the subject property; and
5. Immediately forward the original tree removal permit application to the Office of Parks and Recreation for further processing.

- E. CEQA Review. All tree removal permit applications shall be reviewed by the Tree Reviewer under the California Environmental Quality Act (CEQA) within five working days of permit application receipt using checklists established for this purpose.

Exemption from CEQA shall be determined by the application of criteria which take into account the existing property use (developed versus undeveloped), the total extent of requested tree removals, and the size of any individual protected tree proposed for removal.

In the event the Tree Reviewer determines that additional CEQA review is required, a referral shall be made to the City Planning Department within five working days of permit application receipt. City Planning staff shall review all referrals within established CEQA review time frames, and shall notify the Tree Reviewer of the projected CEQA completion date.

- F. Site Posting. The applicant shall paint a sequential number of not less than twelve (12) inches in height on each protected tree proposed for removal, and shall post the summary notices as required herein within two days after making an application for a tree removal permit. The painted numbers and

summary notice shall not be removed until such time as a tree removal permit is issued or denied by the city for the tree(s) in question.

Failure of the applicant to properly post any tree tag or summary notice shall result in the extension of all time limits established for a permit application until such time as the applicant has provided proper tree and/or site posting.

- G. Application Verification. The Tree Reviewer, within four working days of receipt of a permit application, shall notify the applicant whether the application is complete and accepted for filing. If the Tree Reviewer determines that a permit application is incomplete, the notice to the applicant shall set forth the reasons for the incompleteness, and the application shall be deemed rejected. If the applicant is not notified by the Tree Reviewer within four working days, said permit application shall be deemed complete.
- H. Public Notice and Input. The Office of Parks and Recreation shall, within ten working days of permit application, notify occupants and proper owners of all parcels located adjacent to the site of proposed tree removal(s) in writing of the fact that a tree removal permit application has been made, the name of the applicant, and the closing date for public input. Notice to occupants shall be addressed to "Occupant." The Office of Parks and Recreation shall accept public comment regarding a tree removal permit application for a period of not less than twenty (20) working days following verification of proper site posting.
- I. Site Inspection. The Tree Reviewer of the Office of Parks and Recreation shall review all tree removal inspection requests, and shall inspect all such sites within five working days after the application is filed.
- J. Site Design Conference. The City Planning Department shall meet and confer with the applicant, the Tree Reviewer and concerned parties in an effort to achieve a design which will accommodate the jeopardized tree(s). Such site design conference shall be convened not later than ten working days after permit application.

This time limit may be modified by the mutual consent of the applicant, the City Planning Department, and the Office of Parks and Recreation. In addition, when an application for a Planned Unit development or land subdivision is filed with the city, the City Planning Department shall convene a design conference with the applicant, concerned parties and the Tree Reviewer to address tree removal issues.

- K. Permit Determinations. The Tree Reviewer of the Office of Parks and Recreation shall review all tree removal permit applications and shall be responsible for making all necessary findings for approval or denial of such permit applications, including attaching all necessary conditions of approval.

Any public input or comments shall be noted by the Tree Reviewer.

- L. Permit Issuance and Denial. Based upon the determinations of the Tree Reviewer, except as otherwise stated herein and except as necessitated by CEQA review, the Office of Parks and Recreation shall issue or deny a tree removal permit application within twenty (20) working days of application. The Office of Parks and Recreation shall hold all tree removal permits until the appeal deadline established in Section 12.36.100 has expired.

If an application for tree removal is approved and not appealed, a tree removal permit shall be issued by the Office of Parks and Recreation and immediately forwarded to the Office of Public Works. The Office of Public Works shall hold all tree removal permits until determinations are made regarding any other permit applications affecting the project in question. Once all permit applications for a particular project have been approved, the Office of Public Works shall issue the applicable tree removal permit.

If an application for tree removal is approved and not appealed, but any other related permit application affecting the project in question is denied, the tree removal permit shall be withheld by the Office of Public Works until such time as all permit applications for said project are approved.

If the application for tree removal is denied and not appealed, it shall be returned to the applicant by the Office of Public Works, along with the reasons for denial provided by the Office of Parks and Recreation.

Following issuance of a tree removal permit, the applicant shall post a copy thereof in plain view on the site while tree removal work is underway.

- M. **Appealed Permits.** Once a decision has been made regarding an appeal of a tree removal permit or application for tree removal, such permit or application for tree removal shall be processed as described in subsection L of this section.
- N. **Suspended Permits.** The Tree Reviewer, after notice to the tree permit holder, may, in writing, suspend a permit issued under the provisions of this code whenever the Tree Reviewer, based upon substantial evidence, determines that a permit was issued in error either because the applicant supplied incorrect information, the applicant failed to supply all relevant information, and such information could not have been reasonably discovered by the Tree Reviewer during the site investigation, or that work done pursuant to the permit has resulted in violation of this code or some other related code, ordinance, or resolution.

The notice to the tree permit holder shall state the grounds for suspension. In addition, it shall state the conditions that must be satisfied to have the suspension lifted. The notice shall also state the permit holder, upon receipt of the notice, may submit evidence to the Tree Reviewer indicating that there are no grounds for permit suspension. Upon receipt of any such evidence, the Tree Reviewer shall immediately review the evidence and, within two working days of receipt of said evidence, shall notify the permit holder in writing whether the suspension shall be lifted.

The decision of the Tree Reviewer shall be final unless appealed within five working days, pursuant to Section 12.36.100.

(Prior code § 7-6.071)

12.36.080 - Procedure—Non-development-related tree removals.

- A. **Notice and Posting of Monterey Pine Removals.** Any property owner or arborist who intends to remove one or more Monterey Pine trees from any parcel must notify the Office of Parks and Recreation in writing of the address, number and size of Monterey Pine trees to be removed, which such notice addressed to the Tree Reviewer, Park Services Division, 7101 Edgewater Drive, Oakland, CA 94621.

In addition, the public posting procedures detailed in subsection F of this section shall be required for all Monterey Pine tree removal situations.

- B. **Pre-application Design Conference.** Prior to the submission of a tree removal permit application, a prospective applicant may request a pre-application design conference by filing a written request with the Office of Parks and Recreation.

The pre-application design conference shall be convened by the Tree Reviewer, and shall include the applicant, the Tree Reviewer, City Planning staff, Public Works staff (if necessary), and property owners of parcels located adjacent to the site of the proposed tree removal. The purpose of the pre-application design conference shall be to review proposed tree removals and determine whether alternatives might be possible which would reduce the number of trees to be removed.

The results of the pre-application design conference shall be advisory, and shall not be binding on the prospective applicant; however, failure of a prospective applicant to reasonably incorporate the advisory findings made at the pre-application design conference into a subsequent tree removal permit application may be considered by the Tree Reviewer when making final permit determinations.

- C. **Application.** In any non-development-related situation which requires removal or possible damage to a protected tree or trees, a tree removal permit application must be filed with the Office of Parks and Recreation at 1520 Lakeside Drive (Parks and Recreation Main Office) or at 7101 Edgewater Drive, Room 405 (Park Services Division Office).

All applicants for tree removal permits shall provide a site plan as specified by the city. All such site plans shall indicate the location, species, and dbh of all protected trees which are proposed for removal.

The applicant shall also be required to certify in writing that the applicant has read, understood, and shall comply with the terms and provisions of this chapter, including any conditions of permit approval made pursuant thereto.

D. Initial City Review. The Office of Parks and Recreation shall review all applications for non-development-related tree removal permits.

In those cases where a tree removal permit is required, the applicant shall submit a tree removal permit application. Tree removal permits shall be required for all protected trees which are to be removed by the applicant. Parks and Recreation staff shall then:

1. Accept the tree removal permit application after confirming that the required information has been provided by the applicant;
2. Collect the fee established by the master fee schedule of the city for tree removal permit review from the applicant, who shall pay such fee;
3. Issue a sufficient number of tree tags to the applicant, one of which is to be posted and maintained by the applicant in plain view of the street on each protected tree;
4. Issue the applicant sufficient summary notices to be posted and maintained by the applicant in clear public view from all street frontages of the subject property; and
5. Immediately forward the original tree removal permit application to the Tree Reviewer for further processing.

E. CEQA Review. All tree removal permit applications shall be reviewed by the Tree Reviewer under the California Environmental Quality Act (CEQA) within five working days of permit application receipt using checklists established for this purpose.

Exemption from CEQA shall be determined by the application of criteria which take into account the existing property use (developed versus undeveloped), the total extent of requested tree removals, and the size of any individual protected tree proposed for removal.

In the event the Tree Reviewer determines that additional CEQA review is required, a referral shall be made to the City Planning Department within five working days of permit application receipt. City Planning staff shall review all referrals within established CEQA review time frames, and shall notify the Tree Reviewer of the projected CEQA completion date.

F. Site Posting. The applicant shall place one of the tree tags issued by the city on each protected tree, and shall post the summary notices as required herein within two days after making an application for a tree removal permit. The tags and notice shall not be removed until such time as a tree removal permit is issued or denied by the city for the tree(s) in question.

Failure of the applicant to properly post any tree tag or summary notice shall result in the extension of all time limits established for a permit application until such time as the applicant has provided proper tree and/or site posting.

G. Application Verification. The Tree Reviewer, within four working days of receipt of a permit application, shall notify the applicant whether the application is complete and accepted for filing. If the Tree Reviewer determines that a permit application is incomplete, the notice to the applicant shall set forth the reasons for the incompleteness, and the application shall be deemed rejected. If the applicant is not notified by the Tree Reviewer within four working days, said permit application shall be deemed complete.

H. Public Notice and Input. The Office of Parks and Recreation shall, within ten working days of permit application, notify occupants and property owners of all parcels located adjacent to the site of proposed tree removal(s) in writing of the fact that a tree removal permit application has been made, the name of the applicant, and the closing date for public input. Notice to occupants shall be addressed to "Occupant." The Office of Parks and Recreation shall accept public comment regarding a tree removal permit application for a period of not less than twenty (20) working days following verification of proper site posting.

- I. Site inspection. The Tree Reviewer of the Office of Parks and Recreation shall review all tree removal inspection requests, and shall inspect all such sites within five working days after the application/request is filed.
- J. Permit Determinations. The Tree Reviewer of the Office of Parks and Recreation shall review all tree removal permit applications and shall be responsible for making all necessary findings for approval or denial of such permit applications, including attaching all necessary conditions of approval.

Any telephone calls or written comments received regarding the tree removal permit application shall be considered in the preparation of findings, and written records of such calls and/or comments shall be entered into the permanent permit file.

- K. Permit Issuance and Denial. Based upon the determinations of the Tree Reviewer, and except as otherwise stated herein, the Office of Parks and Recreation shall issue or deny a tree removal permit application within twenty (20) working days of application. The Office of Parks and Recreation shall hold all tree removal permits until the appeal deadline established in Section 12.36.100 has expired.

If an application for tree removal is approved and not appealed, a tree removal permit shall be issued by the Office of Parks and Recreation and immediately forwarded to the applicant.

If the application for tree removal is denied and not appealed, it shall be returned to the applicant by the Office of Parks and Recreation, along with the reasons for denial.

Following issuance of a tree removal permit, the applicant shall post a copy thereof in plain view on the site while tree removal work is underway.

- L. Appealed Permits. Once a decision has been made regarding an appeal of a tree removal permit or application for tree removal, such permit or application for tree removal shall be processed as described in subsection K of this section.
- M. Suspended Permits. The Tree Reviewer, after notice to the tree permit holder, may, in writing, suspend a permit issued under the provisions of this code whenever the Tree Reviewer, based upon substantial evidence, determines that a permit was issued in error either because the applicant supplied incorrect information, the applicant failed to supply all relevant information, and such information could not have been reasonably discovered by the Tree Reviewer during the site investigation, or that work done pursuant to the permit has resulted in violation of this code or some other related code, ordinance, or resolution.

The notice to the tree permit holder shall state the grounds for suspension. In addition, it shall state the conditions that must be satisfied to have the suspension lifted. The notice shall also state the permit holder, upon receipt of the notice, may submit evidence to the Tree Reviewer indicating that there are no grounds for permit suspension. Upon receipt of any such evidence, the Tree Reviewer shall immediately review the evidence and, within two working days of receipt of said evidence, shall notify the permit holder in writing whether the suspension shall be lifted.

The decision of the Tree Reviewer shall be final unless appealed within five working days, pursuant to Section 12.36.110.

(Prior code § 7-6.072)

12.36.090 - Procedure—City-owned tree removals.

- A. Tree Posting. Except as exempted in Section 12.36.140, all city-owned trees proposed for removal shall be posted by the Office of Parks and Recreation. A tree tag shall be affixed to each tree proposed for removal in plain view of the street. The tags shall not be removed until such time as tree removal is approved or denied by the city for the tree(s) in question.
- B. Public Notice and Input. The Office of Parks and Recreation shall, within ten working days of tree posting, notify property owners of all parcels located adjacent to the site of proposed tree removal(s) in writing of the fact that city-owned trees have been proposed to be removed, and the closing date for public input. The Office of Parks and Recreation shall accept public comment regarding the proposed

removal of city-owned trees for a period of not less than twenty (20) working days following proper site posting.

- C. Tree Removal Determinations. The Tree Reviewer of the Office of Parks and Recreation shall review all proposed city-owned tree removals and shall be responsible for making all necessary findings for approval or denial of such removals, including attaching all necessary conditions of approval.

Any telephone calls or written comments received regarding the public input period shall be considered in the preparation of findings, and written records of such calls and/or comments shall be entered into the permanent Tree Reviewer files.

- D. Tree Removal Approval and Denial. Based upon the determinations of the Tree Reviewer, and except as otherwise stated herein, the Office of Parks and Recreation shall approve or deny city-owned tree removals within twenty (20) working days of application. The Office of Parks & Recreation shall suspend all city-owned tree removals until the appeal deadline established in Section 12.36.120 has expired.

If the proposed tree removal(s) are approved and not appealed, the city-owned tree(s) shall be removed in accordance with regular work schedules.

If the proposed tree removal(s) are not approved, the city-owned tree(s) shall not be removed.

Following approval of city-owned tree removal, the Office of Parks and Recreation shall post a public notice thereof in plain view on the site while tree removal work is underway.

- E. Appealed Permits. Once a decision has been made regarding an appeal of city-owned tree removal, such tree removal shall be processed as described in subsection D of this section.

(Prior code § 7-6.073)

12.36.100 - Appeals—Development-related tree removal permits.

Any person with standing as defined herein may appeal a tree removal permit decision made by the Office of Parks and Recreation to the City Council.

- A. Standing. A decision of the Office of Parks and Recreation with regard to a development-related tree removal permit may be appealed by the applicant or the owner of any adjoining or confronting property. In the case of a planned unit development or subdivision, the decision may be appealed by the owner of any property adjoining or confronting any parcel of the planned unit development or subdivision. As used herein, the term "adjoining" means immediately next to, and the term "confronting" means in front or in back of.
- B. Venue. All such appeals shall be made to the City Council. The decision of the City Council shall be final.
- C. Procedure. The appeal shall be filed within five working days after the date of a decision by the Office of Parks and Recreation, and shall be made on a form prescribed by and filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director of Parks and Recreation or wherein such decision is not supported by the evidence in the record.

Upon receipt of such appeal, the City Clerk shall set the appeal for hearing at the next available City Council meeting. The hearing date set by the City Clerk shall be not more than thirteen (13) working days from the date of the decision by the Office of Parks and Recreation.

The City Clerk shall, not less than five days prior to the date set for the hearing on appeal, give written notice to the appellant and any known adverse parties, or their representatives, of the time and place of the hearing.

In considering the appeal, the City Council shall determine whether the proposed tree removal conforms to the applicable criteria. It may sustain the decision of the Office of Parks and Recreation

or require such changes or impose such reasonable conditions of approval as are, in its judgement, necessary to ensure conformity to said criteria.

If the appeal is not finally disposed of by the City Council within eighteen (18) working days of the date of the decision by the Office of Parks and Recreation, said decision shall be deemed affirmed, and the permit appeal denied.

Should an appeal be filed during an officially declared City Council recess, the City Manager shall be authorized to appoint a Hearing Officer to hear the appeal and make a final determination on the appeal. All provisions of this section shall apply to such administrative appeal hearings, and the decision of the Hearing Officer shall be final.

D. The appellant shall pay the fee established by the master fee schedule of the city for tree removal permit appeals.

(Prior code § 7-6.081)

12.36.110 - Appeals—Non-development-related tree removal permits.

Any person with standing as defined herein may appeal a non-development-related tree removal permit decision made by the Office of Parks and Recreation to the Park and Recreation Advisory Commission.

- A. Standing. A decision of the Office of Parks and Recreation with regard to a non-development-related tree removal permit may be appealed by the applicant or the owner of any adjoining or confronting property. As used herein, the term "adjoining" means immediately next to, and the term "confronting" means in front or in back of.
- B. Venue. All such appeals shall be made to the Park and Recreation Advisory Commission. The decision of the Park and Recreation Advisory Commission shall be final.
- C. Procedure. The appeal shall be filed at 1520 Lakeside Drive within five working days after the date of a decision by the Office of Parks and Recreation, and shall be made on a form prescribed by and filed with the Director of Parks and Recreation. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director of Parks and Recreation or wherein such decision is not supported by the evidence in the record.

Upon receipt of such appeal, the Director of Parks and Recreation shall set the appeal for hearing at the next available Park and Recreation Advisory Commission meeting. The Director of Parks and Recreation shall, not less than five days prior to the date set for the hearing on appeal, give written notice to the appellant and any known adverse parties, or their representatives, of the time and place of the hearing.

In considering the appeal, the Park and Recreation Advisory Commission shall determine whether the proposed tree removal conforms to the applicable criteria. It may sustain the decision of the Office of Parks and Recreation or require such changes or impose such reasonable conditions of approval as are, in its judgement, necessary to ensure conformity to said criteria.

If the appeal is not finally disposed of by the Park and Recreation Advisory Commission within thirty (30) working days of the date of the decision by the Office of Parks and Recreation, said decision shall be deemed affirmed, and the permit appeal denied.

Should an appeal be filed during an officially declared Park and Recreation Advisory Commission recess, the City Manager shall be authorized to appoint a Hearing Officer to hear the appeal and make a final determination on the appeal. All provisions of this section shall apply to such administrative appeal hearings, and the decision of the Hearing Officer shall be final.

D. Fee. The appellant shall pay the fee established by the master fee schedule of the city for tree removal permit appeals.

(Prior code § 7-6.082)

12.36.120 - Appeals—City-owned tree removal permits.

Any person with standing as defined herein may appeal a city-owned tree removal decision made by the Office of Parks and Recreation to the Park and Recreation Advisory Commission and the City Council.

- A. Standing. A decision of the Office of Parks and Recreation with regard to a city-owned tree removal may be appealed by any concerned resident of the city.
- B. Venue. All appeals shall be made to the Park and Recreation Advisory Commission. The decision of the Park and Recreation Advisory Commission may be further appealed to the City Council, whose decision shall be final.
- C. Procedure. The appeal shall be filed within five working days after the date of a decision by the Office of Parks and Recreation, and shall be made on a form prescribed by and filed with the Director of Parks and Recreation. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director of Parks and Recreation or wherein such decision is not supported by the evidence in the record.

Upon receipt of such appeal, the Director of Parks and Recreation shall set the appeal for hearing at the next available Park and Recreation Advisory Commission meeting. The Director of Parks and Recreation shall, not less than five days prior to the date set for the hearing on appeal, give written notice to the appellant and any known adverse parties, or their representatives, of the time and place of the hearing.

In considering the appeal, the Park and Recreation Advisory Commission shall determine whether the proposed tree removal conforms to the applicable criteria. It may sustain the decision of the Office of Parks and Recreation or require such changes or impose such reasonable conditions of approval as are, in its judgement, necessary to ensure conformity to said criteria.

Any decision of the Parks and Recreation Advisory Commission may be appealed to the City Council.

Should an appeal be filed during an officially declared Park and Recreation Advisory Commission or City Council recess, the City Manager shall be authorized to appoint a Hearing Officer to hear the appeal and make a final determination on the appeal. All provisions of this section shall apply to such administrative appeal hearings, and the decision of the Hearing Officer shall be final.

- D. Fee. The appellant shall pay the fee established by the master fee schedule of the city for tree removal permit appeals.

(Prior code § 7-6.083)

12.36.130 - Emergency situations.

In case of an emergency in which a protected tree is in so dangerous a condition as to pose an immediate threat to safety or property, the Director of Parks and Recreation or the Director of Public Works, or their respective designees, shall be empowered to waive the requirement for a tree removal permit. Supervisory personnel for East Bay municipal utility district, Pacific Bell, Pacific Gas and Electric Company, and Alameda County flood control and water conservation district shall also be authorized to conduct emergency tree removal without a tree removal permit.

The removal of a protected tree under emergency conditions shall be reported to the Office of Parks and Recreation on the first business day following the emergency tree removal.

(Prior code § 7-6.09)

12.36.140 - Exemptions.

- A. City of Oakland. In situations which require the removal of hazardous trees located on city property, a tree removal permit shall not be required. Hazardous city trees shall be verified by city staff using the criteria contained in Chapter 12.40 of this code hazardous tree ordinance.

- B. Other Public Agencies. A tree removal permit shall be required for removal of protected trees as defined in this chapter, unless the agency has previously and continuously demonstrated that it has adopted a vegetative management program that is consistent with the city's tree policies, as enunciated in this code and the Oakland comprehensive plan. The Parks and Recreation Advisory Commission shall review the vegetation management plans annually or upon any major revisions to ascertain exemption status.

In accordance with the California Public Utilities Code, Rules 35 of General Order 95, reasonable clearance of branches, foliage or trees on Pacific Gas and Electric property to allow the safe and reliable operation of utilities shall be exempt from tree removal permit requirements.

- C. Court Mandated Tree Removals. A tree removal permit shall not be required for the removal of any protected tree mandated by a court of law in accordance with Chapter 15.52 of this code (view preservation ordinance) or Chapter 12.40 of this code hazardous tree ordinance.

(Prior code § 7-6.10)

12.36.150 - Enforcement and penalties.

- A. Except in compliance with the terms of this chapter, no person shall remove, damage, or endanger any protected tree in the city.
- B. Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction.
- C. Park Rangers, Senior Park Rangers, Supervising Park Rangers, Senior Park Supervisor, Senior Tree Supervisor, Arboricultural Inspector, and Management Assistant (Parks) of the city of Oakland are authorized to enforce the provisions of this chapter and, pursuant to the provisions of Section 5 of the California Penal Code, are further authorized to arrest without a warrant any person violating said chapter.
- D. A violation shall be liable for all costs associated with the investigation and enforcement of this chapter by the city.
- E. In addition, a violator shall be required to provide replacement trees and/or fees, but not to exceed the value of the tree or trees legally removed or damaged, as evaluated by the formula developed by the International Society of Arboriculture.
- F. An applicant or property owner who fails to comply with the provisions of this chapter, or who violates said provisions, shall not receive a certificate of occupancy from the city for any project wherein such noncompliance and/or violations have occurred until such time as the provisions of this chapter have been fully satisfied.
- G. The remedies set forth in subsections A through G of this section shall be considered alternative, and shall be in addition to any other remedies available to the city in law or equity.

(Prior code § 7-6.11)

12.36.160 - Investigation of violations.

When, in the opinion of the Tree Reviewer, a violation of this chapter may have occurred, the Tree Reviewer shall investigate the alleged violation(s) and make written preliminary findings. If the preliminary findings suggest that a violation of this chapter has occurred, the Tree Reviewer shall notify the alleged violator and/or property owner, if different than the alleged violator, in writing. The notice shall include a description of each alleged violation, and shall provide the alleged violator and/or property owner ten working days in which to respond in writing, or to request a hearing before the City Council, or both. The notice shall also indicate that, if the alleged violator and/or property owner do not respond within the ten working day period, the preliminary findings of the Tree Reviewer shall become final, and the alleged violator and/or property owner shall become subject to the provisions of Sections 12.36.180 and 12.36.190.

(Prior code § 7-6.121)

12.36.170 - Violation hearing.

If the alleged violator and/or property owner, pursuant to Section 12.36.160, requests a hearing before the City Council, the date of the hearing shall be set within five working days of the city's receipt of the request for a hearing. Written notice of the hearing, which may be continued from time to time, shall be given to alleged violator and/or property owner at least five working days prior to the hearing.

At the hearing, the alleged violator and/or property owner shall have the burden of disapproving the preliminary findings of the Tree Reviewer. In the event any party requesting a hearing fails to appear, the decision of the Tree Reviewer shall become final, and the violator shall be subject to the provisions of Sections 12.36.180 and 12.36.190.

At the close of the hearing, the City Council, using the evidence in the record, shall determine whether any violations of this chapter have occurred. The decision of the City Council shall be supported by written findings, and shall be final. A copy of the City Council's findings shall be served on the alleged violator and/or property owner.

In any case in which the City Council determines that a violation has occurred, the violator shall be subject to the provisions of Sections 12.36.180 and 12.36.190.

(Prior code § 7-6.122)

12.36.180 - Cost of tree removal permit violation investigation, enforcement, and replacement plantings a lien.

The costs outlined in Section 12.36.150 above shall constitute a special assessment against the real property whereupon a tree removal permit violation has been investigated, confirmed and enforced. Said costs shall be itemized in writing in a report of assessment. The Director of Parks and Recreation shall cause a copy of the report of assessment to be served upon the owner of said property not less than five days prior to the time fixed for confirmation of said assessment: service may be by enclosing a copy of the report of assessment in a sealed envelope, postage prepaid, addressed to the owner at his or her last known address as the same appears on the last equalized assessment rolls of the city, and depositing same in the United States mail; and service shall be deemed completed at the time of deposit in the United States mail.

A copy of the report of assessment shall be posted in the Office of Parks and Recreation at least three days prior to the time when the report will be submitted to the City Council. After the assessment is made and confirmed, it shall be a lien on said real property.

Such lien attaches upon recordation in the Office of the County Recorder, Alameda County, by certified copy of the resolution of confirmation. After confirmation of the report, a certified copy shall be filed with the County Auditor, Alameda County, on or before August 10th. The description of the parcel reported shall be that used for the same parcel as the County Assessor's map books for the current year. The County Assessor shall enter each assessment on the county tax rolls opposite the parcel of land. The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquencies as provided for ordinary municipal taxes.

(Prior code § 7-6.131)

12.36.190 - Notice of lien—Tree removal permit violation investigation, enforcement, replacement plantings.

The lien mentioned in Section 12.36.180 shall take the following form:

NOTICE OF LIEN

Pursuant to authority vested in me by Resolution No. ;#rule; C.M.S., of the Council of the City of Oakland, passed on the _____ day of ;#rule;, 19_____ and the provisions of Chapter 12.36, of the Oakland Municipal Code. I did, on the _____ day of ;#rule;, 19_____ initiate a tree removal permit violation investigation, an enforcement of this chapter, and replacement plantings to be made at the location hereinafter described at the expense of the owners thereof, in the

amount of \$;#rule;, and that said amount has not been paid nor any part thereof, and the City of Oakland does hereby claim a lien upon the hereinafter described real property in said amount; the same shall be a lien upon the said property until said sum with interest thereon at the legally allowable rate from the date of the recordation of this lien in the Office of the County Recorder of the County of Alameda, State of California, has been paid in full. The real property hereinafter mentioned and upon which a lien is claimed is that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California, and particularly described as follows, to wit:

(insert description of property)

Dated this _____ day of ;#rule;, 19_____.

Director of Parks and Recreation

CITY OF OAKLAND

(Prior code § 7-6.132)

12.36.200 - Liabilities.

- A. The issuance and exercise of a permit pursuant to this chapter shall not be deemed to establish any public use or access not already in existence with regard to the property to which the permit is applicable.
- B. The issuance of a permit pursuant to this chapter shall not create any liability of the city with regard to the work to be performed, and the applicant for such permit shall agree to hold harmless the city and its officers and employees from any damage or injury that may occur in connection with, or resulting from, such work.

(Prior code § 7-6.15)

TREE PERMIT DECISION

City of Oakland, Public Works Agency

Tree Services Division, 7101 Edgewater Drive, Oakland, CA 94621, (510) 615-5934
Chapter 12.36, Oakland Municipal Code, Protected Trees Ordinance

Permit # T15-052
Address: Thornhill Drive
Parcel # 048F737900600
Expires: One year from date of issuance

Decision: 07 - 6 - 2015*
Applicant /Agent: Robert Wirth
Permit Type: Development

Removal Approved		Preservation Required		Replacement Tree Required	In Lieu Fee-\$475 per tree
Tree Quantity	Identified As	Tree Quantity	Identified As		
9	#1 Silver wattle #2 & 4 Plums #3 Big leaf maple #5 - 7 California bay #8 & 9 Coast live oak	A - G	A - C Silver wattle trees D - F Coast Redwood G Big leaf maple	Yes	\$2,375.00

FINDINGS

The nine (9) proposed for removal trees are based upon health and proximity to proposed structure. The A and G trees are located within 10 ft. of construction and will be preserved.

PERMIT REVIEW – FINDINGS (A)

The applicant's request accomplished the following objective(s):

- 1. Insured the public health and safety as it related to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers.
- 2. Avoided an unconstitutional regulatory taking of property.
- 3. Took reasonable advantage of views, including such measures mandated by the resolution of a view claim in accordance with the view preservation ordinance (Chapter 15.52 of the Oakland Municipal Code).
- 4. Pursued accepted, professional practices of forestry or landscape design. Submission of a landscape plan acceptable to the Director of Public Works shall constitute compliance with this criterion.
- 5. Implemented the vegetation management prescriptions in the S-11 site development review zone.
- None of the objectives above were accomplished by the proposed removal(s).*

PERMIT REVIEW – FINDINGS (B)

Any one of the following situations was grounds for permit denial, regardless of the findings in section (A) above:

- 1. Removal could be avoided by reasonable redesign of the site plan, prior to construction.
- 2. Removal could be avoided by trimming, thinning, tree surgery or other reasonable treatment.
- 3. Adequate provisions for drainage, erosion control, land stability or windscreen were not made.
- 4. The tree(s) were a member of a group of trees in which each tree was dependent upon the others for survival.
- There were no grounds to deny the permit.*

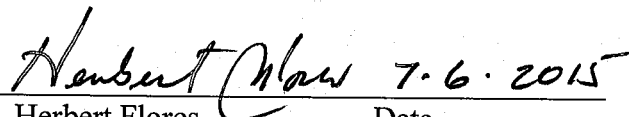
OAKLAND MUNICIPAL CODE SECTION 12.36.060 CONDITIONS OF APPROVAL

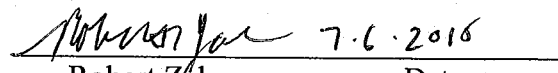
The following conditions were imposed. Conditions #17 - #19 were imposed if they were check marked:

1. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant and its contractor shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its respective agents, officers, employees and volunteers (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City for or on account of any damage to property or bodily injury, including death, or damage sustained or arising out of, related to or caused by in any way from the performance of work in this tree permit matter. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
2. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its respective agents, officers, employees and volunteers (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (a) an approval by the City relating to this tree permit matter, City's CEQA approvals and determination, and/or notices in the tree permit matter; or (b) implementation of such. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
3. **Letter of Agreement.** Within ten (10) calendar days of the filing of any Action as specified in conditions 1 or 2 above, the applicant and/or its contractor shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in this Section or any other requirements or conditions of approval that may be imposed by the City.
4. **Debris.** All debris created as a result of any tree removal work shall be removed from the property by the applicant within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.
5. **Dust.** Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration and photosynthesis.
6. **Fencing.** Tree protection fencing shall be chain link, installed on posts driven into the ground and shall be a minimum of 5 feet tall. The fencing shall be installed at the perimeter of the drip line or a lesser distance if demolition or construction does not allow it, for trees listed above in "Preservation Required".
7. **Hazards.** The removal of extremely hazardous, diseased, and/or dead trees shall be required where such trees have been identified by the City Arborist.

- 8. Insurance.** Workers compensation, public liability, and property damage insurance shall be provided by any person(s) performing tree removal work authorized by a tree removal permit.
- 9. Miscellaneous.** No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the drip line of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within the drip line any protected trees. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- 10. Nesting Birds.** To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.
- 11. Permit.** Tree removal, as defined in the Protected Trees Ordinance, Section 12.36.020 of the Oakland Municipal Code, may not start unless and until the applicant has received this permit from Tree Services.
- 12. Posting.** The applicant shall post a copy of the tree removal permit in plain view on site while tree removal work is underway.
- 13. Pruning.** Construction personnel shall not prune trees or tree roots. Tree pruning of the crown or roots (if done) shall be performed by a licensed, insured tree work contractor that has an arborist on staff certified by the International Society of Arboriculture.
- 14. Recording.** The applicant/owner(s) shall record the conditions of approval attached to this permit with the Alameda County Recorder's Office in a form prescribed by the Director of Public Works.
- 15. Root Protection.** Roots shall be preserved and no activities shall affect the health and safety of existing trees. If roots are encountered, they may be cut only if they are less than two-inch diameter. Hand tools must be used to cut the roots; the use of excavators, backhoes, or similar equipment is prohibited. Roots larger than two-inch diameter may be cut only if inspected and approved in advance. All work must be done by a Certified Arborist from the International Society of Arboriculture or a Registered Consulting Arborist from the American Society of Consulting Arborists.
- 16. Tree Damage.** If any damage to a protected tree should occur during or as a result of work on the site, the property owner/contractor shall immediately notify the Tree Services Division of such damage. If, in the professional opinion of the City Arborist, such tree cannot be preserved in a healthy state, the Arborist shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Arborist to compensate for the loss of the tree that is removed.

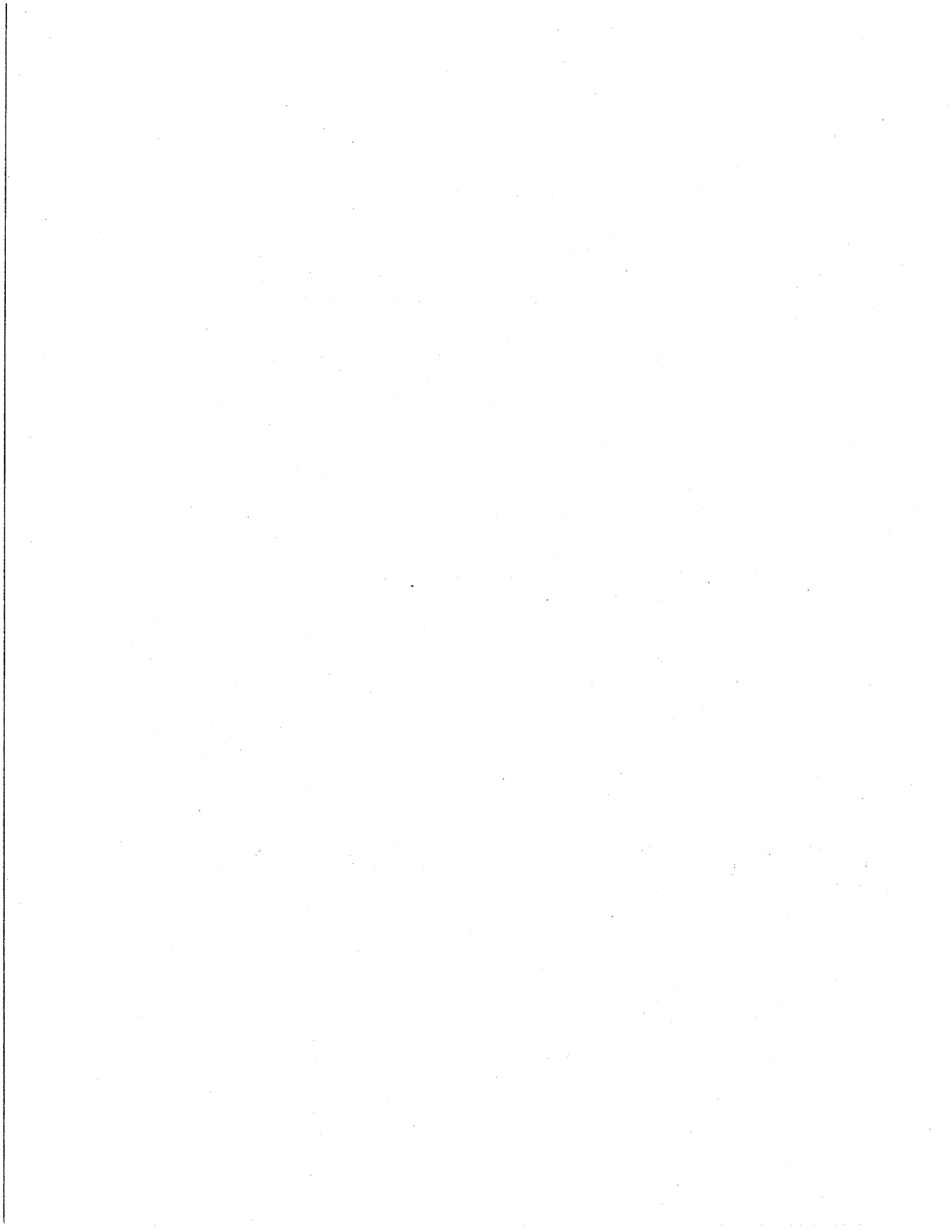
- 17. Sidewalks.** The damaged sidewalk shall be repaired in compliance with the rules and regulations of the City of Oakland, including a sidewalk repair permit if more than 25 square feet of sidewalk is being repaired. Contact the Sidewalk Division at 238-3499 for more information.
- 18. Replacement Trees.** The property owner shall plant ___ replacement tree(s) on the property. The replacement trees shall be excellent quality nursery stock and maintained by the applicant until established. Any replacement planting which fails to become established within one year of installation shall be replanted at the applicant's expense. Plantings shall be installed prior to the issuance of a certificate of occupancy, subject to seasonal constraints. A photograph of the replacement trees, installed in the landscape of the property, shall be mailed or emailed to Tree Services within one week of the replacement trees being installed.
- A. The minimum size replacement tree shall be a twenty-four (24) inch box, except that three, fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate, if approved by the City Arborist.
- B. Replacement tree species shall consist of *Sequoia sempervirens* (coast redwood), *Quercus agrifolia* (coast live oak), *Arbutus menziesii* (madrone), *Aesculus californica* (California buckeye) or *Umbellularia californica* (California bay laurel).
- C. Replacement trees shall be installed as shown on the landscape plan submitted with the tree removal permit application.
- 19. Other Conditions:**
- A. The property owner shall retain a consulting arborist for the project.
- i. The arborist shall be a Certified Arborist from the International Society of Arboriculture or a Registered Consulting Arborist from the American Society of Consulting Arborists.
- ii. The arborist shall recommend, implement, and monitor preservation measures for pre-construction, construction and post-construction phases. Site development shall not damage protected trees directly or indirectly.
- iii. Preservation measures shall include, but are not limited to:
1. Wood chip mulch
 2. Supplemental irrigation
 3. Pruning
 4. Tree Protection Zone with chain-link fencing
 5. Hand digging to protect roots.


 Herbert Flores Date
 Acting Arboricultural Inspector


 Robert Zahn Date
 Senior Forester

Certified Arborist ® WE-8102A

**This decision of the Public Works Agency, Tree Services Section may be appealed by the applicant, or the owner of any "adjoining" or "confronting" property, to the City Council within five (5) working days after the date of this decision and by 5:00 p.m. The term "adjoining" means immediately next to, and the term "confronting" means in front of or in back of. An appeal shall be on a form prescribed by and filed with the City Clerk, at One Frank H. Ogawa Plaza, second floor. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the City or wherein such decision is not supported by the evidence in the record and must include payment of \$500.00, in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal this decision and raise any and all issues in your appeal may preclude you from challenging this determination in court.*



**Technical Peer Review
of
Hydrology and Geotechnical Issues**

**PLN15152, CP15012
Thornhill Drive Parcel 59 (APN 048F-7379-006-00)**

Prepared for:

City of Oakland
Bureau of Planning
250 Frank H. Ogawa Plaza
Suite 3315
Oakland, CA 94612

January 30, 2020

Prepared by:

EMKO Environmental, Inc.
551 Lakecrest Drive
El Dorado Hills, CA 95762



Dr. Andrew A. Kopania
California Professional Geologist PG4711
California Certified Hydrogeologist HG31

Rockridge Geotechnical, Inc.
270 Grand Avenue
Oakland, CA 94610



Craig S. Shields
California Geotechnical Engineer GE2116

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Technical Peer Review
of
Hydrology and Geotechnical Issues

PLN15152, CP15012
Thornhill Drive Parcel 59 (APN 048F-7379-006-00)

The owner of the subject parcel submitted an application to construct a single-family residence (referred to herein as the “proposed project” or “project”) to the City of Oakland (City) in 2015, along with building plans and several technical reports completed in 2014. In December 2018, the City received a comment letter and two technical reports from representatives of the owners of an adjacent parcel (project opponents), objecting to the proposed project and raising certain technical and California Environmental Quality Act (CEQA)-related concerns. The City subsequently notified the project applicant that an independent peer review must be conducted to address the technical and CEQA comments raised by the project opponents.

EMKO Environmental, Inc. (EMKO) and Rockridge Geotechnical, Inc. (Rockridge) have conducted this technical peer review for the City of Oakland, consistent with our proposal dated September 18, 2019. The scope of work for the peer review was developed by EMKO and Rockridge, with input and concurrence from the City. The project applicant did not participate in the development of the peer review scope.

1.0 Purpose of the Peer Review

Our September 18, 2019 scope of work defines the purpose of the peer review:

- A. To review the following documents and provide comments on the issues raised:
 1. CEQA Initial Study/Mitigated Negative Declaration, May 2017, Amended June 2018;
 2. City’s Standard Conditions of Approval (SCAs), Part 2, Environmental Protection Measures, Revised November 2018;
 3. December 19, 2018 and January 30, 2019 Moncharsh Correspondence and accompanying Geotechnical and Hydrology Analyses;
 4. Project Hydrologist and Project Geotechnical Engineer responses dated January 18, 2019 and January 8, 2019, respectively; and
 5. Other comments that may be submitted to the City related to potential environmental impacts of the project.
- B. To determine if the body of information, analysis, or evidence in the documentation in the record is sufficient to comply with CEQA, or if not, identify the inconsistencies and deficiencies in the analysis;
- C. To provide guidance to City Staff in determining if there is substantial evidence in the record that the project will result in significant impacts, including but not limited to the impacts raised by the Moncharsh Correspondence and analyses;
- D. To provide guidance to City Staff in crafting project-specific mitigations consistent with CEQA, if any are required beyond the City’s SCAs; and

E. To provide guidance to City Staff in drafting findings consistent with CEQA.

This Technical Peer Review report addresses items A through C. Items D and E will be addressed separately based on the findings of this report.

2.0 Document Review

Our observations, analysis, and comments on the issues raised are presented below for each group of documents listed under item A in Section 1.0.

2.1 CEQA Initial Study/Mitigated Negative Declaration, May 2017, Amended June 2018

The CEQA Initial Study/Mitigated Negative Declaration (IS/MND) concluded that the following environmental factors in the City's Environmental Checklist would be potentially affected:

- Air quality and greenhouse gas emissions;
- Biological resources;
- Geology and soils;
- Hydrology and water quality;
- Noise; and
- Transportation and traffic.

The IS/MND concluded that implementation of the City's Standard Conditions of Approval (SCAs) and other Implementation Measures (IMs) would mitigate any potentially significant impacts for each of these factors. This peer review focuses on the Geology and Soils and the Hydrology and Water Quality environmental factors.

For Geology and Soils, the IS/MND relied on one SCA and identified 14 specific IMs to address potential impacts related to:

- Strong seismic ground shaking;
- Seismic-related ground failure, including liquefaction;
- Landslides;
- Substantial soil erosion or loss of topsoil; and
- Unstable geologic units.

For Hydrology and Water Quality, the IS/MND relied on five SCAs and identified three IMs to address potential impacts related to:

- Water quality standards and waste discharge requirements;
- Interference with groundwater recharge;
- Alteration of drainage patterns resulting in erosion or siltation;
- Increasing the rate of surface runoff resulting in flooding;

- Create runoff that would exceed the capacity of the storm drainage system or provide additional polluted runoff; and
- Otherwise substantially degrade water quality.

The June 2018 amendment to the IS/MND included three additional Conditions of Approval (COAs) to address City comments on additional environmental and design & construction elements. The three additional COAs address cistern overflow, stream protection under the bridge, and streambank protection during pier construction.

The IS/MND includes 12 attachments with supporting documentation for the environmental analysis. Pertinent to this peer review, the attachments include the Stormwater Control Plan, Erosion Control Plan, Grading Cross Sections, and the Grading and Drainage Plan from the project plan sheets. The appendices also include structural engineering calculations for cantilevered retaining walls, the geotechnical study, and a summary of the hydrologic and hydraulic modeling conducted for the project.

The IS/MND and its amendments were completed prior to December 2018 revisions to the Initial Study Checklist in Appendix G of the CEQA Guidelines. Implications of the 2018 revisions to Appendix G are discussed in Section 3.0 below.

The IS/MND and its amendments were also completed prior to issuance of the revised City of Oakland SCAs in November 2018. Consideration of the November 2018 SCAs in the context of the project is discussed in Section 2.2, below.

The following subsections discuss the attachments to the IS/MND that were reviewed for this peer review.

2.1.1 Stormwater Control Plan

Attachment A of the IS/MND is the post-construction Stormwater Control Plan, which is also Sheet C-3 of the December 26, 2014 building plan set for the project. This plan includes the use of:

- a perimeter swale on the upslope side of the improvements;
- permeable pavement to minimize runoff from impervious surfaces;
- use of flow-through planters to collect and filter runoff from the building roof, decks, and walkways; and
- cisterns to collect the overflow from the flow-through planters.

When available, water within the cisterns would be pumped out for use for drip irrigation in the planters. The Stormwater Control Plan would prevent runoff from impervious surfaces within the developed footprint, such that the project would not increase the amount or rate of stormwater runoff, or generate additional polluted runoff, once project construction is completed. However, we have identified a few areas where additional clarification regarding post-construction stormwater management would be appropriate. Recommendations regarding these areas are provided in Section 4.0.

2.1.2 Erosion Control Plan

Attachment B of the IS/MND is the Erosion Control Plan to be implemented during construction, which is also Sheet C-4 of the December 26, 2014 building plan set for the project. This plan includes the use of:

- straw wattles;
- stabilized gravel construction entrance with diversion berm to minimize sediment movement off the construction site by vehicles;
- storm drain inlet protection, where applicable; and
- detailed notes specifying the requirements of the plan.

The Erosion Control Plan provides the measures that would typically be included as Best Management Practices (BMPs) and other provisions within a Stormwater Pollution Prevention Plan (SWPPP). Additional recommendations regarding the Erosion Control Plan are provided in Section 4.0.

2.1.3 Grading Cross Section

Attachment C of the IS/MND presents Grading Cross Sections of various aspects of the proposed project, which is also Sheet C-2 of the December 26, 2014 building plan set for the project. The various cross sections shown illustrate the locations of and methods to anchor the structure to the underlying soils. Methods include the use of drilled or helical piles, retaining walls, and spread or cantilevered footings for retaining structures.

2.1.4 Grading and Drainage Plan

Attachment D of the IS/MND is the Grading and Drainage Plan, which is also Sheet C-1 of the December 26, 2014 building plan set for the project. This plan shows the overall grading of the site after construction of the project, drainage flow lines, and the features that will be used to manage and control drainage. As discussed above, these features include a perimeter drainage swale, use of permeable pavement, and other features such as collection of runoff from the building, flow-through planters, and cisterns.

2.1.5 Structural Calculations

Attachment G of the IS/MND includes structural calculations for cantilevered retaining walls that are to be a part of the overall structure. The calculations provide the assumptions used for soil bearing strength, soil density, and seismic load.

2.1.6 Geotechnical Study

Attachment H of the IS/MND is an August 8, 2014 Geotechnical Study for the project prepared by Geotecnia Consulting Geotechnical Engineers (Geotecnia). The 2014 Geotechnical Study included the drilling of four borings on the project site, observation of subsurface geologic material types during drilling, and measurement of soil properties in the field during drilling. The report provided a summary of findings and conclusions related to geology, seismicity, earth materials, presence of groundwater, steep slopes, weak stratigraphic layers, and other geologic hazards.

Geotecnia notes that the site is within an area that has been mapped by the California Geological Survey (CGS) as a known landslide. However, the 2014 Geotechnical Report does not provide any additional details regarding the CGS determination. Given the identified site conditions and the presence of the project within a mapped landslide area, it is our position that the Geotecnia study does not comply with the requirements of CGS Special Publication (SP) 117. In our experience, SP 117 requires more detail for slope stability evaluation and analysis than was provided.

In addition, our review indicates there are several additional technical issues that may need to be addressed:

1. Geotecnia's report indicates design of shoring is the responsibility of the contractor; however, for this project, which has significant cuts on a relatively steep hillside, we believe recommendations for design of the shoring should be provided by the Geotechnical Engineer of Record (Geotecnia) rather than a third-party geotechnical firm retained by the contractor or shoring designer. There are realistically only two options for shoring – soldier piles with timber lagging and soil nails/rock bolts.
2. Under Excavations (page 7) in the Geotecnia report, the report states “a near-vertical temporary slope may be used” in bedrock where the orientation of the discontinuities is favorable to the orientation of the cut slope and the bedrock is not slickensided. It is our experience on single-family residential projects that the Geotechnical Engineer of Record is generally not on-site full time during the excavation to make the determination of safe cuts in bedrock. Consequently, we recommend vertical unsupported cuts not exceed five feet in any materials. Additional discussion and recommendations are provided in Section 4.0.
3. The passive pressure recommendations presented in the Geotecnia report appear to be for level ground. Considering the piers along the proposed retaining wall on the southern side of the creek will be near or on sloping ground, a reduced passive pressure value should be provided in the report for sloping ground conditions.
4. Geotecnia's report provides recommendations for helical piers for support of the bridge abutments, including a table on page 13 of the report which provides lateral capacities for helical piers. The installation of helical piers results in disturbance/loosening of the ground around the shaft and, therefore, we judge any lateral support provided by passive pressure acting against the shaft of the helical piers should be ignored. Therefore, we believe helical piers should not be used, unless the abutments can resist the lateral demands by passive pressure below an imaginary line extending up at an inclination of 2:1 from the base of the creek bank or by using battered helical piers (taking into account the piers should not extend outside the property line).
5. The method used for computing seismic earth pressure for design of retaining walls, as presented on page 15 of the Geotecnia report, is not in accordance with the current

standard of practice. A more recent publication with the latest methodology for computing seismic earth pressures on retaining walls is as follows:

Sitar, N., Mikola, R.G.; and Candia, G. (2012). Seismically Induced Lateral Earth Pressures on Retaining Structures and Basement Walls, ASCE GeoCongress 2012 Geotechnical Special Publication No. 226.

As described further in Sections 2.2 and 4.0, we recommend that the City require the applicant to revise the geotechnical soils report to address the above peer review comments.

2.1.7 Summary of Hydrologic and Hydraulic Modeling

Attachment I of the IS/MND is the August 7, 2014 Summary of Hydrologic and Hydraulic Modeling for the project prepared by Balance Hydrologics, Inc. (BH). The BH study followed the methods and procedures described in the 1989 Hydrology and Hydraulics Criteria Summary for Western Alameda County, which was the current version at the time the study was conducted. The Alameda County Hydrology and Hydraulics Manual has been updated twice (2016 and 2018) since the study was completed. As explained below, the BH 2014 study results are consistent with the more recent County guidance.

Alameda County allows the use of the relatively straightforward Rational Method calculation for drainage areas of 0.5 square miles (320 acres) or less. The Rational Method is based on a series of general assumptions about the watershed area, rainfall amounts, and runoff parameters. For larger watersheds, Alameda County has required the use of a more in-depth analysis method referred to as the Synthetic Unit Hydrograph Method since 1994. The 2018 update to the Alameda County Hydrology and Hydraulics Manual states that this same method is still applicable with some updates to equations and values that are incorporated into the U.S. Army Corps of Engineers HEC-1 and HEC-HMS computer programs. Alameda County specifies that the more in-depth Synthetic Unit Hydrograph Method may be used for watershed areas smaller than 320 acres. BH used the Army Corps HEC-HMS computer program to evaluate the project site using the Synthetic Unit Hydrograph Method. Thus, the approach used by BH to evaluate site conditions was more rigorous than required by Alameda County for the small project site area.

BH states several times that the evaluations conducted represent current site conditions (i.e. the existing environmental setting, or baseline conditions) because, due to the Stormwater Control, Erosion Control, and Grading and Drainage Plans, the runoff from the site due to the project would not exceed the runoff under existing conditions.

BH notes that flow in Temescal Creek through the project site is restricted by culverts both upstream and downstream of the property. BH's calculations indicate that these culverts are undersized and restrict flow through the property within the creek. Despite these restrictions, BH calculated the runoff from the entire upstream watershed area for four design storm events (5-yr, 10-yr, 25-yr, and 100-yr recurrence intervals) and assumed that it would flow through the property unrestricted.

Field reconnaissance observations made for this peer review indicate that Temescal Creek has been filled and routed through a concrete culvert for at least four properties upstream of the project site. BH assumed that the runoff volumes that could not fit through the culvert would overflow onto the street and re-enter Temescal Creek at the upstream side of the project site property. The field observations made for this peer review, and the topographic map shown in Appendix B of the BH report, indicate that Thornhill Drive slopes to the north in the area of the project, so any overflow from upstream onto the street would flow toward the west on the opposite side of the street and not re-enter the creek. This assumption by BH is very conservative in that it over-estimates the amount of water that would flow through the creek on the project site during the design storm events.

The BH assessment also makes other conservative assumptions, such as the assumed creek “roughness” values and the approximate “tail water” elevation. Combined, the conservative assumptions result in an over-estimate of the elevation of the water in the creek on the project site during flooding events.

Despite the use of multiple conservative assumptions that each tend to result in a higher-than-actual peak flood elevation, the BH assessment shows that the proposed bridge across the creek would be above the flood levels and that the piers and retaining structures for the bridge would be outside of the floodplain, maintaining 2.6 feet of freeboard below the pavement during a 100-yr flood event. Thus, the proposed bridge would not encroach into the floodplain, restrict flood flows, or reduce the area and volume available to convey flood flows through the property.

The BH evaluation indicates that the flow velocities within the creek would be 1.5 feet per second (fps) during a 5-yr flood event to 2.4 fps during a 100-yr event. The same conservative assumptions that over-estimate the flood elevations will tend to under-estimate the flow velocities. The high “roughness” values and the backwater effect of the downstream culvert will both result in modeled flow velocities that are lower than actual flow velocities. Table 13 on page 41 of the current version of the Alameda County Hydrology and Hydraulics Manual indicates that flow velocities above 6 fps may cause erosion or scour of an earthen creek bed.

2.2 City’s Standard Conditions of Approval (SCAs), Part 2, Environmental Protection Measures, Revised November 2018

The following SCAs for Geology and Soils apply to the project:

37. Construction–Related Permits. The project applicant is required to obtain and comply with all standards, requirements, and conditions contained in construction-related permits and approvals required by the City. As stated in the SCA, these permits primarily address structural integrity and safe construction. The plans and structural calculations described in Sections 2.1.1 through 2.1.5, above, are part of the documentation required to obtain the necessary construction-related permits and demonstrate structural integrity. The normal plan check process conducted by the City will verify whether these plans and calculations are adequate.

38. Soils Report. This SCA is required because the project will need a grading permit. The Geotecnia report requires revision to fulfill this requirement, as discussed in Sections 2.1.6 and 4.0.

SCA 39 does not apply to the project because it is not located in an earthquake fault zone, per the Geotecnia report (page 2). SCA 40 does not apply because the project is a single-family dwelling that is not part of any other development. However, the Geotecnia report includes seismic design analysis and recommendations that are equivalent to the requirements of SCA 40. The site does not appear to be within an existing Geologic Hazard Abatement District (GHAD) and it would not be appropriate to create a GHAD for a single, small residential partial. Therefore, SCA 41 does not apply.

The following SCAs for Hydrology and Water Quality apply to the project:

51. Drainage Plan for Post-Construction Stormwater Runoff on Hillside Properties. The Stormwater Control Plan on Sheet C-3 of the building plans, as discussed in Section 2.1.1, provides the post-construction stormwater drainage plan. The plan includes measures to reduce runoff and was included with the project drawings submitted to the City with the project application.

52. Site Design Measures to Reduce Stormwater Runoff. The Grading and Drainage Plan on Sheet C-1 of the building plans, as described in Section 2.1.4, along with the Stormwater Control Plan on Sheet C-3 of the building plans, as discussed in Section 2.1.1, describe the site design measures that will be taken to reduce stormwater runoff. These plans were included with the project drawings submitted to the City with the project application.

53. Source Control Measures to Limit Stormwater Pollution. The plans described under SCAs 51 and 52 include the use of permeable paving, flow-through planters, and cisterns to limit stormwater pollution. These plans were included with the project drawings submitted to the City with the project application.

55. NPDES C.3 Stormwater Requirements for Small Projects. The plans described under SCAs 51 and 52 incorporate several site design measures described under this SCA. These measures include the use of permeable paving, directing roof runoff onto vegetated areas (flow-through planters), and the use of cisterns to retain excess roof runoff for re-use in vegetated areas. These plans were included with the project drawings submitted to the City with the project application.

57. Vegetation Management on Creekside Properties. Several documents submitted with the project application describe measures that will be taken that comply with this SCA, including leaving stumps and roots of cut trees in place, erosion control plans for construction (including vegetation removal), tree permit requirements, and others.

58. Creek Protection Plan. A specific Creek Protection Plan was not among the documents provided by the City for this peer review. However, many of the required components of the plan, such as construction and post-construction BMPs, are included

within other documents submitted to the City with the project application. As with the other SCAs, the Creek Protection SCA has been modified by the City since the time of the application in 2014.

SCA 48 does not apply because the project requires a grading permit and a creek protection permit, so other SCAs apply. SCA 49 does not apply because the project requires a creek protection permit. SCA 50 does not apply because the project site is smaller than one acre.

SCA 54 does not apply because this is not a regulated project under NPDES C.3 stormwater requirements. However, many components of the project are consistent with low-impact development (LID) standards typically implemented for regulated projects under NPDES C.3. These components are described in the discussion of SCAs 51, 52, 53, and 55, above.

SCA 56 does not apply because the project does not incorporate architectural copper. SCA 59 does not apply because no work is proposed within the creek channel. SCA 60 does not apply because the project is not located within a mapped 100-year flood hazard zone, as confirmed on the Federal Emergency Management Flood Map Service Center website (<https://msc.fema.gov/portal/search?AddressQuery=6326%20thornhill%20drive%2C%20oakland%2C%20Oca#searchresultsanchor>, accessed October 14, 2019).

SCA 61 does not apply because the site is not within the jurisdiction of the Bay Conservation and Development Commission.

The SCAs specify that the Biological Resources section should also be reviewed for other conditions related to hydrology and water quality. Biological Resource SCA 31 (Tree Permit) is included in the requirements for SCA 57, discussed above. Biological Resource SCA 32 does not apply because the project is outside of the habitat area for the Alameda Whipsnake (U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2005, Species Account, Alameda Whipsnake, *Masticophis lateralis euryxanthus*).

Based on the documents provided by the City and considered as part of this peer review, the project application documents submitted to the City in 2014 meet the requirements of the most recent (November 2018) SCAs, with two exceptions:

- The 2014 Geotecnia report does not appear to be in compliance with CGS SP 117, as discussed in Section 2.1.6. That CGS document requires more detail for slope stability evaluation and analysis related to landsliding than is provided in the Geotecnia report. Recommendations regarding the geotechnical analysis are provided in Section 4.0.
- The Creek Protection Plan for the project will need to be revised to be consistent with the most recent Creek Protection SCA and with SCA 58. The revisions to the Creek Protection Plan are generally consistent with and comparable to other recommendations provided below.

2.3 December 19, 2018 and January 30, 2019 Moncharsh Correspondence and accompanying Geotechnical and Hydrology Analyses

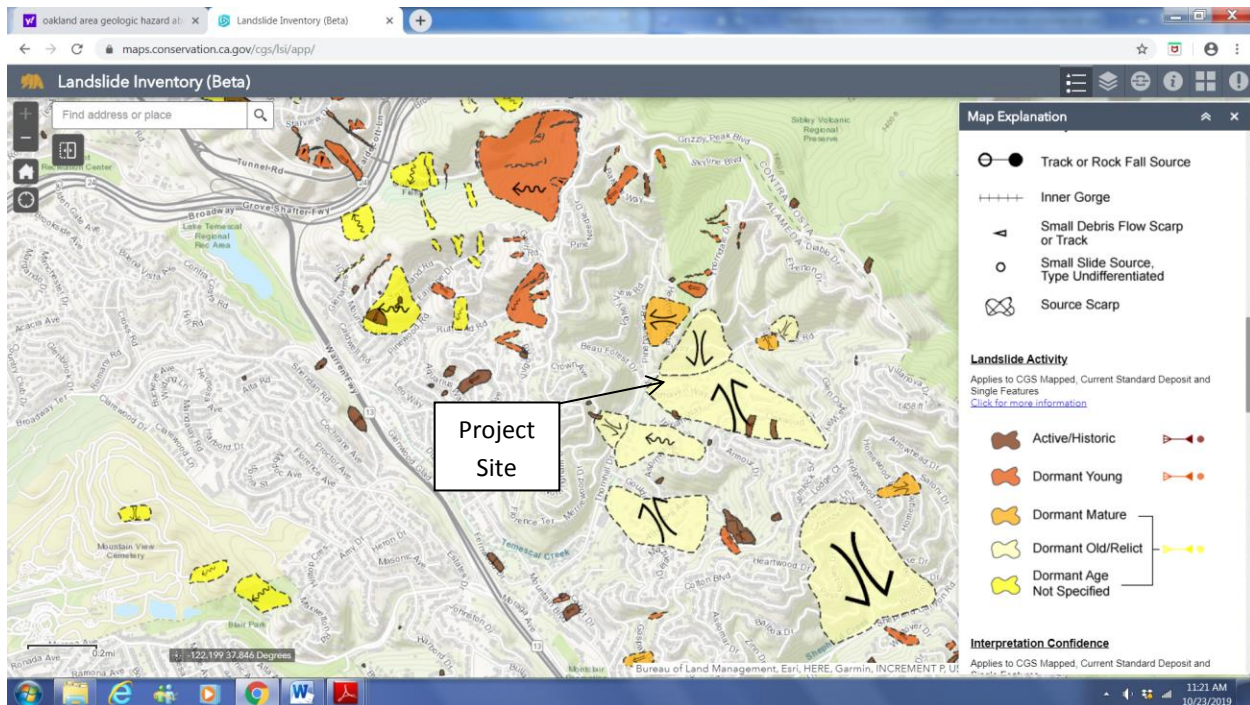
The owners of the property to the west of the project, at 6326 Thornhill Drive, retained legal counsel Leila H. Moncharsh of Veneruso and Moncharsh (referred to herein as “Moncharsh”), as well as geotechnical consultant A3GEO and hydrology consultant Clearwater Hydrology (referred to herein as “CH”) to evaluate potential concerns regarding the project. Because the correspondence from Moncharsh is based, at least in part, on the consultant reports, discussion of the consultant reports is presented first, followed by the two letters from Moncharsh.

2.3.1 A3GEO Geotechnical Review Comments dated December 17, 2018

The A3GEO comment letter provides four comments on the Geotecnia report and project plans.

The first two comments are related and note that the site is within a known landslide area mapped by CGS and asserts that a higher degree of investigation is required since the site is also within a CGS-mapped Seismic Hazard Zone. The current Landslide Inventory Map on the CGS website (<https://maps.conservation.ca.gov/cgs/lsi/app/>) shows the site is at the toe of a large landslide that is mapped as “probable”; however, the CGS website also classifies the landslide as “dormant old/relict”, which generally indicates there is no evidence of historic movement of the landslide. The figure below is an October 23, 2019 screen shot from the CGS Landslide Inventory Map. The subject landslide is about 2,300 feet long and up to approximately 2,000 feet wide and encompasses more than 100 homes (some of which are over 80 years old) between Thornhill Drive and Glen Oaks Way to the southeast. Based on our review of historic aerial photographs of the neighborhood from 1939 to 2016, it does not appear any significant movement of this landslide has occurred since the earliest available photograph (1939).

We concur with A3GEO that the Geotecnia report did not provide sufficient discussion of the mapped landslide area and also does not meet the standards of CGS SP 117, as noted in Sections 2.1.6 and 2.2, above. Recommendations to address this deficiency are provided in Section 4.0. However, considering the size of the mapped landslide and the small (relative to the landslide dimensions) size of the subject property, we believe the potential for the proposed excavations for this project to trigger movements of the landslide is very low. Therefore, we believe the deep boring recommended in the A3GEO letter and further slope stability analysis to address the stability of the mapped dormant landslide encompassing the entire neighborhood are not warranted.



The third comment from A3GEO relates to temporary excavation cut slopes and the lack of information regarding temporary shoring. In particular, A3GEO notes a need for creek protection, temporary shoring, and construction sequencing plans. We concur with the concerns regarding the stability of the southern creek bank at the northeastern corner of the site. The bank is steeper than 0.5:1 (horizontal:vertical) in some locations and may not be stable in the long term. Although the planned retaining wall at the top of the southern creek bank will be supported on drilled piers taking support in bedrock, we are concerned that failure of the bank could expose the upper portion of the piers, as well as the base of the pile cap. The loss of soil and/or bedrock in front of these piers will significantly reduce their lateral capacities, which could result in movement or failure of the retaining wall. As discussed in Section 4.0, we recommend the long-term stability of the oversteepened portion of the southern creek bank be further addressed by Geotecnia. We believe the bank could be stabilized with soil nails and/or rock bolts combined with a wire mesh facing, but an additional boring drilled behind the top of the bank is needed first to provide data for both design and construction of the stabilization measures.

The fourth comment from A3GEO relates to a lack of structural drawings and foundation design details. It is unclear if A3GEO was provided with the full design package, as some of the engineering details noted would be provided during the building plan check process but would not necessarily be required for an application review to determine CEQA applicability. As discussed above in this section, we do not concur with the need for a deep test boring, as suggested by A3GEO, due to the very small size of the project compared to the size of the dormant landslide mapped by CGS. However, we do share some of the concerns related to lateral forces and constructability. Therefore, we provide recommendations to address those concerns in Section 4.0.

Throughout its letter, A3GEO refers to certain project components or actions as “mitigations.” Since this peer review addresses, in part, CEQA compliance issues, it is worthwhile to note that under CEQA, mitigation measures are actions that are needed to address impacts that have been identified as potentially significant. The items referred to as “mitigations” by A3GEO are typically actions or design components that should be part of the project to comply with building codes, SCAs, or other requirements. Proper incorporation and/or implementation of these measures would avoid or prevent potentially significant impacts. As such, the items identified by A3GEO are more properly referred to as design or permitting shortfalls that would need to be addressed prior to project approval, and not as mitigations that are developed through the CEQA process. See Section 4.0 for related discussion.

2.3.2 Clearwater Hydrology Technical Memorandum on Field Hydrogeomorphic Reconnaissance and CEQA Documentation Review dated December 16, 2018

The CH tech memo notes that Temescal Creek in the project vicinity has been filled both upstream and downstream of the project site and that flows are restricted to the culverts that were installed decades ago along several properties upstream and at the 6326 Thornhill Drive downstream property. CH notes that the focused outflow from the upstream culvert has caused a three- to four-foot-deep scour pool in the upper reach of the creek on the project site. CH indicates that formation of the scour pool due to the upstream culvert outflow also resulted in a failure of the south bank of the creek above the pool, resulting in oversteepening of the bank. CH states that this oversteepened slope is currently stable and shows no signs of reactivation. Our review of property records available online and of historical aerial photographs dating back to the 1930s indicates that the downstream property and culvert may have been constructed in the mid-1950s while the upstream property and culvert may have been constructed in the late 1970s.

CH acknowledges that the use of the more detailed Synthetic Unit Hydrograph Method and related computer modeling codes by BH in its 2014 study for the project application goes beyond the level of analysis that would typically be conducted for such a small site. However, CH raises two primary concerns regarding the modeling results:

1. CH asserts that due to the lack of survey data, BH ignored the upstream culvert and based its assessment on a mid-stream cross section in the center of the property. CH conducted a simple flow calculation to estimate the exit velocity of the upstream culvert. CH states that the exit velocity could approach 14.5 fps during 2-yr and 5-yr flood events, much higher than the 1.4 fps to 2.4 fps reported by BH. The flow velocity calculated by CH would be highly erosive and likely result in scouring (per Table 13 of the Alameda County Hydrology and Hydraulics Manual, as discussed in Section 2.1.7).

The assertion by CH substantially misrepresents the BH modeling. Specifically, BH explicitly states that a topographic survey was prepared (see second bullet on page 6 of the BH report) and the survey results were provided in Attachment B of the BH report. The single cross section that CH refers to was shown in Figure 5 of the BH

report. However, BH states that Figure 5 shows “the cross section most applicable to the project location” (page 9), not that it was the only cross section considered.

Furthermore, the exit velocity calculated by CH appears to be inconsistent with CH’s own observations. CH noted that the creek channel and bank are currently stable and do not show any signs of instability. EMKO made equivalent observations during field reconnaissance visits to the project site on May 21, 2019 and September 25, 2019. Thus, field conditions at the site, as described by both BH and CH, and observed by EMKO, are inconsistent with exit velocities that would result in erosion and scour due to fairly frequent storm events.

In addition, the single point calculation conducted by CH is not considered to be representative of site-wide conditions. It does not take into consideration the channel geometry across the site or any effects of the downstream culvert. The modeling conducted by BH addresses the variabilities of the site by using multiple cross sections and actual site survey data.

2. CH asserts that the backwater effects due to the downstream culvert at 6326 Thornhill Drive appear to be overstated. BH acknowledges that it did not have survey data downstream of this culvert from which to calculate the flood elevations at the edge of its model (referred to as the tail water elevation). BH assumed a tail water elevation based on the height of a bridge across the creek downstream of the 6326 Thornhill Drive property. CH correctly notes that the discussion of tail water conditions on page 7 of the BG report is unclear. CH assumes the creek cross section downstream of the 6326 Thornhill Drive property is identical to that on the project site, and thus uses a stream cross section “with similar overall dimensions to the project reach” (page 4), without providing any documentation that such a channel profile actually exists downstream of the 6326 Thornhill Drive culvert. By also reducing the conservative channel “roughness” values used by BH, CH uses its tail water assumption to calculate peak flood elevations that are lower than those calculated by BH and peak flow velocities that are higher than those considered to be erosive by Alameda County.

The tail water calculations conducted by CH appear to be speculative and not based on actual field measurements. However, the same conclusion also applies to the same calculations conducted by BH. Both evaluations, however, are based on existing site conditions. Therefore, the peak flow velocities calculated by CH that suggest existing stormwater flows through the project site should be causing erosion are inconsistent with observations made at the site by BH, CH, and EMKO.

CH provides five conclusions regarding the BH report and the proposed project:

1. Due to the tail water assumption, CH concludes that the flood water profiles and culvert outlet velocities should be reassessed. As described above, the CH evaluation suggests that the peak flood elevations are lower and the exit velocities are greater than those determined by BH. As discussed in Section 2.1.7, BH used

very conservative assumptions intended to over-estimate the peak flood elevations to demonstrate that there would be adequate freeboard below the bridge crossing the creek. Since the conservative BH evaluation found that there was adequate freeboard below the bridge, there is no need to reassess the hydrologic and hydraulic conditions in the creek related to the bridge. As noted above, the exit velocities found by CH are inconsistent with the existing environmental setting.

2. CH states that BH used an excessively high roughness value resulting in lower than expected flow velocities in the creek. CH asserts that if lower and more appropriate roughness values were used, then the modeling assessment of the creek would show higher flow velocities. EMKO concurs that the roughness values used by BH are higher than justified based on actual field conditions, and that if lower roughness values are used, the models used by BH would show higher flow velocities in the creek.

CH goes on to assert that the higher flow velocities would increase the potential erosive pressure on portions of the bank that could be weakened by pier drilling and upslope excavations. The link between short-term erosive pressures and construction activities is not clearly described by CH. No evidence is provided to support the statement that pier drilling could weaken the bank and upslope excavation usually takes pressure off of the lower part of a slope. These statements seem to be unsupported by any data or site-specific slope stability analysis (e.g. CH does not cite the structural calculations described in Section 2.1.5 of this report or the soil properties identified by Geotecnia). As such, they are speculative and/or argumentative and do not constitute substantial evidence for consideration under CEQA (see additional discussion related to CH Conclusion 4, below).

CH further asserts that higher flow velocities in the creek would result in a change in the IS/MND findings related to the project's impacts on erosion and siltation from less than significant with SCA and IM to potentially significant. This assertion by CH is problematic for several reasons. First, both BH and CH looked only at conditions within the creek under existing baseline conditions and did not conduct any analysis of conditions that might change due to the project, primarily because both hydrology studies acknowledge that the project will not alter any of the conditions within the creek and will not result in increased runoff into the creek. Thus, if project conditions are equivalent to baseline conditions, there cannot be a potentially significant impact related to hydrologic conditions.

Second, CH equates a project's impact related to erosion and siltation with the slope stability of the creek bank. Within the CEQA Appendix G evaluation criteria, erosion and siltation are specifically tied to project actions that would substantially alter the drainage pattern of the site, by altering the course of a stream or river or through the addition of impervious surfaces within the Hydrology and Water Quality environmental factor. Potential slope instability is addressed in the Geology and

Soils environmental factor within Appendix G. The assertion made at the end of this conclusion by CH is not based on any site-specific soils data or geotechnical analysis. The project application documents include site-specific soil material properties, slope stability evaluations, and structural calculations, which could have been used or considered by CH to assess the potential for bank instability. CH did not cite or discuss any of these site-specific sources of data. In this case, the hydrology consultant is attempting to make geotechnical conclusions, speculating about outcomes outside of their purported area of expertise. Thus, this conclusion does not constitute substantial evidence for consideration under CEQA.

3. CH asserts that the conservative assumptions used by BH resulted in overstated flood elevations and a mischaracterization of bank instability during project implementation. As discussed above, this assertions regarding bank instability are primarily a geotechnical issue, not a hydrology issue. Thus, bank instability was appropriately not assessed by BH. In addition, the conditions described by CH are part of the existing environmental setting, not project effects. CH does not provide any data or technical analysis to support the assertion of bank instability. In contrast, CH's own observations indicate that the bank is currently stable.
4. CH asserts that creek bank instability due to drilling and placement of piers was ignored in the BH analysis of creek stability. Observations made by CH, BH, and EMKO indicate that the creek is currently stable with respect to erosion and sediment transport. The project will not alter any part of the creek below the 100-year flood elevation. In addition, the project will not increase runoff to the creek. Thus, the project will not alter the existing environmental setting related to hydrology. As previously discussed, the potential for pier drilling to create unstable bank conditions at exactly the same time that CH's speculative high exit-velocity flood flows occur is not supported by any site-specific data or analysis. Drilling of piers during major storm events that result in high flood flows is also unlikely and would be precluded by other project measures and SCAs related to drainage and erosion control, along with provisions that would preclude grading activities during the rainy season (see Section 4.0 recommendations).
5. CH states that the BH report did not address potential channel impacts due to excavation of the bridge foundation on the north (street) side of the creek. Again, the BH study addressed hydrology and hydraulics. It was not a geotechnical slope stability evaluation.

Overall, the CH report mischaracterizes the BH study, provides speculative assessments that are not based on any site specific data, and poses arguments that certain construction activities could create slope stability concerns. The hydrology issues raised by CH are primarily related to differences in approaches to define the existing environmental setting and are unrelated to project actions. CH also misconveys geotechnical issues as CEQA Hydrology and Water Quality impacts.

2.3.3 December 19, 2018 Moncharsh Correspondence

The December 19, 2018 Moncharsh correspondence transmitted the A3GEO and CH reports to the City and discusses various procedural and legal issues. Moncharsh states that her clients at 6326 Thornhill Drive oppose the project “because it will likely cause instability of the hillside and along the creek bank.”

Moncharsh provides a very good discussion of the conditions under which the exemptions in Section 15303 of the CEQA Guidelines would not apply to construction of a single-family residence. One of the conditions asserted by Moncharsh is that the project is located in a particularly sensitive environment. Moncharsh cites the CGS designation of the area being within a mapped “definite or probable” landslide area. As discussed in Section 2.3.1., the CGS designates this as a “dormant old/relict” landslide. There are over 100 homes currently located within the landslide area and review of historical aerial photographs indicates that the slide has been stable since at least 1939.

The other condition asserted is the occurrence of “unusual circumstances.” Moncharsh points out that the California Supreme Court in the *Berkeley Hillside Preservation v. City of Berkeley* case noted that unusual circumstances are not demonstrated by simply showing evidence that a proposed project *may* have a significant effect on the environment. As Moncharsh states, if evidence that shows a project *will* have a significant effect on the environment, then that evidence tends to prove that some circumstance of the project is unusual. If the lead agency is presented such evidence, it must determine based on the entire record, including contrary evidence, whether an unusual circumstance exists that justifies removing the CEQA exemption.

Moncharsh cites the following as indicators of unusual circumstances:

- A project that was ill-conceived on a piece of property that is not safe for construction without a great deal of engineering, none of which has been included in the project;
- The failure to investigate and prevent landslides and creek bank instability;
- A very steep location with a creek at the base of it that would not normally be used as a home building site; and
- The size of the project such that it cannot fit on the property without needing relief from the creek permit’s 20-foot setback.

The first bullet does not constitute an unusual circumstance because Moncharsh acknowledges that the alleged unsafe condition can be addressed by some amount of engineering. As noted in Section 2.1, the project plans do include engineering details, such as grading plans and structural design calculations.

The 2014 project application included geotechnical and hydrology studies that addressed, among other things, landslides, bank stability, and creek conditions. There was certainly not a failure to investigate these items. The project itself, along with the City’s SCAs, includes measures to address and prevent such concerns. It is disingenuous to assert that there was a failure to investigate these issues when this very letter transmits technical studies commissioned by Moncharsh’s clients that review those investigation reports.

The third bullet is obviated by the fact that the properties on either side of the project site, and farther up Thornhill Drive, are also very steep and have the same creek at their base. Yet every one of them was “used as a home building site”, which is in fact the normal land use in the entire area. It is also worth noting that at the time those adjacent structures were built, the same level of investigation, engineering, foundation, and drainage design was likely not conducted. In addition, the same level of creek protection was not performed, since the creek was filled and restricted to flow within undersized culverts.

The location of the creek relative to the public right-of-way along Thornhill Drive precludes the ability to set back all aspects of the project 20 feet from the creek. That does not constitute an unusual circumstance related only to this project because it applies to nearly every property along this side of Thornhill Drive east of Woodhaven Way.

The discussion of “unusual circumstances” in the December 19, 2018 Moncharsh correspondence is based primarily on the A3GEO and CH technical reports. As discussed in Sections 2.3.1 and 2.3.2, respectively, these reports do not provide evidence that the project *will* have a significant effect on the environment.

2.3.4 January 30, 2019 Moncharsh Correspondence

The January 30, 2019 Moncharsh correspondence provides an analysis of whether the project qualifies for a creek protection permit.

In Item 1 Creek Protection Permit, Moncharsh cites page 72 of the IS/MND to assert that runoff from the project will primarily flow in the creek during a 100-yr, 24-hr storm event. This is a mischaracterization of the IS/MND in that it never states that the runoff from the project will flow into the creek. The project includes an extensive post-construction Stormwater Control Plan, which is included in the IS/MND as Attachment A. The Stormwater Control Plan includes:

- a perimeter swale on the upslope side of the improvements;
- permeable pavement to minimize runoff from impervious surfaces;
- use of flow-through planters to collect and filter runoff from the building roof, decks, and walkways; and
- cisterns to collect the overflow from the flow-through planters.

The characterization by Moncharsh that the project only directs runoff to the cisterns misstates the extensive stormwater control systems incorporated into the project, let alone the additional SCAs that address this issue (see Sections 2.1.1 and 2.2, above, for additional discussion). The systems included as part of the project are consistent with typical LID standards for large, regulated projects under NPDES C.3 permitting requirements. The potential for failures or blockage are addressed by redundancy in the systems and the fact that the cisterns are the last component of the systems to manage the runoff.

The comment by Moncharsh related to the potential for climate change impacts to result in more extensive rainfall is speculative and not based on any data or scientific analysis.

The potential for the project to deposit new material in the creek, or to cause bank erosion or instability, as alleged in Item 2 of the Moncharsh letter, is addressed in the review of the CH report in Section 2.3.2, above. While we provide recommendations in Section 4.0 to further protect against such occurrences, the assertions as raised by Moncharsh and CH are speculative and not based on substantial evidence.

The discussion of the riparian corridor and wildlife habitat in Item B is based primarily on the CH speculation regarding bank instability. The discussion in this section of the letter is beyond the scope of this peer review. However, specific deficiencies related to biological resource factors such riparian corridors and wildlife are not addressed in any of the technical documents provided by Moncharsh.

The Regular Design Review discussion is beyond the scope of this peer review, except for the reference to the A3GEO (Magnussen) conclusions, which are addressed in Section 2.3.1.

Item 4 related to the building mass and shading is beyond the scope of this peer review.

On page 9, Moncharsh alleges that the project will violate the following policies:

CO-5.3 Control Urban Runoff. As discussed in Sections 2.1.1, 2.1.2, 2.1.3, and 2.2, the project incorporates a broad range of methods and strategies to manage stormwater runoff and reduce related water pollution. Moncharsh states that the expert reports submitted with her December 2018 letter show “a high likelihood of damage to the creek [that] will create flooding onto Thornhill Drive.” In fact, the referenced reports make no such assertions. In particular, the CH report concludes that the flooding elevations will be less than those assumed in the project technical documents.

CO-2.1 Slide Hazards. This policy encourages development practices that minimize the risk of landslides. Moncharsh equates this policy with not building on an unstable hillside. Notwithstanding existing engineering and construction techniques that can allow construction on steep hillsides while minimizing the risk of landslides, there is no evidence in the record that demonstrates that the hillside on the project site within the building footprint is unstable.

CO-2.2 Unstable Geologic Features. This policy encourages areas of unstable geologic features, including landslides, to be retained as open space. This policy would presumably apply to most areas of the Oakland Hills and would preclude any further development or improvements to any of the properties along Thornhill Drive. As discussed above, there is not specific site-specific evidence that the project site is prone to landsliding.

CO-2.3 Development on Filled Soils. This policy addresses the potential for subsidence and seismic hazards on filled soils. Moncharsh asserts that the A3GEO report “demonstrates that subsidence is already a very real risk.” The project site is not located on filled soils and the A3GEO report makes no such demonstration.

The January 2019 Moncharsh correspondence makes several misrepresentations regarding project elements. It also relies on speculative conclusions from the CH report and mischaracterizes findings in the A3GEO report. As such, the comments in this letter do not constitute substantial evidence that the project *will* have a significant impact related to the CEQA Appendix G factors addressed in this peer review and does not identify any “unusual circumstances”.

2.4 Project Hydrologist and Project Geotechnical Engineer responses dated January 18, 2019 and January 8, 2019, respectively

In January 2019, responses to the CH and A3GEO were provided by the applicant’s hydrology and geotechnical consultants.

2.4.1 Response to Clearwater Hydrology Comments

KTC Environmental provided a response letter to the City of Oakland dated January 18, 2019 on behalf of the project applicant. Dr. William Christner, principal at KTC, was the project manager at BH at the time the BH study discussed in Section 2.1.7 was prepared. The KTC responses are generally similar to the review of the CH tech memo provided in Section 2.3.2 of this peer review. Overall, KTC notes that both the BH and CH evaluations address the existing environmental setting and that the proposed project will not alter the hydrology or amount of runoff within Temescal Creek at or downstream of the site. KTC also notes that the potential for higher flow velocities described by CH are part of the baseline conditions and are due to the undersized upstream culvert, not the project.

The KTC responses tend to address specific technical issues and do not address the sufficiency of either the BH or CH analyses for CEQA purposes. Thus, the KTC responses do not provide any additional insight or perspective for the purposes of this peer review.

2.4.2 Responses to A3GEO Comments

Geotecnia provided a letter to the project applicant dated January 8, 2019 providing responses to the geotechnical review prepared by A3GEO. The Geotecnia response letter does not address specific comments from A3GEO regarding the CGS landslide and seismic hazard zone designations, and requirements for geologic mapping and cross sections. Therefore, those issues are addressed exclusively in Section 2.3.1 of this peer review.

The Geotecnia letter does provide additional explanation of the intended procedures for oversight of pile drilling, coordination with structural engineering, and field modifications that would be made if differing site conditions are encountered. The measures described by Geotecnia generally address the technical concerns regarding drilling depths, pier and footing installation, and unanticipated subsurface conditions raised by A3GEO. However, the responses do not address the constructability and oversight concerns raised by A3GEO. As discussed in Section 2.3.1, above, those concerns are primarily related to engineering design and construction procedures. They are not specific CEQA evaluation criteria or thresholds of significance. However, to ensure that the recommendations of the 2014 geotechnical report are fully implemented, it would be appropriate for the additional procedures and details described in

the January 8, 2019 response letter to be formalized as construction and design recommendations in the reports required by the City's SCAs (see Section 4.0 for specific recommendations).

2.5 Other comments submitted to the City related to potential environmental impacts of the project

At the time this peer review report was prepared, the City did not provide us with any additional comments related to potential environmental impacts of the project beyond those discussed in Sections 2.1 through 2.4, above.

3.0 CEQA Sufficiency

The purpose of this section of the peer review is to determine if the body of information, analysis, or evidence in the documentation in the record is sufficient to comply with CEQA, or if not, identify the inconsistencies and deficiencies in the analysis. The body of information available and reviewed for the project extends over at least a five-year period, from 2014 to 2019. During that period, there have been revisions to the CEQA Guidelines, including the evaluation criteria in Appendix G. In addition, the City's SCAs were revised during this period.

The technical studies and letters from Moncharsh, submitted on behalf of the neighboring property owners, also raise a range of issues with respect to the hydrology and geotechnical studies prepared for the project. In particular, these documents express concerns over whether certain specific components of the project can be constructed without affecting slope stability, and assert that those issues should result in a finding of a potentially significant impact with respect to erosion and siltation within Temescal Creek.

The December 2018 revisions to Appendix G of the CEQA Guidelines are discussed above in Section 2.1. For Geology and Soils, the revisions were minor and did not alter the specific geologic components, such as seismic shaking and landslides, that are to be considered. For Hydrology and Water Quality, the revisions to the Checklist combined two redundant criteria related to water quality, require consideration of whether a project could impede sustainable management of a groundwater basin, and re-focus evaluation of seiches, tsunamis, and mudflows to consider release of pollutants from a project site by such events. These changes are not related to aspects of the proposed project that could affect the environment. The December 2018 Hydrology and Water Quality revisions also include a reorganization of the criteria related to alteration of drainage patterns, erosion, flooding, and stormwater drainage, and add consideration of the effects of new impervious surfaces. However, the reorganized criteria use essentially the same wording as the previous version, combining the criteria in a more logical way.

The November 2018 SCAs include many conditions that apply specifically to the project, as discussed in Section 2.2. For Geology and Soils, SCAs 37 and 38 apply to the project. For

Hydrology and Water Quality, SCAs 51, 52, 53, 55, 57, and 58 apply to the project. SCA 54 is not directly applicable to the project but the Stormwater Control Plan addresses the main components of this SCA. Although the current SCAs post-date the initial project documents, this review concludes that the project effectively meets or exceeds the current SCA requirements, with two exceptions as noted in Section 2.2. Section 4.0 provides recommendations to revise the reports required by the SCAs to eliminate these two exceptions.

In the context of CEQA, one issue that the City will need to resolve is whether actions that are required to comply with the SCAs are part of the project, or whether they constitute mitigation measures to address potentially significant effects on the environment. Because projects within the City of Oakland cannot proceed without complying with applicable SCAs, a reasonable argument can be made that the measures taken to comply with the SCAs to address typical construction concerns for homes in this area are a necessary part of the project and, thus, are not mitigation measures.

Based on our review of the documents discussed in Section 2.0, it is our finding that the body of information, analysis, and evidence in the record is sufficient to meet the requirements of CEQA, with respect to the Geology and Soils and the Hydrology and Water Quality environmental factors, as listed in the December 2018 revisions to the Appendix G criteria. This finding is separate from the analysis and conclusions in Section 4.0 related to whether or not the available documentation in the record indicates that the project will result in potentially significant impacts to the environment. The finding made here simply concludes that there is sufficient evidence available to complete a CEQA analysis, should the City determine that the project is not exempt from CEQA.

However, as discussed further in Section 4.0, it also appears that the evidence in the record is not sufficient to conclude that the exceptions to the Class 3 CEQA exemption for single-family residences apply for this project. Specifically, there is no evidence to suggest that the project is located within a uniquely sensitive environment that would remove the CEQA exemption. It is our finding that the concerns and comments raised do not identify unusual circumstances or demonstrate that the project *will* have a significant impact on the environment. There are numerous single-family residences that have been constructed on Thornhill Drive under comparable if not identical geologic and hydrologic conditions. No party has submitted any evidence to the City, that we are aware of, that construction of those other residences has resulted in significant environmental impacts related to Geology and Soils or to Hydrology and Water Quality. If this specific project requires a higher level of engineering and construction planning, those are addressed in other permit review processes with the City, for example related to approval of the building plans or grading plans. They are not CEQA issues. Based on our review, the primary objections to the project are related more to aesthetic considerations, which are outside of the scope of this peer review. Therefore, there is substantial evidence in the record for the City to conclude that the project is exempt from CEQA review under Class 3 and that none of the exceptions to that exemption apply.

4.0 Analysis and Conclusions Regarding Potentially Significant Impacts

This section is intended to provide guidance to City Staff in determining if there is substantial evidence in the record that the project will result in significant impacts, including but not limited to the impacts raised by the Moncharsh Correspondence and related technical studies. This section also provides recommendations related to constructability issues, outside of the context of CEQA.

4.1 Analysis

Section 3.0 of this peer review concludes that there are not any “unusual circumstances” related to the project or the project site, and that there is not any evidence in the record that the project *will* result in a significant impact on the environment. As discussed throughout Section 2.0, the assertions that the project might cause a potentially significant impact to the environment are based primarily on speculative arguments and not on analysis of site-specific data, and also tend to equate conditions that are part of the existing environmental setting with effects that would occur if the project were implemented. Notwithstanding the nature of those arguments, this section provides a review of the main concerns related to potentially significant impacts on a stand-alone basis and provides conclusions on how those issues may be resolved, if necessary and appropriate.

1. The project site is located on a mapped landslide and construction of the project may reactivate that landslide.

While the CGS has mapped the project site as being on or immediately adjacent to a known landslide, the details of that determination are important. As discussed in Section 2.3.1, the CGS designates the slide as “dormant old/relict”. Although the proposed excavation of soil and bedrock to construct the proposed residence will result in reduction of weight from the toe of the slide, the reduction will be partially offset by the weight of the new residence. Considering the size of the mapped landslide and the small (relative to the landslide dimensions) size of the subject property, we believe the potential for the proposed excavations for this project to trigger movements of the landslide is very low.

Review of aerial photographs indicates that at least 100 structures have been built on this dormant, old/relict slide, including at least 30 residences in the area of the head of the slide along Oakwood Drive, at elevations that are approximately 300 feet above the project site. The Montclair Swim Club appears to have been constructed along the northeast margin of the slide area. Despite this degree of development, the slide has remained dormant. There is no evidence to suggest that construction of the project would in any way affect the status of this dormant, old/relict slide.

2. Revisions to some of the parameters in the applicant’s hydrology assessment would result in flow velocities in the creek that could result in erosion or scour.

The CH report provides a valid assessment that the creek roughness values used by BH were higher than would typically be used for creek conditions such as those that exist at the project site. If lower roughness values are used, then higher exit velocities from the upstream culvert would be calculated for design storm events, which could potentially contribute to bank instability during the drilling and installation of piers along the northeast side of the building envelope. However, this concern can be eliminated simply by precluding drilling and excavation activities during the wet part of the year, when design storm events may occur.

As discussed in Section 2.1.1 and elsewhere in this report, the project includes several measures that are designed to contain runoff from the project such that there will not be a change in the volume of water flowing in the creek. Due to these measures, the project itself will have no effect on flood elevations, flow velocities or other hydrologic conditions within the creek. Therefore, any disagreement regarding the conditions in the creek is a difference of opinion regarding the nature of the existing environmental setting, not the effect of the project.

There appears to be agreement that the undersized upstream culvert resulted in exit velocities that previously scoured the upstream end of the creek bed and undercut the upstream end of the south bank of the creek. The undercutting likely resulted in slumping of part of the bank, resulting in a local area of oversteepening. Observations by multiple parties, however, indicate that the creek bank and bed are stable, even in light of recent significant storm events (as noted by both CH and Moncharsh). Thus, field conditions indicate that the current environmental setting is stable. Technical studies that conclude that relatively small and frequent storms could generate exit velocities that would erode the bed and bank are inconsistent with the documented existing conditions.

3. Drilling of piers along the northeast side of the building envelope could cause the creek bank to become unstable.

Slope and bank stability during construction is a function of the soil properties and the nature of the construction activities. Conclusions regarding the potential for bank failure during construction have been postulated in the context of hydraulic analysis by CH, without any consideration of technical data related to actual site soil properties, construction methods, or structural calculations provided with the project application. As such, statements regarding the potential for pier drilling to cause bank failure are only speculative and do not constitute substantial evidence for consideration in a CEQA review of the project. Beyond the CEQA context, Section 4.3 provides several recommendations that the City should consider incorporating in the project requirements, which would effectively preclude the potential for this speculative failure to occur.

Due to the extensive focus on Temescal Creek, we feel compelled to provide a brief discussion of our observations regarding creek conditions. Various reaches of Temescal Creek have been

filled and constricted within undersized culverts over many decades. Due to filling of the creek at multiple locations and the construction of homes in areas that used to be the banks of the creek, the riparian habitat and wildlife corridor have been disrupted for many decades. In addition, downstream obstructions isolate the Montclair segment of the creek from San Francisco Bay such that it does not provide habitat for anadromous fish such as steelhead. Despite these conditions upstream and downstream of the project site, all existing regulations regarding filling, discharge of sediment and polluted runoff, and creek protection still apply to the short creek segment on the project site. However, some of the comments related to the creek seem to be somewhat hyperbolic given the presence of the concrete headwalls and culverts that are present at either side of the property. It should also be noted that if any of the culvert installations and filling occurred in the late 1970s, and there are any continuing effects downstream due to these actions (e.g. as alleged by CH), then there may be some on-going considerations regarding the requirements related to filling of waters of the United States under Section 404 of the 1972 Clean Water Act.

4.2 Conclusions

Based on the documents reviewed and the analysis conducted for this peer review, we find that there are not any unusual circumstances or substantial evidence that the project *will* have a potentially significant effect on the environment. In addition, the project as conceived and designed in 2014 meets the requirements of the most recent City SCAs, with minor exceptions that are addressed below. To the extent the project as designed is inconsistent with the current SCAs, revisions to the methodology, construction methods, and design recommendations in the reports required by the SCAs can address those concerns without the need for CEQA mitigation measures. Specifically, since there is not any evidence in the record that the project *will* result in a significant impact on the environment, there are no impacts for which mitigation measures would need to be developed.

Much of the opposing comments either address technical constructability details (see Recommendations, below) that are beyond the scope of CEQA, or they are speculative and do not rise to the level of substantial evidence. The different conclusions reached between the technical studies submitted by the project applicant and the neighbor that opposes the project do not appear to rise to the level of a disagreement among expert opinion supported by facts over the significance of an effect on the environment (see CEQA Guidelines Section 15064(f)(5) and 15064(g)).

The A3GEO report did not cite any CEQA-related environmental effects; it primarily provided recommendations regarding additional information that should be included in the Geotecnia report, which is required by the City's SCAs.

While CH does note that some of the assumptions used in the BH report may not be consistent with site conditions, the conclusions reached by CH regarding the existing environmental setting are not consistent with observed site conditions. The single opinion offered by any of the opponent's experts regarding a potentially significant impact relates to a slope stability condition, but was offered without consideration of any data related to soil properties,

construction methods, or structural calculations that were available for review as part of the application documents prepared in 2014. Thus, that opinion is speculative and does not constitute substantial evidence under CEQA.

As discussed above, there are not “unusual circumstances” at this specific project site that do not also exist at hundreds of other properties that have already been developed in the same area of the Oakland Hills. While there are challenging constructability issues, those issues are not unique to this project and are not unusual in this area of the City. Since there have been no studies conducted that document that the project *will* cause significant impacts to the environment, the CEQA exemption for single family residential projects would seem to be valid for this project.

4.3 Recommendations

The primary concerns raised about the project tend to be related to constructability issues. While these are not necessarily CEQA issues, there are measures that could be taken that would further the protection of the slopes and water quality. Therefore, we recommend that the City and the applicant consider the following recommendations:

1. The Geotecnia report should be updated to provide a more detailed discussion of historic and current landslide issues to be consistent with CGS SP 117 requirements, and to address the five specific issues listed in Section 2.1.6, above.
2. Due to the challenging access to the site, a detailed construction sequencing plan would be appropriate to confirm that all aspects of the initial site disturbance can be conducted without interfering with measures in place to prevent erosion and protect the creek banks.
3. An additional boring should be drilled behind the top of the steep bank above the outlet of the upstream culvert to provide data for both design and construction of appropriate stabilization measures, such as soil nails and/or rock bolts combined with a wire mesh facing. Again, it is important to note that our concern regarding this slope is related to the existing environmental setting as a result of previous filling of Temescal Creek and installation of undersized culverts on upstream properties, not due to the proposed project itself.
4. The Creek Protection Plan dated April 30, 2015 and submitted to the City in May 2015 (not reviewed as part of this peer review exercise) should be updated to incorporate the most recent City SCAs. In addition, we recommend that the plan include a detailed approach to protect and monitor the oversteepened slope near the outlet of the upstream culvert during construction activities. The additional soil boring described in Recommendation 3, above, is intended to provide at least part of the information necessary to update the Creek Protection Plan.
5. In addition to, and in conjunction with, Recommendation #1, above, the City should require revisions to the Geotecnia report such that it meets all of the requirements of SCA#38, including the measures listed in Section 2.1.6 and those items discussed in the January 8, 2019 Geotecnia rebuttal letter to the A3GEO comments. These recommendations for modifications to the Soils Report required by the SCAs will provide

the City with an inspection and enforcement mechanism to ensure that appropriate geotechnical and structural engineering oversight of the construction occurs. We also recommend that the construction management plan specify that the geotechnical engineer of record or his representative be onsite during pier drilling and during excavation work that will result in vertical unsupported cuts greater than five feet in height.

6. Considering the steepness of the slope and the proximity to the creek, we believe it is unrealistic to expect that the creek can be reasonably protected from turbid run-off water if grading occurs during the rainy season. Therefore, SCA or permit requirements that prohibit grading or ground-disturbing activities between October 15 and April 15 should be enforced and the City of Oakland should not consider any request to waive such requirements, if such a request were to be made.

We also recommend that the following construction-specific issues be addressed before approval of the project:

- a) The structural plans for the bridge show a single row of piers at the back of an L-shaped pier cap. We believe piers are needed directly beneath the wall (i.e., along the front of the pier cap) to prevent rotation of the pier cap in case the front of the cap is undermined by unanticipated scouring/failure of the creek bank.
- b) Although a backdrain is shown schematically on the structural drawings at the base of the retaining wall to be installed along the southern side of the creek, the drawings do not show where the perforated collection pipe will discharge. Since discharge directly into the creek may not be allowed, this issue should be addressed prior to construction.
- c) Three or four of the drilled piers for the proposed retaining wall on the northern side of the creek are within 10 horizontal feet of an overhead line that is only about 15 feet above grade. Since the overhead line may prevent drilling of the piers, this issue should be addressed prior to construction.
- d) The proposed grassy swale behind and on the sides of the residence will discharge into two catch basins at the bottom of the swale near the property lines on either side of the new residence. Considering the steepness of the slope on the sides of the residence, we are concerned the surface water collected in the swale will overtop the catch basins and possibly flow onto the adjacent properties, particularly if leaves and debris from the trees at the top of the property clog the drain inlets. One potential measure to alleviate this possibility would be to install another set of drain inlets further up the slope.
- e) It is not clear where the water that will percolate through the permeable pavers at the front of the residence will discharge. The plans should clearly delineate whether the water will be collected by a perforated pipe and discharged into one of the cisterns or if it will simply percolate into the underlying soils along the south bank of the creek. Considering the proximity of the creek, this issue should be addressed prior to construction.

**ADDENDUM TO REPORT
GEOTECHNICAL STUDY
Proposed Bridge and Single-Family Residence on
Vacant Lot Between 6326 and 6344 Thornhill Drive
(A.P.N. 48F-7379-6)
Oakland, California**

Prepared for:

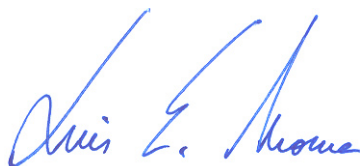
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[06/05/2020]

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INTRODUCTION

Purpose

GEOTECNIA performed a geotechnical study in 2014 for the proposed single-family residence on the vacant upslope lot between 6326 and 6344 Thornhill Drive (to be numbered either 6334 or 6336) in Oakland, California. Following submittal of our original report on August 8, 2014, that report has been peer reviewed by Rockridge Geotechnical, Inc. and A3GEO, Inc. Based on the results of those peer reviews, GEOTECNIA drilled an additional boring directly upslope of the steep left creek bank and performed additional engineering analyses to develop the additional geotechnical parameters requested by the peer reviewers. This report presents only the results of our additional services and should be considered an addendum to our original report dated August 8, 2014. Therefore, we do not repeat in this addendum report information already presented in our 2014 report. The information is presented herein in the same general format as in our original report for ease of interpretation.

Scope of Additional Services

The scope of our additional services included reviewing the peer-review reports by Rockridge Geotechnical, Inc. and A3GEO, Inc.; drilling and sampling one additional boring directly upslope of the steep left creek bank to a depth of 20.2 feet below the ground surface (10.8 feet into the bedrock); conducting additional geological and geotechnical interpretations and engineering analyses; and preparing this addendum report.

This addendum report contains the results of our additional services, including the subsurface conditions encountered in our additional boring and additional geotechnical recommendations for design and construction of the proposed bridge and residence.

Pertinent exhibits appear in Appendix A. The location of the additional boring (B-5) and the four original borings (B-1 through B-4) are depicted relative to the street, property lines, two adjacent residences, creek, and approximate proposed locations of the currently proposed bridge and residence on Plate 1 – Boring Location Map. The log of Boring B-5 is displayed on Plate 2 – Log of Boring B-5. Explanations of the symbols and other codes used on the log are presented on Plate 3 – Soil Classification Chart and Key to Test Data, and Plate 4 – Engineering Geology Rock Terms. Plates 1-4 are included in Appendix A.

Additional references consulted during our additional services are listed in Appendix B. Details regarding the field exploration program appear in Appendix C.

Proposed Project

Our understanding of the proposed project is based on conversations with the Client. The proposed project consists of building a new, multi-level, single-family residence on the subject upslope lot, south of the creek, as well as a bridge over the creek to access the residence. The locations of the currently proposed bridge and residence shown on Plate 1 have changed from those shown in our 2014 report. A parking apron/driveway will be located between the south bridge abutment and the residence. The project will involve some excavations as required to provide the necessary grade separations for the parking apron, garage, and various levels of the house. No other project details are known at this time.

FINDINGS

Earth Materials

The subsurface conditions summarized below are based on data from the additional boring drilled at the site (B-5). The approximate location of Boring B-5 is shown on Plate 1. The horizons encountered are described in more detail below in stratigraphic order starting at the ground surface. Detailed descriptions of the materials encountered in Boring B-5 are shown on Plates 2-4.

We encountered a surficial, 4-foot-thick layer of loose silty sand from the ground surface in Boring B-5. Samples of the soils from this layer had moisture contents ranging from 14.2 to 16.9 percent, a fines content of 42 percent, and Standard Penetration Test (SPT) blow counts (N-values) ranging from about 4 to 7 blows per foot (bpf).

Below the surficial silty sand layer, we encountered a 5.4-foot-thick layer of medium dense silty sand, which we considered to be residual soil (i.e. weathered-in-place soil). Samples of the soils from this layer had moisture contents ranging from 11.4 to 13.3 percent, a fines content of 26 percent, and N-values ranging from about 20 to 21 bpf.

Siltstone bedrock was encountered below the residual soil layer in Boring B-5 and extended to the maximum depth explored in the boring. The bedrock was firm, friable, and highly weathered between depths of about 9.4 and 15.5 feet, and moderately hard, weak, and highly weathered between depths of about 15.5 and 20.2 feet (maximum depth explored). The N-values in the bedrock ranged from about 54 bpf at the top of the bedrock to a penetration resistance of only 2 inches of penetration for 50 blows from a 140-pound hammer (using an SPT sampler) at the bottom of the boring, which was considered to be practical refusal conditions. Practical refusal is defined for purposes of this report as requiring at least 50 blows of a 140-pound hammer to drive an SPT sampler 6 inches. Based on that definition, practical refusal conditions were encountered below a depth of about 11.5 feet, after penetrating only about 2 feet into the bedrock.

Groundwater

No free groundwater was encountered at the time of drilling in Boring B-5. The flow line of the creek nearby was at an elevation of approximately 674 feet based on the topographic survey map referenced on Plate 1, which is about 1.2 feet higher than the bottom of Boring B-5; therefore, it is possible that the groundwater surface may not have fully stabilized in Boring B-5 before the borehole was backfilled. The groundwater level is anticipated to fluctuate with changes in seasonal and annual precipitation, irrigation, and other factors.

ADDITIONAL CONCLUSIONS/RECOMMENDATIONS

Slope Stability

In our opinion, the subsurface conditions encountered in Boring B-5 supported our previous conclusions about slope stability at the site (Geotecnia, 2014 and 2018). The boring was continuously sampled for the first 13 feet, which included 3.6 feet into the bedrock. The last 12 inches of the continuously sampled portion of the boring (from depths of 12 to 13 feet) were in bedrock with practical refusal conditions (see definition at the bottom of page 2). Below a depth of 13 feet, we sampled from 13.5 to 14.5 feet and then at every foot between 15 and 20 feet. Each of the samples obtained below a depth of 15 feet had a penetration resistance ranging from only 2 to 4.5 inches of penetration for 50 blows from a 140-pound hammer falling for 30 inches. Based on our visual observations of each of the samples, the drilling resistance, and the penetration resistance, it is our professional opinion that (a) there was no potential sliding surface encountered within the maximum depth explored in Boring B-5 (20.2 feet) and (b) it is highly unlikely that a potential sliding surface would be present below that depth.

Boring B-5 was drilled to an elevation of about 672.8, which we understand is 11.2 feet below the lowest elevation of the proposed excavations (Elevation 684 feet). The boring penetrated 10.8 feet into the bedrock, which included 5.2 feet into bedrock having practical refusal conditions. Based on the data from Boring B-5 and the previous borings, it is our professional opinion that the bedrock encountered in all the borings is undisturbed bedrock and not bedrock that has moved down the hill as suggested by the published landslide maps of the area (CGS, 2015) and by A3GEO, Inc. Therefore, it is still our opinion that the potential for deep-seated slope instability at the site under both static and seismic conditions is low provided the recommendations in our original report and this addendum report are implemented.

Seismic Design Criteria

The updated seismic design criteria to evaluate the earthquake lateral loads may be calculated using the procedures in the building code assuming a Class-C site. We used the online ground motion parameter calculator provided by the American Society of Civil Engineers (ASCE) to

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Vacant Lot Between 6326 and 6344 Thornhill Drive, Oakland

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estimate some of the seismic design criteria using a Class-C site and the site's geographical coordinates, based on the ASCE/SEI 7-10 and 7-16 standards. On that basis, we tabulated below the values for the mapped spectral acceleration for short periods (S_S); the mapped spectral acceleration for a 1-second period (S_1); the design spectral acceleration for short periods (S_{DS}); and the design spectral acceleration for a 1-second period (S_{D1}). The structural engineer should use the appropriate values from the table below for the applicable ASCE/SEI standard.

ASCE/SEI Standard	S_S	S_1	S_{DS}	S_{D1}
7-10	2.363	0.982	1.575	0.851
7-16	2.438	0.931	1.950	0.869

Temporary Slope Inclinations and Shoring Design

Recommendations for temporary excavations were presented on page 7 of our original 2014 report. Below are additional geotechnical criteria for use in the design of temporary slope inclinations and shoring during construction. The excavation subcontractor will be fully responsible for the stability of temporary excavation slopes and installation and performance of any proposed shoring system. It is also expected and required that the excavation subcontractor will (a) perform all excavations in accordance with approved OSHA recommendations, (b) have adequate experience with installation and monitoring of shoring systems, and (c) conduct his work with the proper consultation by representatives of the shoring designer and Geotecnia, as applicable.

As stated in our 2014 report, temporary slopes in the soil layer should be no steeper than 1.5:1 (horizontal:vertical); however, any vertical cuts in the underlying bedrock should be no higher than 5 feet under any circumstances.

Depending on how the proposed construction will take place, the owner or general contractor should retain a shoring designer where temporary construction slopes alone are not feasible. Shoring may consist of soldier-pile-and-lagging retaining walls, soil-nailed walls, or tiedback walls. The recommendations for drilled piers and retaining wall lateral earth pressures in our original 2014 report may be used for design of soldier-pile-and-lagging retaining walls. Internal friction angles of 37 and 45 degrees may be used for the soil layer and bedrock, respectively, in the design of soil-nailed walls using the shoring designer's software. Recommendations for tiebacks are presented below.

Tiebacks

The criteria presented below apply to small-diameter, grouted tiebacks (with a drilled hole less than about 8 inches in diameter). Typically, tiebacks are installed at an inclination of at least 10 degrees below horizontal, preferably 15 degrees; however, this will add vertical downward loads at the tieback locations, which would need to be resisted by wall-to-soil friction or vertical foundation elements.

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The bond length should start in the bedrock behind an imaginary plane inclined at 60 degrees above horizontal (starting at the bottom of the back of the retaining structure), and tiebacks should have at least 10 feet of ground cover above the bond length for adequate confinement. Provided the tiebacks satisfy the above criteria, we recommend using a design allowable transfer stress of 5,000 pounds per square foot (psf) between the bedrock and the grout along the bond length of the tieback, starting where the tiebacks meet the above criteria.

If required, a grout pipe should be inserted into the hole along with the reinforcing bar, so that the tiebacks can be post-grouted after the initial grout has set up. This will help fill any voids left during the initial grouting and increase the bond stress.

We recommend that all the tiebacks be tested according to criteria established by the shoring design engineer. We recommend that the testing criteria include testing all the tiebacks to at least 125 percent of the design loads and testing at least one of the tiebacks to 150 percent of the design load, and keeping the maximum test loads applied for a specified time (at least 5 minutes) to check for creep at each load increment, in accordance with standard test methods.

Reduced Lateral Resistance of Drilled Piers Near Downslopes

The lateral resistance criteria for drilled piers were presented on pages 9-12 of our original 2014 report; however, for drilled piers less than 7 feet from the creek bank (such as the leading piers for the southern bridge abutments), the lateral resistance should be ignored to account for potential erosion or sloughing of the over-steepened creek bank. Where additional lateral resistance is required, tiebacks may be used as recommended above.

Reduced Lateral Resistance of Helical Piers

Resistance to lateral loads for vertical helical piers should be ignored since the voids developed during installation may not be properly backfilled with grout. Resistance to lateral loads should be provided by installing some battered helical piers as required, and the lateral capacity would be calculated as a fraction of either the uplift or downward capacity, depending on the direction of loading, based on the angle of installation (i.e. the horizontal component of the appropriate axial resistance).

Retaining Wall Seismic Surcharge Pressures

Based on our current understanding of the state-of-the-art regarding seismic surcharge pressures (Sitar, Mikola, and Candia, 2012), we recommend that (a) no seismic surcharge pressure be used if the walls are designed for the higher at-rest earth pressures; and (b) if the walls are designed for the lower active earth pressures for static conditions, assume the higher at-rest earth pressures and use a factor of safety of 1.1 instead of 1.5 for the seismic-loading condition.

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Supplemental Services

For the recommendations in our original report and this addendum to remain valid, GEOTECNIA must continue to be retained to review the geotechnical aspects of the project plans, specifications, and structural calculations to evaluate if they are in general conformance with the intent of our geotechnical recommendations. In addition, GEOTECNIA must also continue to be retained to observe all the geotechnical aspects of construction, particularly site excavations, footing excavations (prior to placement of forms or steel reinforcement), drilled pier construction (both drilling and concrete placement), helical pier/anchor/tieback installation/testing (on a full-time basis), garage floor slab subgrade preparation, retaining wall backfill placement and compaction, placement of subsurface drainage, and to perform appropriate field and laboratory testing.

If, during construction, subsurface conditions different from those encountered in all our five exploratory borings drilled at the site are observed, or appear to be present beneath excavations, we should be advised at once so that these conditions may be reviewed and our recommendations reconsidered. The recommendations made in this report are contingent upon our notification and review of the changed conditions.

If more than 18 months have elapsed between the submission of this report and the start of work at the site, or if conditions have changed because of natural causes or construction operations at or adjacent to the site, the recommendations of this report may no longer be valid or appropriate. In such case, we recommend that we review this report to determine the applicability of the conclusions and recommendations considering the time elapsed or changed conditions. The recommendations made in our original report and this addendum are contingent upon such a review.

These services would be performed on an as-requested basis and would be in addition to our geotechnical studies. We cannot accept responsibility for conditions, situations, or stages of construction that we are not notified and retained to observe.

LIMITATIONS

This report has been prepared for the exclusive use of the owners (Mr. Robert Wirth and Ms. Helen H. Yu), as well as their agents and consultants, for the proposed project described in this report. The recommendations in this report should not be applied to structures or locations other than those described in this report. If the proposed construction differs from what has been assumed in this report, our firm should be contacted to evaluate the applicability of the recommendations included in this report to the new scheme.

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Our services consisted of professional opinions and conclusions developed in accordance with generally accepted geotechnical engineering principles and practices. We provide no other warranty, either expressed or implied. Our conclusions and recommendations are based on the information provided us regarding the proposed construction, review of available data, the results of our field exploration program, and professional judgment. Verification of our conclusions and recommendations is subject to our review of the geotechnical aspects of the project plans, specifications, and structural calculations and our observation of all the geotechnical aspects of construction.

The boring logs represent subsurface conditions at the location and on the date indicated. It is not warranted that they are representative of such conditions elsewhere or at other times. Site conditions and cultural features described in the text of this report are those existing at the time of our most recent site visit, performed on May 11, 2020, and may not necessarily be the same or comparable at other times. The boring locations shown on Plate 1 are approximate only and were based on rough field measurements relative to existing site features such as the street, creek, property line survey markers, fences, and some of the existing trees.

The scope of our services did not include an environmental assessment or an investigation of the presence or absence of hazardous or toxic materials in the soil, surface water, groundwater, or air, on or below, or around the site, nor did it include an evaluation or investigation of the presence or absence of wetlands.

Our services also did not include a corrosivity evaluation of the in-situ soils or an assessment of mold potential. A corrosion engineer may need to be consulted to evaluate the corrosivity of the in-situ soils and import select fill, as appropriate, with respect to concrete and any underground utility materials that may be used at the site. A mold consultant may need to be retained to provide recommendations for mitigating the potential for mold development in the proposed residence.

A copy of this report should be given by the Client to future owners of the subject property, if or when applicable, so they are aware of the geotechnical conditions of the site.

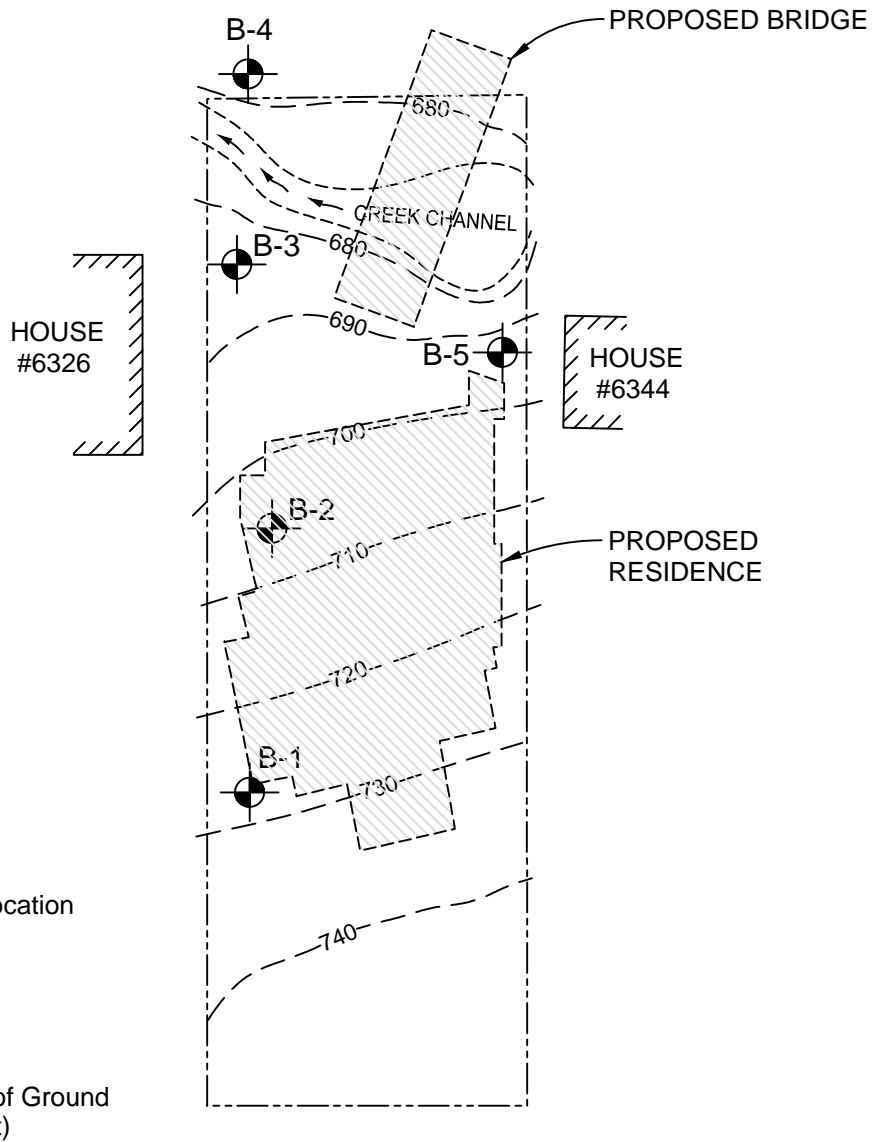
APPENDIX A

List of Plates

- | | | |
|---------|---|--|
| Plate 1 | - | Boring Location Map |
| Plate 2 | - | Log of Boring B-5 |
| Plate 3 | - | Soil Classification Chart and Key to Test Data |
| Plate 4 | - | Engineering Geology Rock Terms |



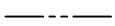
THORNHILL DRIVE



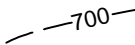
LEGEND:



B-1 Approximate Boring Location



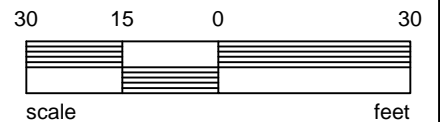
Property Line



Approximate Contour of Ground Surface Elevation (feet)

REFERENCE:

Boundary and Topographic Survey, Lot 59 Forestland (4 M 52) Located Between 6326 and 6344 Thornhill Drive, City of Oakland, County of Alameda, California, Prepared by Montclair Land Surveying, Dated 05/01/14.



GEOTECNIA
Consulting Geotechnical Engineers

Job. No: 141481
Appr:
Drwn: LPDD
Date: MAY 2020

BORING LOCATION MAP
Proposed Single-Family Residence at
6334/36 Thornhill Drive
Oakland, California

PLATE
1

Other Laboratory Tests	Pocket Penetrometer (ksf)	Moisture Content (%)	Dry Density (pcf)	% Passing #200 sieve	Blows/Foot * Sample	DEPTH (FEET)	EQUIPMENT: 3.5-inch Flight Auger ELEVATION: 693' ** LOGGED BY: LEM START DATE: 5-11-20 FINISH DATE: 5-11-20
		16.9			4	0	
		14.2		42	7	1	
					20	2	
		13.3			21	3	
		11.4		26	21	4	
					54	5	
					39/5"	6	
					50/5.5"	7	
					50/6"	8	
					50/6"	9	
					50/6"	10	
					50/6"	11	
					50/4.5"	12	
					50/3"	13	
					50/3"	14	
					50/4"	15	
					50/3"	16	
					50/4"	17	
					50/3"	18	
					50/2"	19	
Bottom of Boring B-5 at a depth of 20.2 feet (practical refusal). No free groundwater encountered at time of drilling.							
* Converted to equivalent standard penetration blow counts. ** Existing ground surface at time of investigation.							

GEOTECNIA
 Consulting Geotechnical Engineers

Job No: 141481
 Appr:
 Drwn: LPDD
 Date: MAY 2020

LOG OF BORING B-5

Proposed Single-Family Residence at
 6334/36 Thornhill Drive
 Oakland, California

PLATE
2

MAJOR DIVISIONS					TYPICAL NAMES
COARSE GRAINED SOILS More than Half > #200 sieve	GRAVELS MORE THAN HALF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE	CLEAN GRAVELS WITH LITTLE OR NO FINES	GW		WELL GRADED GRAVELS, GRAVEL-SAND
		GRAVELS WITH OVER 12% FINES	GP		POORLY GRADED GRAVELS, GRAVEL-SAND MIXTURES
			GM		SILTY GRAVELS, POORLY GRADED GRAVEL-SAND-SILT MIXTURES
			GC		CLAYEY GRAVELS, POORLY GRADED GRAVEL-SAND-CLAY MIXTURES
	SANDS MORE THAN HALF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	CLEAN SANDS WITH LITTLE OR NO FINES	SW		WELL GRADED SANDS, GRAVELLY SANDS
		SANDS WITH OVER 12% FINES	SP		POORLY GRADED SANDS, GRAVELLY SANDS
			SM		SILTY SANDS, POORLY GRADED SAND-SILT MIXTURES
			SC		CLAYEY SANDS, POORLY GRADED SAND-CLAY MIXTURES
FINE GRAINED SOILS More than Half < #200 sieve	SILTS AND CLAYS LIQUID LIMIT LESS THAN 50		ML		INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS, OR CLAYEY SILTS WITH SLIGHT PLASTICITY
			CL		INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS
			OL		ORGANIC CLAYS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY
	SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50		MH		INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SANDY OR SILTY SOILS, ELASTIC SILTS
			CH		INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS
			OH		ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS
HIGHLY ORGANIC SOILS		Pt		PEAT AND OTHER HIGHLY ORGANIC SOILS	

UNIFIED SOIL CLASSIFICATION SYSTEM

		Shear Strength, psf	
		Confining Pressure, psf	
Consol	Consolidation	Tx	2630 (240) Unconsolidated Undrained Triaxial
LL	Liquid Limit (in %)	Tx sat	2100 (575) Unconsolidated Undrained Triaxial, saturated prior to test
PL	Plastic Limit (in %)	DS	3740 (960) Unconsolidated Undrained Direct Shear
PI	Plasticity Index	TV	1320 Torvane Shear
Gs	Specific Gravity	UC	4200 Unconfined Compression
SA	Sieve Analysis	LVS	500 Laboratory Vane Shear
■	Undisturbed Sample (2.5-inch ID)	FS	Free Swell
▣	2-inch-ID Sample	EI	Expansion Index
▤	Standard Penetration Test	Perm	Permeability
⊠	Bulk Sample	SE	Sand Equivalent

KEY TO TEST DATA

GEOTECNIA
Consulting Geotechnical Engineers

Job No: 141481
Appr:
Drwn: LPDD
Date: MAY 2020

**SOIL CLASSIFICATION CHART
AND KEY TO TEST DATA**
Proposed Single-Family Residence at
6334/36 Thornhill Drive
Oakland, California

PLATE

3

ROCK SYMBOLS



SHALE OR CLAYSTONE



CHERT



SERPENTINITE



SILTSTONE



PYROCLASTIC



METAMORPHIC ROCKS



SANDSTONE



VOLCANIC



DIATOMITE



CONGLOMERATE



PLUTONIC



SHEARED ROCKS

LAYERING

MASSIVE	Greater than 6 feet
THICKLY BEDDED	2 to 6 feet
MEDIUM BEDDED	8 to 24 inches
THINLY BEDDED	2-1/2 to 8 inches
VERY THINLY BEDDED	3/4 to 2-1/2 inches
CLOSELY LAMINATED	1/4 to 3/4 inches
VERY CLOSELY LAMINATED	Less than 1/4 inch

JOINT, FRACTURE, OR SHEAR SPACING

VERY WIDELY SPACED	Greater than 6 feet
WIDELY SPACED	2 to 6 feet
MODERATELY SPACED	8 to 24 inches
CLOSELY SPACED	2-1/2 to 8 inches
VERY CLOSELY SPACED	3/4 to 2-1/2 inches
EXTREMELY CLOSELY SPACED	Less than 3/4 inch

HARDNESS

SOFT - Pliable; can be dug by hand

FIRM - Can be gouged deeply or carved with a pocket knife

MODERATELY HARD - Can be readily scratched by a knife blade; scratch leaves heavy trace of dust and is readily visible after the powder has been blown away

HARD - Can be scratched with difficulty; scratch produces little powder and is often faintly visible

VERY HARD - Cannot be scratched with pocket knife; leaves a metallic streak

STRENGTH

PLASTIC - Capable of being molded by hand

FRIABLE - Crumbles by rubbing with fingers

WEAK - An unfractured specimen of such material will crumble under light hammer blows

MODERATELY STRONG - Specimen will withstand a few heavy hammer blows before breaking

STRONG - Specimen will withstand a few heavy ringing hammer blows and usually yields large fragments

VERY STRONG - Rock will resist heavy ringing hammer blows and will yield with difficulty only dust and small flying fragments

DEGREE OF WEATHERING

HIGHLY WEATHERED - Abundant fractures coated with oxides, carbonates, sulphates, mud, etc., thorough discoloration, rock disintegration, mineral decomposition

MODERATELY WEATHERED - Some fracture coating, moderate or localized discoloration, little to no effect on cementation, slight mineral decomposition

SLIGHTLY WEATHERED - A few stained fractures, slight discoloration, little or no effect on cementation, no mineral decomposition

FRESH - Unaffected by weathering agents, no appreciable change with depth

APPENDIX B

List of Additional References

1. American Society of Civil Engineers (ASCE), 2018, *ASCE 7 Hazards Report*, ASCE 7 Hazard Tool.
2. California Geological Survey (CGS), 2015, *Landslide Inventory (Beta)*, Department of Conservation.
3. Geotecnia, 2018, *Creek Bank Stability, Proposed Bridge and Single-Family Residence on Vacant Lot Between 6326 and 6344 Thornhill Drive (A.P.N. 48F-7379-6), Oakland, California*, Prepared for Mr. KTC Environmental, Project No. 141481, Dated March 27.
4. Geotecnia, 2014, *Report, Geotechnical Study, Proposed Single-Family Residence on Vacant Lot Between 6326 and 6344 Thornhill Drive (A.P.N. 48F-7379-6), Oakland, California*, Prepared for Mr. Robert Wirth and Ms. Helen H. Yu, Project No. 141481, Dated August 8.
5. Sitar, N., Mikola, R. G., and Candia, G., 2012, *Seismically Induced Lateral Earth Pressures and Basement Walls*, ASCE, Geotechnical Engineering State of the Art and Practice, Geotechnical Special Publication No. 226.

APPENDIX C

Field Exploration

Our additional field exploration consisted of drilling and sampling one additional boring (B-5) on May 11, 2020. The boring was drilled with portable hydraulic equipment at the approximate location shown on Plate 1.

The log of Boring B-5 displayed on Plate 2. Representative disturbed or relatively undisturbed samples of the earth materials were obtained at continuous intervals in the upper 13 feet of the boring with a 3-inch-diameter, modified California sampler; a 2-½-inch-diameter sampler; and a 2-inch-diameter, split-barrel Standard Penetration Test (SPT) sampler. Below a depth of 13 feet, representative disturbed samples of the earth materials were obtained at selected intervals using an SPT sampler. Where continuous sampling was performed, the larger samplers were used first and then the smaller samplers were telescoped through the hole left by the larger samplers above.

Penetration resistance blow counts were obtained by dropping a 140-pound hammer through a 30-inch free fall. The samplers were driven up to 24 inches and the number of blows was recorded for each 6 inches of penetration. These blow counts were then correlated to SPT blow counts. The blows per foot recorded on the Boring Logs represent the accumulated number of blows (correlated to SPT blow counts) that were required to drive the sampler the last 12 inches or fraction thereof. Correction factors of 0.66 and 0.78 were used to correct the field blow counts for the modified California and 2-½-inch-diameter samplers, respectively.

The soil classifications and bedrock definitions are shown on the Boring Log and referenced on Plates 3 and 4.

Laboratory Testing

Moisture content and fines content (percentage passing the #200 sieve) laboratory tests were performed on selected soil samples recovered from Boring B-5. The data from these tests are recorded at the appropriate sample depths on the Boring Log (Plate 2).

GEOTECNIA
Project Number: 141481
Vacant Lot Between 6326 and 6344 Thornhill Drive, Oakland
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June 5, 2020

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APPENDIX D

Distribution

Mr. Robert Wirth
39 Cork Road
Alameda, California 94502-7704

(via e-mail at robertcworthjr@gmail.com)

CITY OF OAKLAND



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

Planning and Building Department
Bureau of Planning

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

Sent via U.S. Mail and Electronic Mail

September 23, 2021

Robert Wirth
39 Cork Road
Alameda, CA 94502

RE: Case File No. PLN15-152 (CP15-012); Vacant Lot located 6326 & 6344 Thornhill Drive; Oakland, CA (APN:048F-7379-006-00)

Dear Applicant,

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

The following table summarizes the proposed project:

Proposal:	To construct a new single-family dwelling with an Accessory Dwelling Unit (ADU) on an existing vacant lot; and protect existing water course.
Applicant:	Robert Wirth (510)459-1010
Owner:	Helen Yu
Planning Permits Required:	Re-notice of Regular Design Review to construct a new single-family dwelling with an Accessory Dwelling Unit (ADU) on an existing vacant lot and a driveway bridge over an existing creek; Category 4 Creek Protection Permit to protect existing watercourse.
General Plan:	Hillside Residential
Zoning:	RH - 4 Hillside Residential Zone
Environmental Determination:	Categorically Exempt: Section 15303 - New construction of small structures; 15332 - Infill development projects; and 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	N/A
City Council District:	4
Finality of Decision:	Appealable to Oakland City Planning Commission – Residential Appeals Committee (Note: ADU approvals are ministerial and not appealable).

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten (10) calendar days from the date of this letter, by **4:00 pm on October 4, 2021**. An appeal shall be on a form provided by the Bureau of Planning of the Planning and Building Department, and submitted via email to: (1) **Maurice Brenyah-Addow, Planner IV**, mbrenyah@oaklandca.gov, (2) **Robert Merkamp, Zoning Manager**, at Rmerkamp@oaklandca.gov, and (3) Catherine Payne, Development Planning Manager, at Cpayne@oaklandca.gov. The appeal form is available online at <https://www.oaklandca.gov/documents/appeal-application-form>. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or decision-making body or wherein the decision is not supported by substantial evidence. Applicable appeal fees in the amount of **\$2,404.01** in accordance with the City of Oakland Master Fee Schedule must be paid within five business days of filing the appeal. If the fifth (5th) calendar day falls on a weekend or City holiday, appellant will have until the end of the following City business day to pay the appeal fee. Failure to timely appeal (or to timely pay all appeal fees) will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter. For further information, see the attached Interim City Administrator Emergency Order No. 3 and Interim Procedures for Appeals of City Planning Bureau Decisions for Development Projects.

If the ten (10) day appeal period expires without an appeal, you are expected to contact **Maurice Brenyah-Addow, Planner IV** in order to receive the signed Notice of Exemption (NOE) certifying that the project has been found to be exempt from CEQA review. Under ordinary circumstances, it would be your responsibility to record the NOE with the Alameda County Clerk's office. However, due to the COVID-19 public health emergency, Governor Gavin Newsom issued Executive Order N-54-20, which temporarily suspends the clerk filing requirement and instead requires that the NOE be (1) posted on the City's website; (2) submitted to the State Clearinghouse via the CEQAnet web portal; and (3) distributed to known interested parties. The NOE will be posted on the City website at <https://aca.accela.com/OAKLAND/Welcome.aspx> 10 days after the issuance of this letter or upon conclusion of any appeal. The City will also submit the NOE to CEQAnet 10 days after the issuance of this letter or upon conclusion of any appeal. State Clearinghouse charges, if any, will be billed to the project account. Known interested parties have received a copy of this determination letter. Pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines and the Governor's Executive Order, publication of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA. If an NOE has not been recorded by September 30, 2021 when Executive Order N-54-20 will expire and you still wish to record one with the Alameda County recorder, please contact **Maurice Brenyah-Addow, Planner IV** at mbrenyah@oaklandca.gov in order to receive the signed Notice of Exemption (NOE) certifying that the project has been found to be exempt from CEQA review.

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

Very Truly Yours,



ROBERT D. MERKAMP
Zoning Manager

Attachments:

- A. Findings
- B. Conditions of Approval
- C. Project Technical Studies (Geotechnical Report and Addendum, Arborist Report, updated Creek Protection Plan/Hydrology Report, Amended Drainage Plan, Peer Review, & Peer Review Responses)
- D. Interim City Administrator Emergency Order No. 3 and Interim Procedures for Appeals of City Planning Bureau Decisions for Development Projects

CC: Frances Holsinger mama.pidge@gmail.com;
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Robert Wirth <robertcwirthjr@gmail.com>;
Peter Smith <psmith@smithllpgroup.com>

ATTACHMENT A: FINDINGS

This proposal meets all the required findings under Section 17.136.050, Design Review criteria, of the Oakland Planning Code (OMC Title 17) and the Creek Protection Ordinance pursuant to OMC Section 13.16.190 as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

SECTION 17.136.050(a) - REGULAR DESIGN REVIEW FINDINGS:

1. **That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures. The proposed project has a design that harmonizes with the adjacent properties and surroundings in terms setting, scale, bulk, height, exterior materials and treatments.**

The proposed building is well related to the surrounding area in their detached single family buildings in hillside and woody setting. The building is composed of moderately-scaled geometric volumes and planes that are hierarchically organized and stepped with the hillside to minimize perceived bulk. The overall building height of 35 feet is consistent with the allowed height for the RH-4 zone. The exterior materials of stucco is fire retardant and appropriate for the area. The proposed project has a design that harmonizes with the adjacent properties and surroundings in terms setting, scale, bulk, height, exterior materials and treatments. The Planning code does not regulate sheer home sizes, rather it uses floor area ratio (FAR) and lot coverage to achieve sizes that are proportional to the lot size. The maximum FAR on this site is 50%. The proposed 4,024 square-foot multi level structure on a vacant 8,048 square-foot site has an FAR of 50%. It is not unusual under today's regulations to have new buildings in hillside settings that maximize the 50% allowable FAR. The manner in which building volumes are scaled, articulated, organized and set into the hillside can also affect the perceived bulk. The resulting design is consistent with other hillside developments.

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

The project maintains the single-family residential character of the neighborhood and neither proposes a higher density nor introduces a prohibited activity at the site. The single-family dwelling unit contains a 496 square-foot Accessory Dwelling Unit (ADU) within the building envelope. ADUs are ministerially permitted by State law in California for residential areas including single family zones, do not count towards residential density, and are not appealable. ADUs are not independent of the primary unit and do not result in duplexes or two independent units or higher densities; therefore the proposed ADU is consistent with, and does not change, the one-family zoning of the subject site. There are areas of the Oakland Hills known as the S-9 overlay zone where newly constructed ADUs are prohibited due to potential fire hazard. The subject site is not located in the S-9 overlay zone.

The project will complement neighborhood characteristics such as detached single family houses with useable outdoor spaces, off-street parking, and attractive landscaping. The proposed improvements to the existing vacant site will provide a functional living space for the residents, contribute to improved property values in the area and will increase the housing stock in Oakland.

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

The proposed project involves a creek protection plan and permit to protect an adjacent watercourse, a tree removal/preservation permit and will require granting of a grading permit for site work. For the past six years, Staff has worked with the applicant and neighbors to identify and address pertinent issues of concern. As part of this effort, technical studies that include a Creek Protection Plans, Hydrology Reports, Geotechnical Assessments, Arborist Report, and a Peer Review of mostly the Geotechnical and Hydrological reports and responses, have been prepared by professionals to analyze the project and to determine that the City's SCAs adequately address all potential negative impacts (See Attachment C for peer review conclusions, and COA#48 for recommendation and

status). In the course of the project review, the City of Oakland has adopted Standard Conditions of Approval and Uniformly Applied Development Standards that specifically address various environmental issues including creek protection and stormwater management measures, Tree Removal/Preservation, High Fire Hazard Severity area measures, and Earthquake Induced Landslide zone measures among several others as a comprehensive approach to addressing all potential environmental issues. The Conditions of Approval contains details of these measures that address these issues and compliance with the Conditions of Approval will ensure that the project does not have adverse impacts on the topography or landscape. The subject site is located in a general area that is mapped as susceptible to earthquake induced liquefaction and landslide, which is characteristic of most of the Oakland hills area. The following landslide analysis is an excerpt from the peer review:

“The first two comments are related and note that the site is within a known landslide area mapped by CGS and asserts that a higher degree of investigation is required since the site is also within a CGS-mapped Seismic Hazard Zone. The current Landslide Inventory Map on the CGS website (<https://maps.conservation.ca.gov/cgs/lsl/app/>) shows the site is at the toe of a large landslide that is mapped as “probable”; however, the CGS website also classifies the landslide as “dormant old/relict”, which generally indicates there is no evidence of historic movement of the landslide. ... The subject landslide is about 2,300 feet long and up to approximately 2,000 feet wide and encompasses more than 100 homes (some of which are over 80 years old) between Thornhill Drive and Glen Oaks Way to the southeast. Based on our review of historic aerial photographs of the neighborhood from 1939 to 2016, it does not appear any significant movement of this landslide has occurred since the earliest available photograph (1939).

We concur with A3GEO that the Geotecnia report did not provide sufficient discussion of the mapped landslide area and also does not meet the standards of CGS SP 117, as noted in Sections 2.1.6 and 2.2, above. Recommendations to address this deficiency are provided in Section 4.0. However, considering the size of the mapped landslide and the small (relative to the landslide dimensions) size of the subject property, we believe the potential for the proposed excavations for this project to trigger movements of the landslide is very low. Therefore, we believe the deep boring recommended in the A3GEO letter and further slope stability analysis to address the stability of the mapped dormant landslide encompassing the entire neighborhood are not warranted.”

And:

“While the CGS has mapped the project site as being on or immediately adjacent to a known landslide, the details of that determination are important. As discussed in Section 2.3.1, the CGS designates the slide as “dormant old/relict”. Although the proposed excavation of soil and bedrock to construct the proposed residence will result in reduction of weight from the toe of the slide, the reduction will be partially offset by the weight of the new residence. Considering the size of the mapped landslide and the small (relative to the landslide dimensions) size of the subject property, we believe the potential for the proposed excavations for this project to trigger movements of the landslide is very low.

Review of aerial photographs indicates that at least 100 structures have been built on this dormant, old/relict slide, including at least 30 residences in the area of the head of the slide along Oakwood Drive, at elevations that are approximately 300 feet above the project site. The Montclair Swim Club appears to have been constructed along the northeast margin of the slide area. Despite this degree of development, the slide has remained dormant. There is no evidence to suggest that construction of the project would in any way affect the status of this dormant, old/relict slide.”

The peer review makes these recommendations to address site stability:

1. The Geotecnia report should be updated to provide a more detailed discussion of historic and current landslide issues to be consistent with CGS SP 117 requirements, and to address the five specific issues listed in Section 2.1.6, above.
3. An additional boring should be drilled behind the top of the steep bank above the outlet of the upstream culvert to provide data for both design and construction of appropriate stabilization measures, such as soil nails and/or

rock bolts combined with a wire mesh facing. Again, it is important to note that our concern regarding this slope is related to the existing environmental setting as a result of previous filling of Temescal Creek and installation of undersized culverts on upstream properties, not due to the proposed project itself.

5. In addition to, and in conjunction with, Recommendation #1, above, the City should require revisions to the Geotecnia report such that it meets all of the requirements of SCA#38, including the measures listed in Section 2.1.6 and those items discussed in the January 8, 2019 Geotecnia rebuttal letter to the A3GEO comments. These recommendations for modifications to the Soils Report required by the SCAs will provide the City with an inspection and enforcement mechanism to ensure that appropriate geotechnical and structural engineering oversight of the construction occurs. We also recommend that the construction management plan specify that the geotechnical engineer of record or his representative be onsite during pier drilling and during excavation work that will result in vertical unsupported cuts greater than five feet in height. ”

The project also involve a Tree Removal/Preservation Permit that involves review and approval by the Oakland Tree Services with qualified professional arborists who evaluate all tree removal and preservation of others within proximity of construction activities for compliance with applicable tree protection ordinance prior to approval of tree permits. The Tree Services reviewed and approved the associated Tree Permit (T1500052) for the project.

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

Consistent with the hillside design guidelines, the proposed building design breaks the building into distinct geometric volumes and planes, skillfully arranged to minimize perceived bulk. The project will involve some earthwork to bring living spaces closer to grade. The floor levels and building volumes have been designed to align with the site contours to minimize grading and retaining walls

5. **That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City council.**

The General Plan designation is Hillside Residential that allows residential uses in the form of detached single-family dwellings (with accessory units) on hillside lots and therefore the proposed project complies with the general plan. The LUTE states that the desired character and uses of future development within the Hillside Residential classification should remain “residential in character”.

CP15-012 CREEK PROTECTION PERMIT FINDINGS:

A creek protection permit may be issued **only** if certain findings and facts which support each finding are made and specified. Using the form below, a creek protection permit may be issued only if the answer to each question is “No” **and** facts supporting each answer are specified following each.

If in the opinion of the Director of Building Services the following findings can be met with imposition of Conditions for issuance, pursuant to OMC Section 13.16.190, the Director of Building Services may grant a Creek Protection Permit upon imposition of such conditions.

Findings and Supporting Facts

Pursuant to OMC Section 13.16.200, the following findings are made in support of the decision to issue a Creek Protection Permit:

A. Will the proposed activity (during construction and after project is complete) (directly or indirectly) cause a substantial adverse impact on the creek?

Yes/**No**

The project involves a creek protection plan (CPP) and other technical studies prepared by qualified environmental consultants to address potential impacts of the project on the existing adjacent creek and soil conditions at the subject site. The City of Oakland Watershed division has reviewed the CPP and determined that it adequately addresses pertinent issues and together with the associated Conditions of Approval, potential negative impacts to the creek will be minimized. The current scope of work, which includes a new driveway bridge, is not expected to cause a substantial impact on the creek because the CPP together with the conditions of approval require that protection measures before, during and post construction be installed and implemented to prevent sedimentation and erosion of the creek bank. No significant hydraulic erosions are anticipated to impact the creek. The Peer Review recommendations, which have been added to the Conditions of Approval (COA#48), requires that the Creek Protection Plan dated April 30, 2015 and submitted to the City in May 2015 be updated to incorporate the most recent City SCAs and include a detailed approach to protect and monitor the oversteepened slope near the outlet of the upstream culvert during construction activities.

The updated Creek Protection Plan, the Amended Drainage Plan and the Addendum to the Geotechnical Report have since been prepared by the applicant to address this recommendation.

In making the above finding, the Director of Building Services must, at a minimum, consider the following factors:

1. Will the proposed activity discharge a substantial amount of pollutants into the creek?

Yes/**No**

The project incorporates a comprehensive site drainage system that include pipes and cisterns to collect and store stormwater to minimize surface run-off into the creek. The Creek Protection Conditions of Approval require adherence to Best Management Practices (BMPs) during all construction activities. Temporary and permanent protection from erosion control measures will be implemented in the form of silt screens, hay bales and other barriers and fencing. The upgrades will minimize impervious (paved) surfacing to reduce storm-water run-off into the creek. The Peer Review made the following recommendations aimed at protecting the creek:

1. Drill an additional boring behind the top of the steep bank above the outlet of the upstream culvert to provide data for both design and construction of appropriate stabilization measures, such as soil nails and/or rock bolts combined with a wire mesh facing due to previous filling of Temescal Creek and installation of undersized culverts on upstream properties. The additional boring has been drilled and the Geotechnical report has been updated with the results;

2. Update the Creek Protection Plan dated April 30, 2015 to incorporate the most recent City SCAs and include a detailed approach to protect and monitor the oversteepened slope near the outlet of the upstream culvert during construction activities. The additional soil boring described in Recommendation above, is intended to provide at least part of the information necessary to update the Creek Protection Plan. The Creek Protection Plan has been

updated. Further updates would be required as a condition of project approval prior to application for building permits.

3. Prohibit grading or ground-disturbing activities between October 15 and April 15 should be enforced and the City of Oakland should not consider any request to waive such requirements, if such a request were to be made. Standard Condition of Approval #11 prohibits grading during this period.

The project has addressed these recommendations in an amended Drainage Plan and an addendum to the Geotech Report. (See Attachment C)

2. Will the proposed activity result in substantial modifications to the natural flow of water in the creek?

Yes/ No

The flow of the creek will not change due to the proposed project.

3. Will the proposed activity deposit a substantial amount of new material into the creek or cause substantial bank erosion or instability?

Yes/ No

The CPP, hydrology studies and peer review discusses the back stabilization and conclude that with implementation of the associated conditions of approval, (including all the SCAs and project specific COA#48 for the peer review recommendations) the proposed project will not result in the deposition of any amount of new material in the creek or cause substantial bank erosion or instability. Also, standard BMPs during construction will prevent the deposit of any significant amount of material into the open portion of the creek.

4. Will the proposed activity result in substantial alteration of the capacity of the creek?

Yes/ No

The proposed site drainage plan is designed to capture stormwater runoff into storage tanks for controlled discharge and will not affect the capacity of the creek.

5. Are there any other factors which would indicate that the proposed activity will adversely affect the creek?

Yes/ No

Upon full compliance with the Creek Protection and Erosion and Sedimentation Control measures there are no other factors which would indicate that the proposed new building will adversely affect the creek.

The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.

B. Will the proposed activity substantially adversely affect the riparian corridor, including riparian vegetation, animal wildlife or result in loss of wildlife habitat?

Yes/ No

The proposed CPP aims at preserving any riparian corridor adjacent to the creek. The proposed construction activities is required to engage BMPs to minimize adverse impacts on any riparian corridor, including riparian vegetation or result in loss of wildlife habitat.

C. Will the proposed activity substantially degrade the visual quality and natural appearance of the riparian corridor?

Yes/ No

No significant landscape work is proposed in or near the creek. The proposed project is expected to maintain the visual quality and natural appearance of the riparian corridor. The creek protection plan contains limitations of powered equipment use, construction staging, and construction material storage away from the creek that will diminish the possibility of damage to the boundary of the riparian zone.

D. Is the proposed activity inconsistent with the intent and purposes of OMC Chapter 13.16?

Yes/**No**

Upon implementation of the required conditions of approval, the discharge of material into the creek and municipal stormwater system will be minimized, erosion and sedimentation will be controlled. The proposed project will not result in significant impacts to the creek and therefore consistent with the purpose and intent of the OMC Chapter 13.16, the Creek Protection Ordinance, and the Stormwater Management and Discharge Control Ordinance.

E. Will the proposed activity substantially endanger public or private property?

Yes/**No**

Upon compliance with the conditions of approval, the proposed improvements and upgrades at the site will not endanger public or private property.

F. Will the proposed activity (directly or indirectly) substantially threaten the public's health or safety?

Yes/**No**

With implementation of the required conditions of approval, the proposed work presents no substantial threat to the public's health or safety.

Based on the forgoing, the Creek Protection Permit for the above described project is hereby **GRANTED**.

If GRANTED, this Permit is subject to all conditions of approval which are hereby incorporated by this reference.

Pursuant to OMC Section 13.16.450, the applicant or any interested party may appeal this decision within ten (10) calendar days to the City Planning Commission by the payment of the appropriate fees and the submittal of the appropriate form. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Director of Building Services or wherein his/her decision is not supported by substantial evidence in the record.

Tim Low_____

Timothy Low, Building Official

9/13/2021

Date

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as Categorical Exemptions from environmental review. The development proposal is categorically exempt from the environmental review requirements pursuant to Sections 15303 for new construction of small structures, 15332 for In-Fill Development Projects; and pursuant to Section 15183 for projects consistent with a Community Plan, General Plan or Zoning.

CEQA Findings

In accordance with CEQA Guidelines Sections 15183, 15303, and 15332, and as set forth in the CEQA Checklist below, the proposed Project qualifies for an exemption because the following findings can be made:

- A. On a separate and independent basis, the project is also exempt under CEQA Guidelines Section 15183, projects consistent with a community plan, general plan or zoning. The proposed Project would not result in significant impacts that: 1) are peculiar to the project or project site; 2) were not previously identified as significant project level, cumulative, or offsite effects in the applicable Program EIR (the 1998 LUTE EIR, and for the housing components of the proposed project, the 2010 General Plan Housing Element Update EIR and 2014 Addendum); or 3) were previously identified as significant effects, but which as a result of substantial new information not known at the time the General Plan EIR was certified, would increase in severity above that described in the General Plan EIR. Therefore, the proposed project is exempt from further environmental review as being consistent with a Community Plan or Zoning in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.
- B. The project is categorically exempt under CEQA Section 15303 for new construction and location of limited numbers of new, small facilities or structures including one single-family residence or a second dwelling unit (ADU) in a zone which permits residential uses. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption. No exceptions to this categorical exemption apply. This project site is not in a designated environmentally sensitive location. In addition, there are not unusual circumstances at this specific project site that do not also exist at hundreds of other properties that have already been developed in the same area of the Oakland Hills. While there are challenging constructability issues, those issues are not unique to this project and are not unusual in this area of the City.
- C. The project has been found to be categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) under Section 15332 of the CEQA Guidelines (Class 32, "In-fill Development Projects") because the project consists of infill development within an urbanized area where there is no potential for the project to cause any significant environmental impacts. Below are the findings required for projects found exempt under Section 15332 and the reasons the proposed project meets these findings:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The project is consistent with the general plan designation and all applicable general plan policies as described in Design Review Finding #5 and General User Permit Criteria E, above. With approval of the requested permits, the project is consistent with the regulations in the RH-4 Hillside Residential zone and other requirements in the Planning Code.

(b) The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses.

The project is located within the city limits of the city of Oakland in an urbanized area. The site is 8,048 square feet and less than 5 acres in size.

(c) The project site has no value as habitat for endangered, rare, or threatened species.

The project is located within a substantially urbanized area and consists of a vacant site. Based on technical studies including a creek protection plan, hydrology report, arborists report, and peer review, there is no evidence that the site has value as habitat for endangered, rare, or threatened species.

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

The project involves a new single family dwelling with an ADU and is not anticipated to result in any significant effects relating to traffic, noise, air quality, or water quality for the following reasons.

The project will involve both construction and post-construction traffic, noise, air quality and water quality standards consistent with developments of this type in an urban location. Standard conditions of approval and uniformly applied development standards associated with this type of construction impacts are expected to reduce potential impacts to less than significant levels.

According to the Creek Protection Plan, the project incorporates a bio-treatment and detention system designed to harnesses stormwater runoff generated from impervious surfaces into flow-through planters that treat the runoff water prior to entering an on-site cistern. The proposed design allows the project to meet Alameda County stormwater guidelines.

The conceptual home design proposes to incorporate an interconnected, three-tank (3) cistern alignment to collect stormwater after it is treated in the flow-through planters. The 3-tank cistern will have a combined minimum 16,000-gallon capacity, which is 276 gallons more than the 15,724 gallons of runoff generated by the 100-year, 24-hour storm event from the impervious surfaces for the proposed project (per the Alameda County Hydrology and Hydraulics Manual). Therefore, storm flows in Temescal Creek will not be impacted by stormwater runoff from the impervious surfaces of the proposed single-family home.

Based on review of project plans, technical documents, site visits, comments from interested parties, and all analysis conducted, the City has concluded that that the project will not have significant effects related to traffic, noise, air quality, or water quality.

(e) The site can be adequately served by all required utilities and public services.

The project site is conveniently accessible to all required utilities (e.g., water, power, sanitary sewer facilities, and storm drain facilities) and all required public services (e.g., police and fire services).

ATTACHMENT B: CONDITIONS OF APPROVAL

Part 1: Standard Conditions of Approval – General Administrative Conditions

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans and supporting material (construction sequencing plan) dated **July 7, 2021, and received on July 8, 2021**, 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 calendar years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

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

4. Minor and Major Changes

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

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.

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

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

9. Severability

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

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

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

11. Public Improvements

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

12. Construction Management Plan

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

Part 2: Standard Conditions of Approval – Environmental Protection Measures

GENERAL

13. Regulatory Permits and Authorizations from Other Agencies

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

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

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

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

AESTHETICS

14. Trash and Blight Removal

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

15. Graffiti Control

Requirement:

- c. 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.
- d. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
 - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
 - ii. Covering with new paint to match the color of the surrounding surface.
 - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. Landscape Plan

- a. ***Landscape Plan Required***
 - Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, respectively), and with any applicable streetscape plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

- b. ***Landscape Installation***

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

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

- c. ***Landscape Maintenance***

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

17. Lighting

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

AIR QUALITY

18. Dust Controls – Construction Related

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

- a) Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) Limit vehicle speeds on unpaved roads to 15 miles per hour.
- e) All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.
- f) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- g) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

19. Criteria Air Pollutant Controls - Construction Related

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

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

develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).

- c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.
- d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
- e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
- f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

BIOLOGICAL

20. Tree Removal During Bird Breeding Season

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

When Required: Prior to removal of trees

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

21. Tree Permit

a. ***Tree Permit Required***

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

When Required: Prior to approval of construction-related permit

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

Monitoring/Inspection: Bureau of Building

b. ***Tree Protection During Construction***

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

- i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
- iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

c. ***Tree Replacement Plantings***

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

- i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- ii. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye), Umbellularia californica (California Bay Laurel), or other tree species acceptable to the Tree Division.
- iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.

- iv. Minimum planting areas must be available on site as follows:
 - For Sequoia sempervirens, three hundred fifteen (315) square feet per tree;
 - For other species listed, seven hundred (700) square feet per tree.
- v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

CULTURAL RESOURCES

22. Archaeological and Paleontological Resources – Discovery During Construction

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

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

23. Human Remains – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

GEOLOGY AND SOILS

24. Construction-Related Permit(s)

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

25. 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. (See Geotechnical Report and associated Amendment in Attachment C)

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

HAZARDS AND HAZARDOUS MATERIALS

26. Hazardous Materials Related to Construction

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

- a. Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;

- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

27. Designated Very High Fire Severity Zone – Vegetation Management

a. *Vegetation Management Plan Required*

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

- i. Removal of all tree branches and vegetation that overhang the horizontal building roof line and chimney areas within 10 feet vertically;
- ii. Removal of leaves and needles from roofs and rain gutters;
- iii. Planting and placement of fire-resistant plants around the house and phasing out flammable vegetation, however, ornamental vegetation shall not be planted within 5 feet of the foundation of the residential structure;
- iv. Trimming back vegetation around windows;
- v. Removal of flammable vegetation on hillside slopes greater than 20%; Defensible space requirements shall clear all hillsides of non-ornamental vegetation within 30 feet of the residential structure on slopes of 5% or less, within 50 feet on slopes of 5 to 20% and within 100 feet or to the property line on slopes greater than 20%.
- vi. All trees shall be pruned up at least ¼ the height of the tree from the ground at the base of the trunk;
- vii. Clearing out ground-level brush and debris; and All non-ornamental plants, seasonal weeds & grasses, brush, leaf litter and debris within 30 feet of the residential structure shall be cut, raked and removed from the parcel.
- viii. Stacking woodpiles away from structures at least 20 feet from residential structures.
- ix. If a biological report, prepared by a qualified biologist and reviewed by the Bureau of Planning, identifies threatened or endangered species on the parcel, the Vegetation Management Plan shall include islands of habitat refuge for the species noted on a site plan and appropriate fencing for the species shall be installed. Clearing of vegetation within these islands of refuge shall occur solely for the purpose of fire suppression within a designated Very High Fire Severity Zone and only upon the Fire Code Official approving specific methods and timeframes for clearing that take into account the specific flora and fauna species.

When Required: Prior to approval of construction-related permit

Initial Approval: Oakland Fire Department

Monitoring/Inspection: Oakland Fire Department

b. *Fire Safety Prior to Construction*

Requirement: The project plans shall specify that prior to construction, the project applicant shall ensure that the project contractor cuts, rakes and removes all combustible ground level vegetation project to a height of 6" or

less from the construction, access and staging areas to reduce the threat of fire ignition per Sections 304.1.1 and 304.1.2 of the California Fire Code.

When Required: Prior to approval of construction-related permit

Initial Approval: Oakland Fire Department

Monitoring/Inspection: Oakland Fire Department

c. ***Fire Safety During Construction***

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

d. ***Smoking Prohibition***

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building and Oakland Fire Department

HYDROLOGY AND WATER QUALITY

28. Erosion and Sedimentation Control Plan for Construction

a. Erosion and Sedimentation Control Plan Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. Erosion and Sedimentation Control During Construction

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

30. Site Design Measures to Reduce Stormwater Runoff

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

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

31. Source Control Measures to Limit Stormwater Pollution

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

- a. Stencil storm drain inlets “No Dumping – Drains to Bay;”
- b. Minimize the use of pesticides and fertilizers;
- c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;
- d. Cover trash, food waste, and compactor enclosures; and
- e. Plumb the following discharges to the sanitary sewer system, subject to City approval:
- f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
- g. Dumpster drips from covered trash, food waste, and compactor enclosures;
- h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
- i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
- j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

32. NPDES C.3 Stormwater Requirements for Small Projects

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

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

33. Vegetation Management on Creekside Properties

Requirement: The project applicant shall comply with the following requirements when managing vegetation prior to, during, and after construction of the project:

- a. Identify and leave "islands" of vegetation in order to prevent erosion and landslides and protect habitat;
- b. Trim tree branches from the ground up (limbing up) and leave tree canopy intact;
- c. Leave stumps and roots from cut down trees to prevent erosion;
- d. Plant fire-appropriate, drought-tolerant, preferably native vegetation;
- e. Provide erosion and sediment control protection if cutting vegetation on a steep slope;
- f. Fence off sensitive plant habitats and creek areas if implementing goat grazing for vegetation management;
- g. Obtain a Tree Permit before removing a Protected Tree (any tree 9 inches diameter at breast height or dbh or greater and any oak tree 4 inches dbh or greater, except eucalyptus and Monterey pine);
- h. Do not clear-cut vegetation. This can lead to erosion and severe water quality problems and destroy important habitat;
- i. Do not remove vegetation within 20 feet of the top of the creek bank. If the top of bank cannot be identified, do not cut within 50 feet of the centerline of the creek or as wide a buffer as possible between the creek centerline and the development;
- j. Do not trim/prune branches that are larger than 4 inches in diameter;
- k. Do not remove tree canopy;
- l. Do not dump cut vegetation in the creek;
- m. Do not cut tall shrubbery to less than 3 feet high; and
- n. Do not cut short vegetation (e.g., grasses, ground-cover) to less than 6 inches high.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

34. Creek Protection Plan

a. ***Creek Protection Plan Required***

Requirement: The project applicant shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to the City for site improvements and shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices (“BMPs”) during construction and after construction to protect the creek. Required BMPs are identified below in sections (b), (c), and (d).

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. ***Construction BMPs***

Requirement: The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following:

- i. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.
- ii. The project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent biodegradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.
- iii. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.
- iv. All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted.
- v. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.
- vi. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.
- vii. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.
- viii. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.
- ix. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
- x. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.

- xi. Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains.
- xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).
- xiii. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureaus of Planning/Building

c. ***Post-Construction BMPs***

Requirement: The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

d. ***Creek Landscaping***

Requirement: The project applicant shall include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City. Landscaping information shall include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season.

Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

e. ***Creek Protection Plan Implementation***

Requirement: The project applicant shall implement the **approved** Creek Protection Plan (**dated July 2021 and required updates per the Peer Review recommendations listed in Condition of Approval #48**) during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.

When Required: During construction; ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

NOISE

35. 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

36. Construction Noise

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

37. Extreme Construction Noise

a. Construction Noise Management Plan Required

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

- i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Public Notification Required

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

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

38. Operational Noise

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

POPULATION AND HOUSING

39. Affordable Housing Impact Fee

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

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

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

PUBLIC SERVICES

40. Capital Improvements Impact Fee

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

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

TRANSPORTATION/TRAFFIC

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

a. ***Obstruction Permit Required***

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

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

b. ***Traffic Control Plan Required***

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

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

c. ***Repair of City Streets***

Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

42. Transportation Impact Fee

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

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

UTILITY AND SERVICE SYSTEMS

43. 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

44. 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

45. Green Building Requirements

a. ***Compliance with Green Building Requirements During Plan-Check***

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

- i. The following information shall be submitted to the City for review and approval with the application for a building permit:
 - Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
 - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
 - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.

- Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
 - Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
 - Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
 - Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- ii. The set of plans in subsection (i) shall demonstrate compliance with the following:
- CALGreen mandatory measures.
 - **53 Points** per the appropriate checklist approved during the Planning entitlement process.
 - All green building points identified on the checklist approved during review of the 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

b. ***Compliance with Green Building Requirements During Construction***

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

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

- i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
- ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
- iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

c. ***Compliance with Green Building Requirements After Construction***

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

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

46. 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,
 - ii. Applicant and property owner name,
 - iii. Project address,
 - iv. Total landscape area,
 - v. Project type (new, rehabilitated, cemetery, or home owner 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

Site Specific Conditions of Approval

47. Use of abutting public path for construction access

Requirement: The project applicant shall secure all necessary permits from the City of Oakland Department of Transportation prior to using the abutting public path to transport construction equipment to the subject site.

When Required: During construction

Initial Approval: Oakland Department of Transportation

Monitoring/Inspection: Bureau of Planning/Building/OakDot

48. Peer Review Recommendations

Requirement: The project applicant shall comply with recommendations of the EMKO Peer Review enclosed as Attachment C and also summarized below:

1. The Geotecnia report should be updated to provide a more detailed discussion of historic and current landslide issues to be consistent with CGS SP 117 requirements, and to address the five specific issues listed in Section 2.1.6, above. (Status: Completed in Addendum to Geotech Report)
2. Due to the challenging access to the site, a detailed construction sequencing plan would be appropriate to confirm that all aspects of the initial site disturbance can be conducted without interfering with measures in place to prevent erosion and protect the creek banks. (Status: Completed in Construction Sequencing Plan)
3. An additional boring should be drilled behind the top of the steep bank above the outlet of the upstream culvert to provide data for both design and construction of appropriate stabilization measures, such as soil nails and/or rock bolts combined with a wire mesh facing. Again, it is important to note that our concern regarding this slope is related to the existing environmental setting as a result of previous filling of Temescal Creek and installation of undersized culverts on upstream properties, not due to the proposed project itself. (Status: Completed in Addendum to Geotech Report)
4. The Creek Protection Plan dated April 30, 2015 and submitted to the City in May 2015 (not reviewed as part of this peer review exercise) should be updated to incorporate the most recent City SCAs. In addition, we recommend that the plan include a detailed approach to protect and monitor the oversteepened slope near the outlet of the upstream culvert during construction activities. The additional soil boring described in Recommendation 3, above, is intended to provide at least part of the information necessary to update the Creek Protection Plan. (Status: Completed in CPP and Addendum to Geotech Report)
5. In addition to, and in conjunction with, Recommendation #1, above, the City should require revisions to the Geotecnia report such that it meets all of the requirements of SCA#38, (This corresponds to COA #25 **Seismic Hazards Zone (Landslide/Liquefaction)** condition) including the measures listed in Section 2.1.6 and those items discussed in the January 8, 2019 Geotecnia rebuttal letter to the A3GEO comments. These recommendations for modifications to the Soils Report required by the SCAs will provide the City with an inspection and enforcement mechanism to ensure that appropriate geotechnical and structural engineering oversight of the construction occurs. We also recommend that the construction management plan specify that the geotechnical engineer of record or his representative be onsite during pier drilling and during excavation work that will result in vertical unsupported cuts greater than five feet in height. (Status: Completed in Addendum to Geotech Report)
6. Considering the steepness of the slope and the proximity to the creek, we believe it is unrealistic to expect that the creek can be reasonably protected from turbid run-off water if grading occurs during the rainy season. Therefore, SCA or permit requirements that prohibit grading or ground-disturbing activities between October 15 and April 15 should be enforced and the City of Oakland should not consider any request to waive such requirements, if such a request were to be made. (Status: Required as COA#11)

The Peer Review also recommend that the following construction-specific issues be addressed before approval of the project:

- a) The structural plans for the bridge show a single row of piers at the back of an L-shaped pier cap. We believe piers are needed directly beneath the wall (i.e., along the front of the pier cap) to prevent rotation of the pier cap in case the front of the cap is undermined by unanticipated scouring/failure of the creek bank. (Status: Addressed in Addendum to Geotech Report)
- b) Although a backdrain is shown schematically on the structural drawings at the base of the retaining wall to be installed along the southern side of the creek, the drawings do not show where the perforated collection pipe will discharge. Since discharge directly into the creek may not be allowed, this issue should to be addressed prior to construction. (Status: Addressed in Amended Drainage Plan)
- c) Three or four of the drilled piers for the proposed retaining wall on the northern side of the creek are within 10 horizontal feet of an overhead line that is only about 15 feet above grade. Since the overhead line may prevent drilling of the piers, this issue should be addressed prior to construction. (Status: Required prior to issuance of building permits)

d) The proposed grassy swale behind and on the sides of the residence will discharge into two catch basins at the bottom of the swale near the property lines on either side of the new residence. Considering the steepness of the slope on the sides of the residence, we are concerned the surface water collected in the swale will overtop the catch basins and possibly flow onto the adjacent properties, particularly if leaves and debris from the trees at the top of the property clog the drain inlets. One potential measure to alleviate this possibility would be to install another set of drain inlets further up the slope. *(Status: Addressed in Amended Drainage Plan)*

e) It is not clear where the water that will percolate through the permeable pavers at the front of the residence will discharge. The plans should clearly delineate whether the water will be collected by a perforated pipe and discharged into one of the cisterns or if it will simply percolate into the underlying soils along the south bank of the creek. Considering the proximity of the creek, this issue should be addressed prior to construction. *(Status: Addressed in Amended Drainage Plan)*

When Required: Prior to application for building permits and Ongoing

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning/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

**REPORT
GEOTECHNICAL STUDY
Proposed Single-Family Residence on Vacant Lot Between
6326 and 6344 Thornhill Drive (A.P.N. 48F-7379-6)
Oakland, California**

Prepared for:

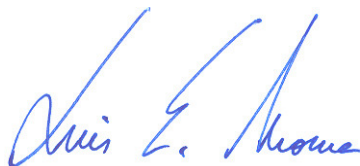
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Project Number: 141481



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INTRODUCTION

Purpose

We completed a geotechnical study for the proposed single-family residence on the vacant upslope lot between 6326 and 6344 Thornhill Drive (to be numbered either 6334 or 6336) in Oakland, California. The purposes of this site-specific study have been to evaluate the geologic and geotechnical conditions at the site, and to develop geotechnical criteria for design and construction of the proposed residence and bridge.

Scope of Services

The scope of our services was outlined in our Proposal and Professional Service Agreement dated March 20, 2014. Our work included performing a site reconnaissance visit; reviewing selected geotechnical and geologic data and published geologic, landslide, fault, and seismic hazard maps of the site vicinity; continuously sampling three borings on the upslope south of the creek and drilling and sampling one boring on the downslope north of the creek to depths ranging from 9 to 21 feet below the ground surface; conducting geological and geotechnical interpretations and engineering analyses; and preparing this report.

This report contains the results of our study, including findings regarding surface and subsurface conditions; conclusions pertaining to site-specific geotechnical conditions and geologic hazards; and geotechnical recommendations for design of the proposed residence and bridge.

Pertinent exhibits appear in Appendix A. The site location relative to existing streets is shown on Plate 1 – Site Location Map. The locations of the borings are depicted relative to the street, property lines, two adjacent residences, creek, and approximate proposed locations of the bridge and residence on Plate 2 – Boring Location Map. The logs of the borings are displayed on Plates 3-6 – Logs of Borings B-1 through B-4. Explanations of the symbols and other codes used on the logs are presented on Plate 7 – Soil Classification Chart and Key to Test Data, and Plate 8 – Engineering Geology Rock Terms. Plates 1-8 are included in Appendix A.

References consulted during the course of this study are listed in Appendix B. Details regarding the field exploration program appear in Appendix C.

Proposed Project

Our understanding of the proposed project is based on conversations with the Client. The proposed project consists of building a new, multi-level, single-family residence on the subject upslope lot, south of the creek, as well as a bridge over the creek to access the residence. A parking apron/driveway will be located between the south bridge abutment and the residence.

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The project will involve some excavations as required to provide the necessary grade separations for the parking apron, garage, and various levels of the house. No other project details are known at this time.

FINDINGS

Site Description

The project site is the vacant upslope lot between the existing houses at 6326 and 6344 Thornhill Drive in Oakland, California, at the approximate location shown on Plates 1 and 2. The majority of the existing north-facing slope south of the creek is inclined at gradients estimated to range from about 1.6:1 to 2:1 (H:V), based on our review of the topographic survey map referenced on Plate 2, except in the immediate vicinity of the creek channel, where the creek banks become steeper than 0.5:1. The northernmost portion of the site includes a creek which flows towards the west. The creek channel is exposed at the site, but flows through culverts both east and west of the site. There were numerous trees on the subject slope at the time of our field exploration program.

Geology and Seismicity

The site is within the Coast Ranges Geomorphic Province, which includes the San Francisco Bay and the northwest-trending mountains that parallel the coast of California. These features were formed by tectonic forces resulting in extensive folding and faulting of the area. The oldest rocks in the area include sedimentary, volcanic, and metamorphic rocks of the Franciscan Complex, and sandstone, shale, and conglomerate of the Great Valley Sequence. These units are Jurassic to Cretaceous in age and form the basement rocks in the region.

Two geologic maps of the area reviewed for this study (Dibblee, 2005; and Radbruch, 1969) show the site to be underlain by alluvial soils overlying Eocene-age bedrock consisting of interbedded sandstone and shale. The nearest active fault is the Type-A Hayward Fault, located about 0.7 mile (1.1 kilometers) southwest of the site (CDMG, 1982). The site is outside the Alquist-Priolo Earthquake Fault Zone but inside the two-kilometer, Near-Source Zone (NSZ) associated with the Hayward Fault (CDMG, 1997).

Earth Materials

General

The subsurface conditions summarized below are based on data from the four borings completed for this study. The borings were located near the upper and lower portions of the proposed residence and at each of the two proposed bridge abutments, at the approximate locations shown on Plate 2. The horizons encountered are described in more detail below for the residence and

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each bridge abutment in stratigraphic order starting at the ground surface. Detailed descriptions of the materials encountered in the four borings are shown on Plates 3-6.

Residence (Borings B-1 and B-2)

We encountered a layer of loose to medium dense silty sand from the ground surface in Borings B-1 and B-2. This layer was approximately 3 feet thick in Boring B-1 and 4 feet thick in Boring B-2. Samples of the soils from this layer tested in the field had Standard Penetration Test (SPT) blow counts (N-values) ranging from about 5 to 16 blows per foot (bpf).

Below the surficial silty sand layer, we encountered a 2- to 2.5-foot-thick layer of medium dense silty sand, which we considered to be residual soil (i.e. weathered-in-place soil). Samples of the soils from this layer tested in the field had N-values ranging from about 16 to 24 bpf.

Sandstone bedrock was encountered below the residual soil layer in both borings, and extended to the maximum depths explored in both borings. The bedrock was firm, friable, and highly weathered. The N-values in the bedrock ranged from about 32 bpf to a penetration resistance of 5 inches of penetration for 50 blows from a 140-pound hammer (using an SPT sampler), which was considered to be practical refusal conditions. Practical refusal is defined for purposes of this report as requiring at least 50 blows of a 140-pound hammer to drive an SPT sampler 6 inches.

South Bridge Abutment (Boring B-3)

We encountered a layer of medium dense silty and clayey sand from the ground surface in Boring B-3. This layer was approximately 7.6 feet thick. Samples of the soils from this layer tested in the field had N-values ranging from about 11 to 17 bpf.

Below the surficial silty sand layer, we encountered an approximately 2-foot-thick layer of medium dense silty sand, which we considered to be residual soil. Samples of the soils from this layer tested in the field had N-values ranging from about 26 to 27 bpf.

Below the second silty sand layer, we encountered a layer of very stiff lean clay, which extended to the maximum depth explored in Boring B-3. Samples of the soils from this layer tested in the field had a pocket penetrometer shear strength ranging from about 2,000 to 2,500 pounds per square foot (psf) and N-values ranging from about 19 to 25 bpf.

North Bridge Abutment (Boring B-4)

We encountered a layer of artificial fill from the ground surface to a depth of about 7.5 feet in Boring B-4. The upper 3.5 feet of this layer consisted of medium dense to dense silty sand, with N-values ranging from about 17 to 60 bpf, and the lower 4 feet of this layer consisted of hard lean clay with a pocket penetrometer greater than 4,500 psf and N-values ranging from about 35 to 51 bpf.

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Below the artificial fill, between depths of about 7.5 and 12.5 feet, we encountered a layer of medium stiff, sandy lean clay. Samples of the soils from this layer tested in the field had a pocket penetrometer shear strength ranging from about 700 to 1,000 psf and N-values ranging from about 5 to 6 bpf.

Below the medium stiff clay layer, we encountered a 2.5-foot-thick layer of medium dense, poorly graded gravel, with an N-value of about 11 bpf.

Below the gravel layer, at a depth of about 15 feet, we encountered a layer of stiff lean clay, which we considered to be residual soil. This layer extended to the maximum depth explored in Boring B-4 (21 feet). Samples of the soils from this layer tested in the field had N-values ranging from about 11 to 17 bpf.

Groundwater

No free groundwater was encountered at the time of drilling in Borings B-1 through B-3; however, we measured the groundwater surface at a depth of 9 feet in Boring B-4 at the time of drilling. The flow line of the creek nearby was at an elevation of approximately 674.6 feet based on the topographic survey map referenced on Plate 2, which is about 2 feet higher than the groundwater surface measured in Boring B-4; therefore, it is our opinion that the groundwater surface may not have fully stabilized in Boring B-4 before it was backfilled. The groundwater level is anticipated to fluctuate with changes in seasonal and annual precipitation, irrigation, and other factors.

CONCLUSIONS

General

The subject site is feasible from a geologic and geotechnical standpoint for support of the proposed residence and bridge, provided the recommendations in this report are incorporated during design and construction. The primary geotechnical considerations associated with the proposed project are (1) the presence of steep slopes; (2) the presence of a weak layer and shallow groundwater in the north bridge abutment; and (3) seismic shaking during earthquakes. These items are addressed in greater detail below.

Presence of Steep Slope

As discussed above, the existing slope at the site has inclinations ranging from approximately 1.6:1 (32 degrees) on its steepest portions to approximately 2:1 (27 degrees) on its flattest portions (where the two borings for the proposed residence were drilled). The presence of the slope implies that conventional spread footings may not be used for the entire building since they would provide little resistance to lateral loads in close proximity to the slope; therefore, as

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recommended in a subsequent portion of the report, footings may be used only in the rear portions of the residence or appurtenant structures such as retaining walls where excavations extend into the bedrock, and drilled piers should be used in the front portions of the residence and retaining walls within 10 feet of downslopes.

Presence of Weak Layer Beneath Fill in North Bridge Abutment

As discussed on pages 3 and 4 and as shown on Plate 6, we encountered a 5-foot-thick layer of medium stiff, wet to saturated, sandy lean clay in Boring B-4, where the north bridge abutment will be located. Furthermore, the groundwater surface was near the top of this layer at the time of drilling. Based on these conditions, we recommend in a subsequent section of this report that the foundations for the north bridge abutment—as well as for the south bridge abutment—consist of deep foundations such as drilled piers or helical piers. Both methods have advantages and disadvantages, some of which are also discussed later in the report.

Other Geologic Hazards

It is our opinion that the potentials for liquefaction, lateral spreading, and seismic compaction are low at the site because no loose, saturated granular soils were encountered in the four borings completed for this study. The potentials for landsliding, fault rupture, and earthquake shaking are discussed below.

Landsliding

A published landslide map of the site vicinity reviewed for this study did not show deep-seated landslides at the site (Nilsen, 1975); however, the site is inside a zone mapped by CGS (2003) requiring further investigation (such as this study) regarding earthquake-induced landslides. During our site reconnaissance, we did not observe evidence of deep-seated, active slope instability at the site or its immediate vicinity. Furthermore, the bedrock in the upper portion of the site is only about 5 to 6.5 feet deep, and the soils near the base of the slope (above the creek level) are either medium dense to dense or very stiff to hard. Based on the above discussion, it is our opinion that the potential for deep-seated slope instability at the site under both static and seismic conditions is low provided the recommendations in this report are implemented.

Fault Rupture

The subject property does not lie within the Alquist-Priolo Earthquake Fault (formerly Special Study) Zone associated with the Type-A Hayward Fault, as defined by the California Geological Survey (formerly the California Division of Mines and Geology); however, the site is inside the NSZ associated with the same fault. No faults are shown crossing the site on reviewed published maps, nor did we observe evidence of fault rupture during our study. Therefore, we conclude that the potential risk for damage to the planned improvements at the site due to surface rupture from faults is low.

Earthquake Shaking

Earthquake shaking results from the sudden release of seismic energy during displacement along a fault. During an earthquake, the intensity of ground shaking at a particular location will depend on a number of factors including the earthquake magnitude, the distance to the zone of energy release, and local geologic conditions. We expect that the site may be exposed to strong earthquake shaking during the life of the improvements since the site is less than one mile from the Hayward Fault. The building code recommendations should be followed for reducing potential damage to the structure from earthquake shaking.

RECOMMENDATIONS

General

The proposed residence, as well as appurtenant structures such as retaining walls, should be supported on either (a) shallow footings located at least 10 feet from the face of any downslopes, or (b) drilled piers at least 13 feet long. Recommendations for conventional spread footings and drilled piers for the residence are provided in subsequent sections of this report.

The proposed bridge abutments should be supported on either drilled piers or helical piers. Recommendations for drilled piers and helical piers for the bridge abutments are also provided in subsequent sections of this report.

In addition, the design of the planned improvements should consider the large lateral loads and inertia forces from the structures and retained earth during strong seismic shaking at the site in accordance with the latest applicable codes.

Seismic Design

The seismic design criteria to evaluate the earthquake lateral loads in accordance with the 2013 CBC may be calculated using the procedures in the building code assuming a Class-C site. We used the online ground motion parameter calculator provided by the United States Geological Survey (USGS) to estimate some of the seismic design criteria using a Class-C site, the site's geographical coordinates, and the 2013 ASCE 7-10 standard (based on a 10% probability of exceedance in 50 years). On that basis, we obtained a mapped spectral acceleration for short periods, S_s , of 2.365, and a mapped spectral acceleration for a 1-second period, S_1 , of 0.984.

Site Preparation and Grading

Clearing

Areas to be graded should be cleared of vegetation, debris, roots, tree trunks and limbs, and other deleterious material. The cleared materials should be removed from the site.

Excavations

Temporary slopes should be constructed in accordance with applicable codes and regulations. It is our opinion that the sandstone bedrock should be able to support relatively steep temporary slopes; however, the recommended inclinations of unsupported cut slopes should be determined by a representative of our firm during construction. Any temporary slopes in the soil layer above the bedrock should be no steeper than 1.5:1 (horizontal:vertical).

GEOTECNIA should continue to be retained to observe the earth materials (soil and bedrock) exposed during excavation in order to observe the bedding planes, fracture and joint orientations, and evaluate the stability of the exposed cut slopes in the bedrock. In areas where the orientation of the discontinuities is favorable relative to the orientation of the cut slope and the bedrock is not slickensided, a near-vertical temporary slope may be used. In areas with weaker layers, excessive slickensides, adverse orientation of the discontinuities relative to the orientation of the cut slope, or where seepage is present, the slope may need to be laid back. The safe slope inclination may also be a function of the slope height and presence of clay seams in discontinuities.

All temporary slopes, shoring design (if required), and underpinning/temporary support of existing structures to remain, as applicable, are the responsibility of the contractor. As discussed above, the actual inclination of recommended temporary slopes should be determined during construction based on the actual subsurface materials encountered. GEOTECNIA would be available to assist the contractor as required.

Material for Backfill

The in-situ earth materials may be re-used as backfill, provided they have no particles or lumps greater than 4 inches in largest dimension. If import backfill materials are used, they should have a plasticity index (PI) lower than 12, should have no lumps greater than 4 inches in largest dimension, and should preferably be granular soils (sand, gravel, or sand/gravel mixtures). Import backfill materials should be approved by the geotechnical engineer prior to use.

Compaction of Backfill

Backfills should be placed in level lifts not exceeding 8 inches in loose thickness. Each lift should be brought to at least the optimum moisture content and compacted to at least 90 percent

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relative compaction, in accordance with ASTM D1557. Backfills within 3 feet (vertically) of driveway concrete slabs or pavements should be compacted to 95 percent relative compaction.

Foundations

General

The inboard portions of the proposed residence and appurtenant structures such as retaining walls may be supported on conventional spread footings, provided the footings bear into the bedrock and are at least 10 feet away from the face of a downslope. The proposed improvements within 10 feet from the face of a downslope should be supported on drilled piers.

The proposed bridge abutments may be supported either on drilled piers or helical piers. Drilled piers may require casing or pouring the concrete immediately after drilling and placement of the steel cages due to the presence of a weak layer below the fill and shallow groundwater. Drilled piers would also require handling and disposing of the drilling spoils. Helical piers would need to be able to extend to the minimum depths recommended in this report, and may meet refusal in the fill layer encountered in Boring B-4 before reaching their minimum required lengths.

Spread Footings

The inboard portions of the proposed residence and retaining walls may be supported on shallow spread footings, bearing into the underlying bedrock, provided they are at least 10 feet away from the face of a downslope. Spread footings should be at least 12 inches wide and extend at least 18 inches below the lowest adjacent finished grade. The geotechnical engineer should check the footing excavations, prior to placing any steel reinforcement, to evaluate the appropriate depth for the actual earth materials encountered.

Spread footings should be designed for maximum allowable soil contact pressures of 3,000 pounds per square foot (psf) for dead loads, 3,600 psf for dead plus sustained live loads, and 4,500 psf for total loads, including wind and seismic forces. We anticipate that footings designed and constructed in accordance with our recommendations will experience total settlements less than $\frac{3}{4}$ inch and differential settlements less than $\frac{1}{2}$ inch over a 25-foot span.

Footing excavations without vertical sides, as well as the above-grade portions of the footings, should be formed to prevent overpours and mushrooming of concrete. The finished footings should have vertical sides.

Resistance to lateral loads can be obtained using an allowable passive pressure equivalent to that provided by a fluid weighing 300 pounds per cubic foot (pcf), and a base friction coefficient of 0.3 multiplied by the net vertical dead load. These values include a safety factor of 1.5, and may be used in combination without reduction. Passive pressure in the top 12 inches should be neglected where the surface is not confined by slabs or pavements; however, the triangular pressure distribution may be computed from the ground surface. For any keys extending below

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the bottom of the footings, a uniform passive pressure of 2,000 psf may be used provided the key is cut neat into the bedrock, to be confirmed by our representative during construction.

Drilled Piers (for Residence and Retaining Walls)

The outboard portions of the proposed residence or retaining walls, within 10 feet away from the face of a downslope, should be supported on drilled piers connected at the tops by grade beams or a pier cap/footing. The piers should be at least 16 inches in diameter and extend to a depth of at least 13 feet below the ground surface/bottom of the grade beam or penetrate at least 8 feet into the sandstone bedrock, whichever is deeper. The actual depth should be determined in the field by the geotechnical engineer during pier installation. The foundation contractor should provide a unit cost for piers that extend deeper (additional charge) or are shallower (cost deduction) than the assumed depths. The planned improvements supported on drilled piers are anticipated to settle less than $\frac{3}{4}$ inch. Differential settlements are anticipated to be less than $\frac{1}{2}$ inch over a 25-foot span.

The drilling contractor should anticipate that hard drilling conditions may be encountered when drilling below the maximum depths explored in our borings. If refusal conditions are encountered above the design pier depth during drilling, we should be contacted to evaluate the reduced capacity of the shorter pier(s).

The piers should be spaced at least three pier diameters center to center, and the above minimum recommended pier depth should be checked against the required depths to resist axial loads. The required pier depth should be the longest of the above-recommended minimum penetration or the depth required to resist axial loads as discussed below.

Piers should be designed for a maximum allowable skin friction value of 800 psf in the bedrock, for combined dead plus sustained live load. This value, which may be used for both downward and uplift loads and includes a safety factor of 2.0, may be increased by one-third for total loads, including the effects of seismic or wind forces. Skin friction should be disregarded in the upper portion of the piers surrounded by the soil layer, and end bearing should be neglected. The weight of foundation concrete extending below grade should be disregarded for downward loads, but may be added to the skin friction capacity for uplift loads.

A passive equivalent fluid weight of 250 pcf may be used to estimate the maximum passive pressures acting against the piers. It may be assumed that those pressures would act over two pier diameters. However, we recommend that the actual lateral pier capacities be estimated based on the allowable lateral deflections at the tops of the piers, as discussed below.

Resistance to lateral loads will be provided by passive earth pressure against each pier and by the bending strength of the pier itself. The estimated lateral capacities and maximum moments in the piers are tabulated at the top of page 10 as a function of the allowed deflection of the top of the pier assuming "free head" conditions, and that the piers are 16 inches in diameter and at least 13 feet long. The pier top lateral deflections for loads between the tabulated values may be

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interpolated from the values given. The tabulated data include a safety factor of 1.0 and depend on the allowable deflection at the top of the pier. For different pier diameters and depths, the lateral capacity as a function of lateral deflection will be different than the tabulated values.

Lateral Deflection	Lateral Load	Maximum Moment
(in.)	(kips)	(ft-kips)
1/4	4.0	15
1/2	8.5	31
3/4	11.5	42
1	15.0	55

The estimated depths to the maximum moment and zero lateral deflection below the tops of the piers are 6 and 10 feet, respectively, assuming 16-inch-diameter piers at least 13 feet long.

In order to account for group effects, the lateral capacity of each pier should be reduced by multiplying it by a group reduction factor (GRF) that is a function of the number of piers in the group. We recommend the GRF values tabulated below, which assume that individual piers are spaced at least 3 pier widths center to center, as previously discussed.

Number of Piers in Group	GRF
2	0.9
3 to 5	0.8
6 to 9	0.7

If groundwater is encountered during pier shaft drilling, it should be removed by pumping, or the concrete must be placed by the tremie method. The tremie pipe should be extended to the bottom of the pier hole and kept below the top of the concrete in the hole as the hole is filled with concrete in order for the concrete to displace the water upward. If the pier holes are dry, the concrete should not be dropped more than 5 feet vertically to avoid segregation of the cement mix and the aggregate, which would weaken the concrete.

Finally, we recommend that the actual drilled pier depths be at least 6 inches deeper than as required, to allow for some sloughing of soils from the upper portion of the pier holes after completion of drilling. If the time between pier drilling and concrete placement is relatively long, the extra pier depth should be on the order of one foot to allow for additional sloughing as a function of time.

Drilled Piers (for Bridge Abutments)

The proposed bridge abutments may be supported on drilled piers connected at the tops by a pier cap/footing. The piers should be at least 18 inches in diameter and extend to a depth of at least 15 feet below the ground surface/bottom of the footing. The actual depth should be determined in the field by the geotechnical engineer during pier installation. The foundation contractor should provide a unit cost for piers that extend deeper (additional charge) or are shallower (cost

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deduction) than the assumed depths. The planned improvements supported on drilled piers are anticipated to settle less than $\frac{3}{4}$ inch. Differential settlements are anticipated to be less than $\frac{1}{2}$ inch over a 25-foot span.

The drilling contractor should anticipate that hard drilling conditions may be encountered when drilling below the maximum depths explored in our borings. If refusal conditions are encountered above the design pier depth during drilling, we should be contacted to evaluate the reduced capacity of the shorter pier(s).

The piers should be spaced at least three pier diameters center to center, and the above minimum recommended pier depth should be checked against the required depths to resist axial loads. The required pier depth should be the longest of the above-recommended minimum penetration or the depth required to resist axial loads as discussed below.

Piers should be designed for a maximum allowable skin friction value of 500 psf below a depth of 2 feet, for combined dead plus sustained live load. This value, which may be used for both downward and uplift loads and includes a safety factor of 2.0, may be increased by one-third for total loads, including the effects of seismic or wind forces. Skin friction should be disregarded in the upper 2 feet of the piers, and end bearing should be neglected. The weight of foundation concrete extending below grade should be disregarded for downward loads, but may be added to the skin friction capacity for uplift loads.

A passive equivalent fluid weight of 250 pcf may be used to estimate the maximum passive pressures acting against the piers. It may be assumed that those pressures would act over two pier diameters. However, we recommend that the actual lateral pier capacities be estimated based on the allowable lateral deflections at the tops of the piers, as discussed below.

Resistance to lateral loads will be provided by passive earth pressure against each pier and by the bending strength of the pier itself. The estimated lateral capacities and maximum moments in the piers are tabulated below as a function of the allowed deflection of the top of the pier assuming "free head" conditions, and that the piers are 18 inches in diameter and at least 18 feet long. The pier top lateral deflections for loads between the tabulated values may be interpolated from the values given. The tabulated data include a safety factor of 1.0 and depend on the allowable deflection at the top of the pier. For different pier diameters and depths, the lateral capacity as a function of lateral deflection will be different than the tabulated values.

Lateral Deflection	Lateral Load	Maximum Moment
(in.)	(kips)	(ft-kips)
$\frac{1}{4}$	6.0	24
$\frac{1}{2}$	12.5	50
$\frac{3}{4}$	17.0	68
1	21.0	84

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The estimated depths to the maximum moment and zero lateral deflection below the tops of the piers are 7 and 11 feet, respectively, assuming 18-inch-diameter piers at least 15 feet long.

In order to account for group effects, the lateral capacity of each pier should be reduced by multiplying it by a group reduction factor (GRF) that is a function of the number of piers in the group. We recommend the GRF values tabulated below, which assume that individual piers are spaced at least 3 pier widths center to center, as previously discussed.

Number of Piers in Group	GRF
2	0.9
3 to 5	0.8
6 to 9	0.7

If groundwater is encountered during pier shaft drilling, it should be removed by pumping, or the concrete must be placed by the tremie method. The tremie pipe should be extended to the bottom of the pier hole and kept below the top of the concrete in the hole as the hole is filled with concrete in order for the concrete to displace the water upward. If the pier holes are dry, the concrete should not be dropped more than 5 feet vertically to avoid segregation of the cement mix and the aggregate, which would weaken the concrete.

Finally, we recommend that the actual drilled pier depths be at least 6 inches deeper than as required, to allow for some sloughing of soils from the upper portion of the pier holes after completion of drilling. If the time between pier drilling and concrete placement is relatively long, the extra pier depth should be on the order of one foot to allow for additional sloughing as a function of time.

Helical Piers (for Bridge Abutments)

If helical piers/anchors will be considered as an alternate foundation system for the bridge abutments, we recommend that helical piers with two helixes be used, with a 12-inch-diameter upper helix and a 10-inch-diameter lower helix (located 30 inches below the upper helix), and that the piers be extended into the competent residual soils that were encountered at depths of about 8 feet in Boring B-3 (south abutment) and 15 feet in Boring B-4 (north abutment). We anticipate that the upper helix may need to be driven about 3 feet into competent soils; therefore, the helical piers are anticipated to be at least 11 feet long in the south abutment and 18 feet long in the north abutment, measured from the ground surface to the lower helix. However, the actual minimum required depth of each helical pier will need to be determined during construction based on the actual torque during installation.

We recommend that a representative of Geotecnia be present on a full-time basis during installation of all the helical piers to observe driving of each of the helical piers and document the driving pressure and torque, estimate the actual ultimate capacity of each pier, and determine the actual required depth and helix configuration for each helical pier. We recommend that a test

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helical pier be driven in each abutment to help determine the helix configuration and length required to (a) develop the required capacity and (b) penetrate into the residual soil layer.

The shaft cross section should be at least 3.5 inches in outside diameter (HS pier family or equivalent). This helical pier shaft has a maximum allowable torque of 11,000 foot-pounds and a maximum ultimate axial capacity of 100 kips per pier, without any safety factor.

We estimate that the allowable axial downward capacity of each helical pier driven as described above will be 17 kips, using a factor of safety of 2 for dead-plus-sustained-live loads. A one-third increase may be used for all loads, including wind and seismic forces. The allowable uplift capacity is estimated to be one half of the downward axial capacity. We estimate that the helical piers designed and installed under our full-time observation as recommended herein should experience post-construction settlements less than 3/4 inch.

Helical piers should be spaced at least 5 helix diameters apart, using the largest helix as a reference. Therefore, based on a 12-inch-diameter for the larger, upper helix, the minimum helical pier spacing should be 60 inches, or about 5 feet.

Resistance to lateral loads will be provided by passive earth pressure against each helical pier and by the bending strength of the helical pier itself. The estimated lateral capacities and maximum moments in the helical piers are tabulated below as a function of the allowed deflection of the top of the pier shaft assuming "free head" conditions, and that the pier shafts are 3.5 inches in diameter and at least 11 feet long. The pier top lateral deflections for loads between the tabulated values may be interpolated from the values given. The tabulated data include a safety factor of 1.0 and depend on the allowable deflection at the top of the pier. For different pier diameters and depths, the lateral capacity as a function of lateral deflection will be different than the values tabulated below.

Lateral Deflection (inches)	Lateral Load (kips)	Maximum Moment (foot-kips)
1/4	1.1	1.9
1/2	1.9	3.2
3/4	2.9	4.9
1	3.3	5.6

Additional lateral resistance can be obtained by installing some battered helical piers as required, and the lateral capacity would be calculated as a fraction of the uplift capacity (which is tabulated above for different pier lengths), based on the angle of installation (i.e. the horizontal component of the uplift resistance).

Retaining Walls

General

Wall backfill should be spread in level lifts not exceeding 8 inches in thickness. Each lift should be brought to at least the optimum moisture content and compacted to not less than 90 percent relative compaction, per ASTM D1557. Retaining walls may yield slightly during backfilling. Therefore, walls should be properly braced during the backfilling operations.

Where migration of moisture through retaining walls would be detrimental or undesirable, retaining walls should be waterproofed as specified by the project architect or structural engineer.

Retaining walls should be supported on foundations designed in accordance with the recommendations presented above. A minimum factor of safety of 1.5 against overturning and sliding should be used in the design of retaining walls.

Static Loads

Yielding retaining walls which are free to rotate at the top at least 0.1 percent of the wall height should be designed to resist static "active" lateral earth pressures equivalent to those exerted by a fluid weighing 40 pcf where the backfill is flatter than 4:1, and 50 pcf for backfill at a 2:1 slope. Retaining walls restrained from movement at the top should be designed to resist "at-rest" equivalent fluid pressures equivalent to those exerted by a fluid weighing 60 pcf where the backfill is flatter than 4:1, and 75 pcf for backfill at a 2:1 slope. For intermediate backfill slopes, the lateral equivalent fluid weights may be obtained by interpolating between the above values. Backfill slopes steeper than 2:1 are not recommended.

The actual condition of the wall may range between active and at-rest. Where the wall is more rigid, such as near corners or buttresses, the wall may approach at-rest conditions. Elsewhere, the wall may approach active conditions. The designer should use the most appropriate condition for each section of the wall, or one single value between the values for active and at-rest depending on how much of the wall is closer to active or at-rest conditions.

In addition to lateral earth pressures, retaining walls must be designed to resist horizontal pressures that may be generated by surcharge loads applied at or near the ground surface. Where an imaginary 2H:1V (30-degree) plane projected downward from the outermost edge of a surcharge load or foundation intersects a retaining wall, that portion of the wall below the intersection should be designed for an additional horizontal thrust from a uniform pressure equivalent to one-third and one-half of the maximum anticipated surcharge load for active and at-rest conditions, respectively. For different types of surcharge loads, such as vehicular loads, we can provide the appropriate lateral surcharge pressures on retaining walls once the geometry and loading conditions are defined.

Seismic Loads

The building code calls for a geotechnical investigation that shall include “*a determination of lateral pressures on basement and retaining walls due to earthquake motions.*” Current methods being used, such as the Mononobe-Okabe or the Seed and Whitman methods, include either an inverted triangular distribution or a rectangular distribution for the seismic surcharge pressure. However, recent research indicates that there is no need to include a seismic surcharge pressure provided that (a) the walls are designed for the at-rest condition, and (b) the conventional factors of safety are applied to the wall design. Furthermore, extensive observations by international teams of seismic experts following recent large earthquakes such as the magnitude 7.9 (M7.9) Sichuan/China earthquake in 2008, the M7.4 Kocaeli/Turkey earthquake in 1999, the M7.3 Chi-Chi/Taiwan earthquake in 1999, the M7.2 Kobe/Japan earthquake in 1995, and the M6.7 Northridge/California earthquake in 1994 have not resulted in any documented failures of retaining walls that could be attributed to seismic surcharge pressures.

Based on our current understanding of the state-of-the-practice regarding seismic surcharge pressures, we recommend that (a) no seismic surcharge pressure be used if the walls are designed for the higher at-rest earth pressures, and (b) a uniform (rectangular) seismic surcharge pressure of 10 H psf (where H is the “free” wall height in feet above the finished grade in front of the wall) be used if the walls are designed for the lower active earth pressures.

Garage Slab-on-Grade Floor

The proposed garage slab-on-grade floor should be supported either on the bedrock or residual soil layer, as confirmed by a representative of our firm during construction. The geotechnical engineer should check the slab subgrade, prior to placing the capillary break components or any steel reinforcement, to evaluate the appropriate depth for the actual earth materials encountered.

The bottom of the proposed garage slab-on-grade floor should be adequately waterproofed to reduce the potential for moisture penetration through the slab. The waterproofing could include special additives to the concrete mix to help make the concrete self-sealing in case minor cracks develop. The slab should be underlain by a capillary moisture break consisting of a minimum 15-mil-thick plastic membrane placed over at least 4 inches of clean, free-draining crushed rock or gravel graded such that 100 percent will pass the 1-inch sieve and none will pass the No. 4 sieve. The contractor should exercise extra caution to help protect the membrane from tears during construction. If necessary to protect the membrane from tears due to construction activities associated with placement of the steel reinforcement, two inches of sand could be placed over the membrane to help protect it from damage.

The slab should be adequately reinforced or structurally separated to reduce offsets and cracking caused by differential movement between slab sections and between foundations and slabs. We estimate that differential movements on the order of ½ inch should be anticipated between conventional slabs-on-grade and foundations. Slabs that will not be covered with flooring should

be provided with cold joints or crack control joints at a spacing of not more than 10 feet in each direction. The reinforcing steel should pass through joints to tie slab sections together. The project structural engineer should use the above criteria as a guideline for design of the slabs.

Drainage Improvements

General

This section provides a discussion of the considerations associated with collecting and disposing of surface water at the site, both from a geotechnical viewpoint and to attempt to satisfy the requirements of the National Pollutant Discharge Elimination System (NPDES).

Gutters, downspouts, collector systems, and surface and subsurface drains should be checked periodically for breaks, leaks, or obstructions. The drainage facilities should be cleaned and maintained as necessary so that they continue to function properly.

Surface Drainage

The surface drainage at the site should include collecting and conveying surface runoff to appropriate outlets, and positive drainage should be provided away from the proposed residence. Roof downspouts and patio drain inlets should discharge into closed conduits that drain into a closed collector system. Collected runoff should be discharged to the creek in the northern portion of the subject lot, unless there are special requirements by the City of Oakland for temporary storage of the runoff before discharging it into the creek. Design of temporary storage facilities should be performed by the project civil engineer. We do not recommend discharging concentrated runoff onto the slopes due to the potential for erosion of the on-site silty sand soils.

Since the surficial soils at the site consist of silty sand, their permeability is relatively low compared to typical rainfall rates. Therefore, the designer should assume that the percolation rates of the soils are likely to prevent significant infiltration during the rainfall event after the surficial soils become saturated.

Subsurface Drainage

Retaining walls should be fully backdrained. The backdrains should consist of a 4-inch-diameter, rigid perforated pipe surrounded by a drainage blanket. The pipe should be sloped to drain by gravity to appropriate outlets. The drainage blanket should consist of Caltrans Class 2 "Permeable Material." Alternately, the drainage blanket could consist of clean, free-draining crushed rock or gravel, wrapped in a filter fabric such as Mirafi 140N. For interior retaining walls, the top of the drainpipe should be at least 6 inches below the lowest adjacent grade (which is typically the finished ground surface or any slabs in front of the wall). The pipe should be placed with the perforations pointing down, and should drain by gravity to a suitable outlet. For exterior retaining walls, the collected runoff may be discharged through weep holes at the base of the wall, spaced at about 5 feet horizontally. The drainage blanket should be at least one foot

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wide and extend to within one foot of the surface. The uppermost one-foot should be backfilled with compacted in-situ soils to help exclude surface water. Alternately, a prefabricated drainage structure may be used provided our firm is given the opportunity to review the manufacturer's details for the drain to check that it would perform similarly to a conventional backdrain as described above.

Water collected in retaining wall backdrains may be discharged by gravity through solid pipes or weep holes (as discussed above) to the ground surface since the volume of water is likely to be fairly small and insignificant compared to surface runoff.

Supplemental Services

We recommend that GEOTECNIA be retained to review the geotechnical aspects of the project plans, specifications, and structural calculations to evaluate if they are in general conformance with the intent of our geotechnical recommendations. In addition, we should be retained to observe the geotechnical aspects of construction, particularly site excavations, footing excavations (prior to placement of forms or steel reinforcement), drilled pier construction (both drilling and concrete placement), helical pier/anchor installation/testing (on a full-time basis), garage floor slab subgrade preparation, retaining wall backfill placement and compaction, placement of subsurface drainage, and to perform appropriate field and laboratory testing.

If, during construction, subsurface conditions different from those encountered in the exploratory borings are observed, or appear to be present beneath excavations, we should be advised at once so that these conditions may be reviewed and our recommendations reconsidered. The recommendations made in this report are contingent upon our notification and review of the changed conditions.

If more than 18 months have elapsed between the submission of this report and the start of work at the site, or if conditions have changed because of natural causes or construction operations at or adjacent to the site, the recommendations of this report may no longer be valid or appropriate. In such case, we recommend that we review this report to determine the applicability of the conclusions and recommendations considering the time elapsed or changed conditions. The recommendations made in this report are contingent upon such a review.

These services are performed on an as-requested basis and are in addition to this geotechnical study. We cannot accept responsibility for conditions, situations, or stages of construction that we are not notified and retained to observe.

LIMITATIONS

This report has been prepared for the exclusive use of the owners (Mr. Robert Wirth and Ms. Helen H. Yu), as well as his agents and consultants, for the proposed project described in this report. The recommendations in this report should not be applied to structures or locations other than those described in this report. If the proposed construction differs from what has been assumed in this report, our firm should be contacted to evaluate the applicability of the recommendations included in this report to the new scheme.

Our services consist of professional opinions and conclusions developed in accordance with generally accepted geotechnical engineering principles and practices. We provide no other warranty, either expressed or implied. Our conclusions and recommendations are based on the information provided us regarding the proposed construction, review of available data, the results of our field exploration program, and professional judgment. Verification of our conclusions and recommendations is subject to our review of the geotechnical aspects of the project plans, specifications, and structural calculations; and our observation of the geotechnical aspects of construction.

The boring logs represent subsurface conditions at the location and on the date indicated. It is not warranted that they are representative of such conditions elsewhere or at other times. Site conditions and cultural features described in the text of this report are those existing at the time of our most recent site visit, performed on August 1, 2014, and may not necessarily be the same or comparable at other times. The boring locations shown on Plate 2 are approximate only, and were based on rough field measurements relative to existing site features such as the street, creek, property line survey markers, fences, and some of the existing trees.

The scope of our services did not include an environmental assessment or an investigation of the presence or absence of hazardous or toxic materials in the soil, surface water, groundwater, or air, on or below, or around the site, nor did it include an evaluation or investigation of the presence or absence of wetlands.

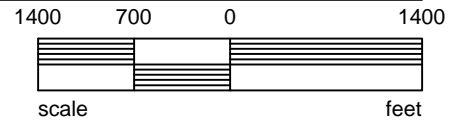
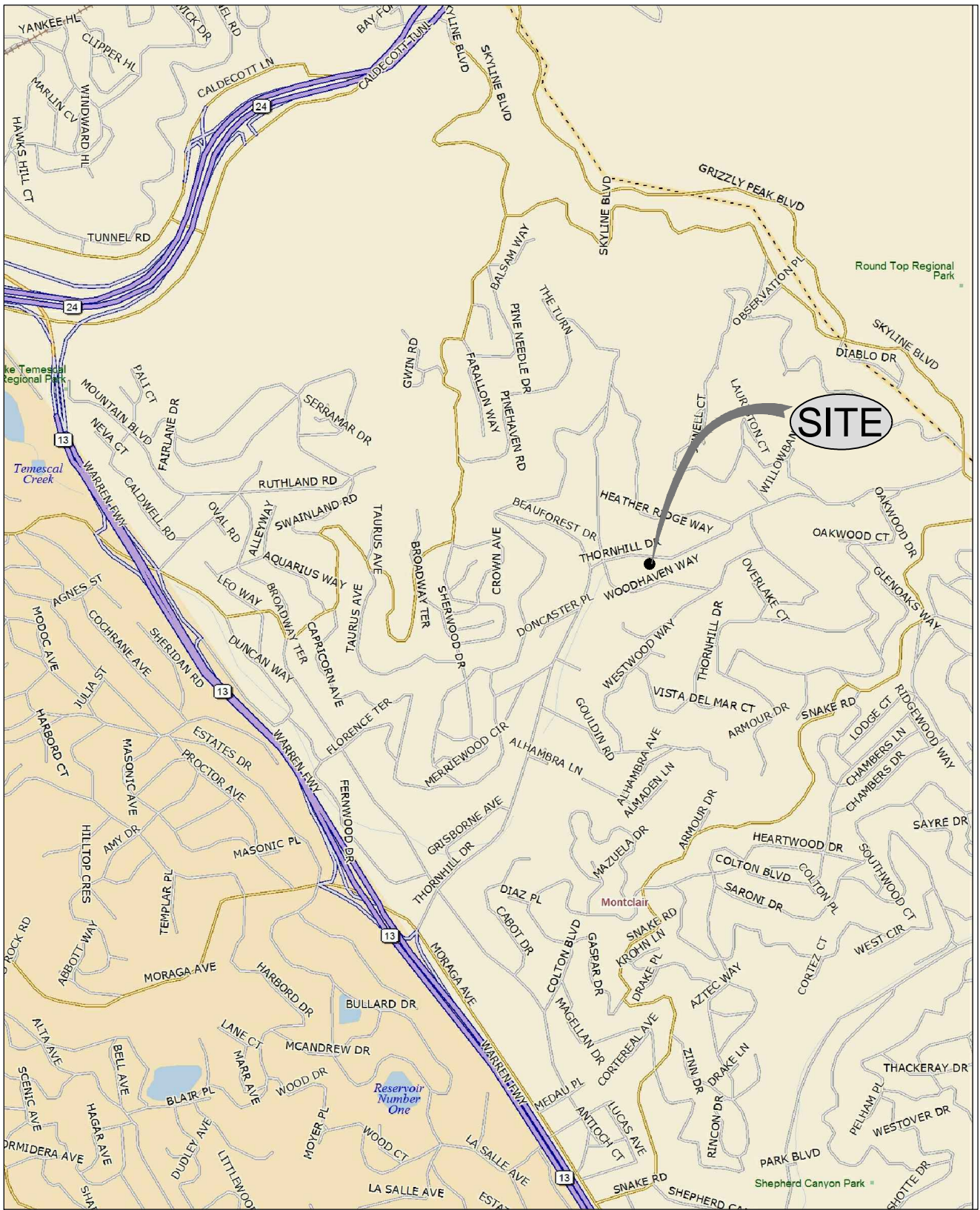
Our services also did not include a corrosivity evaluation of the in-situ soils or an assessment of mold potential. A corrosion engineer may need to be consulted to evaluate the corrosivity of the in-situ soils and import select fill, as appropriate, with respect to concrete and any underground utility materials that may be used at the site. A mold consultant may need to be retained to provide recommendations for mitigating the potential for mold development in the proposed residence.

A copy of this report should be given by the Client to future owners of the subject property, if or when applicable, so they are aware of the geotechnical conditions of the site.

APPENDIX A


List of Plates

- | | | |
|------------|---|--|
| Plate 1 | - | Site Location Map |
| Plate 2 | - | Boring Location Map |
| Plates 3-6 | - | Logs of Borings B-1 through B-4 |
| Plate 7 | - | Soil Classification Chart and Key to Test Data |
| Plate 8 | - | Engineering Geology Rock Terms |



Reference: Delorme.

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Date: AUG 2014

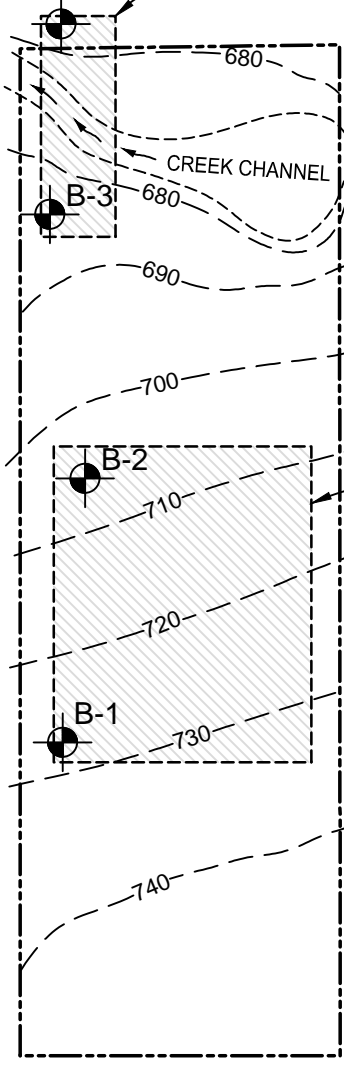
SITE LOCATION MAP
Proposed Single-Family Residence at
6334/36 Thornhill Drive
Oakland, California

PLATE
1



THORNHILL DRIVE

B-4 PROPOSED BRIDGE



HOUSE #6326

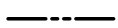
HOUSE #6344

PROPOSED RESIDENCE

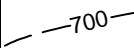
LEGEND:



Approximate Boring Location



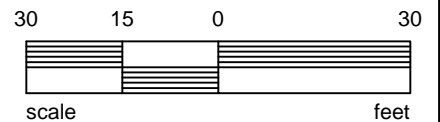
Property Line




Approximate Contour of Ground Surface Elevation (feet)

REFERENCE:

Boundary and Topographic Survey, Lot 59 Forestland (4 M 52) Located Between 6326 and 6344 Thornhill Drive, City of Oakland, County of Alameda, California, Prepared by Montclair Land Surveying, Dated 05/01/14.



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BORING LOCATION MAP
Proposed Single-Family Residence at
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Oakland, California

PLATE

2

Other Laboratory Tests	Pocket Penetrometer (ksf)	Moisture Content (%)	Dry Density (pcf)	% Passing #200 sieve	Blows/Foot * Sample	DEPTH (FEET)	EQUIPMENT: Continuous Sampling ELEVATION: 727' ** LOGGED BY: LEM START DATE: 8-1-14 FINISH DATE: 8-1-14
					5	0	SILTY SAND (SM), dark brown to brown, loose, damp, with roots and rock fragments SILTY SAND (SM), mottled brown, medium dense, dry (RESIDUAL SOIL) SANDSTONE, light brown, firm, friable, highly weathered
					16	1	
					32	2	
					51	3	
					84	4	
						5	
						6	
						7	
						8	
						9	

Bottom of Boring B-1 at a depth of 9.5 feet.
 No free groundwater encountered at time of drilling.

* Converted to equivalent standard penetration blow counts.
 ** Existing ground surface at time of investigation estimated using the topographic survey map referenced on Plate 2.


Other Laboratory Tests	Pocket Penetrometer (ksf)	Moisture Content (%)	Dry Density (pcf)	% Passing #200 sieve	Blows/Foot * Sample	DEPTH (FEET)	EQUIPMENT: Continuous Sampling ELEVATION: 705' ** LOGGED BY: LEM START DATE: 8-1-14 FINISH DATE: 8-1-14
					16	0	SILTY SAND (SM), dark brown, loose, damp, with roots grading to mottled brown, medium dense
					14	2	
					24	4	SILTY SAND (SM), mottled brown, medium dense, damp (RESIDUAL SOIL)
					52	6	
					50/5"	8	SANDSTONE, light brown, firm, friable, highly weathered
						9	

Bottom of Boring B-2 at a depth of 9 feet.
No free groundwater encountered at time of drilling.

* Converted to equivalent standard penetration blow counts.
 ** Existing ground surface at time of investigation estimated using the topographic survey map referenced on Plate 2.

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Date: AUG 2014

LOG OF BORING B-2

Proposed Single-Family Residence at
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Oakland, California


PLATE

4

Other Laboratory Tests	Pocket Penetrometer (ksf)	Moisture Content (%)	Dry Density (pcf)	% Passing #200 sieve	Blows/Foot * Sample	DEPTH (FEET)	EQUIPMENT: Continuous Sampling ELEVATION: 685' ** LOGGED BY: LEM START DATE: 8-1-14 FINISH DATE: 8-1-14
					11	0	SILTY SAND (SM), dark brown, medium dense, damp, with roots interbedded with CLAYEY SAND (SC) lenses SILTY SAND (SM), mottled brown, medium dense, damp (RESIDUAL SOIL) LEAN CLAY (CL), mottled grey and brown, very stiff, moist (RESIDUAL SOIL) Bottom of Boring B-3 at a depth of 14 feet. No free groundwater encountered at time of drilling.
					15	2	
					17	4	
					27	6	
					26	8	
					25	10	
	2.5				19	12	
	2.0					13	
						14	

* Converted to equivalent standard penetration blow counts.
 ** Existing ground surface at time of investigation estimated using the topographic survey map referenced on Plate 2.

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LOG OF BORING B-3

Proposed Single-Family Residence at
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PLATE


5

Other Laboratory Tests	Pocket Penetrometer (ksf)	Moisture Content (%)	Dry Density (pcf)	% Passing #200 sieve	Blows/Foot *	DEPTH (FEET)	EQUIPMENT: 3.5-inch Flight Auger ELEVATION: 682' ** LOGGED BY: LEM START DATE: 8-1-14 FINISH DATE: 8-1-14
					17	0	SILTY SAND (SM), mottled brown, medium dense, damp, with roots grading to dense
					60	1	
	> 4.5				35	2	(FILL) LEAN CLAY (CL), mottled brown, hard, damp, with rock fragments
					51	3	
	> 4.5				5	4	(FILL) SANDY LEAN CLAY (CL), grey and brown, medium stiff, wet, with rock fragments
					6	5	
	1.0				5	6	(FILL) SANDY LEAN CLAY (CL), grey and brown, medium stiff, wet, with rock fragments
					6	7	
	0.7				6	8	(FILL) SANDY LEAN CLAY (CL), grey and brown, medium stiff, wet, with rock fragments
					17	9	
					17	10	(FILL) SANDY LEAN CLAY (CL), grey and brown, medium stiff, wet, with rock fragments
					17	11	
					11	12	POORLY GRADED GRAVEL (GP), grey, medium dense, saturated
					11	13	
					11	14	LEAN CLAY (CL), grey, stiff, saturated, with rock fragments
					11	15	
					12	16	LEAN CLAY (CL), grey, stiff, saturated, with rock fragments
					12	17	
					17	18	LEAN CLAY (CL), grey, stiff, saturated, with rock fragments
					17	19	
					17	20	LEAN CLAY (CL), grey, stiff, saturated, with rock fragments
					17	21	
						21	(RESIDUAL SOIL)

* Converted to equivalent standard penetration blow counts.
 ** Existing ground surface at time of investigation estimated using the topographic survey map referenced on Plate 2.

Bottom of Boring B-4 at a depth of 21 feet.
 Groundwater surface measured at a depth of 9 feet at time of drilling.

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LOG OF BORING B-4

Proposed Single-Family Residence at
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PLATE

6

MAJOR DIVISIONS					TYPICAL NAMES		
COARSE GRAINED SOILS More than Half > #200 sieve	GRAVELS MORE THAN HALF COARSE FRACTION IS LARGER THAN NO. 4 SIEVE	CLEAN GRAVELS WITH LITTLE OR NO FINES	GW		WELL GRADED GRAVELS, GRAVEL-SAND		
			GP		POORLY GRADED GRAVELS, GRAVEL-SAND MIXTURES		
		GRAVELS WITH OVER 12% FINES	GM		SILTY GRAVELS, POORLY GRADED GRAVEL-SAND-SILT MIXTURES		
			GC		CLAYEY GRAVELS, POORLY GRADED GRAVEL-SAND-CLAY MIXTURES		
	SANDS MORE THAN HALF COARSE FRACTION IS SMALLER THAN NO. 4 SIEVE	CLEAN SANDS WITH LITTLE OR NO FINES	SW		WELL GRADED SANDS, GRAVELLY SANDS		
			SP		POORLY GRADED SANDS, GRAVELLY SANDS		
		SANDS WITH OVER 12% FINES	SM		SILTY SANDS, POORLY GRADED SAND-SILT MIXTURES		
			SC		CLAYEY SANDS, POORLY GRADED SAND-CLAY MIXTURES		
			SILTS AND CLAYS LIQUID LIMIT LESS THAN 50		ML		INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS, OR CLAYEY SILTS WITH SLIGHT PLASTICITY
					CL		INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS
SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50		OL		ORGANIC CLAYS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY			
		MH		INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SANDY OR SILTY SOILS, ELASTIC SILTS			
		CH		INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS			
SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50		OH		ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS			
		HIGHLY ORGANIC SOILS		Pt		PEAT AND OTHER HIGHLY ORGANIC SOILS	

UNIFIED SOIL CLASSIFICATION SYSTEM

		Shear Strength, psf		Confining Pressure, psf	
Consol	Consolidation	Tx	2630 (240)	Unconsolidated Undrained Triaxial	
LL	Liquid Limit (in %)	Tx sat	2100 (575)	Unconsolidated Undrained Triaxial, saturated prior to test	
PL	Plastic Limit (in %)	DS	3740 (960)	Unconsolidated Undrained Direct Shear	
PI	Plasticity Index	TV	1320	Torvane Shear	
Gs	Specific Gravity	UC	4200	Unconfined Compression	
SA	Sieve Analysis	LVS	500	Laboratory Vane Shear	
■	Undisturbed Sample (2.5-inch ID)	FS	Free Swell		
▣	2-inch-ID Sample	EI	Expansion Index		
▣	Standard Penetration Test	Perm	Permeability		
⊠	Bulk Sample	SE	Sand Equivalent		

KEY TO TEST DATA

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SOIL CLASSIFICATION CHART AND KEY TO TEST DATA

Proposed Single-Family Residence at
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PLATE

7

ROCK SYMBOLS



SHALE OR CLAYSTONE



CHERT



SERPENTINITE



SILTSTONE



PYROCLASTIC



METAMORPHIC ROCKS



SANDSTONE



VOLCANIC



DIATOMITE



CONGLOMERATE



PLUTONIC



SHEARED ROCKS

LAYERING

MASSIVE	Greater than 6 feet
THICKLY BEDDED	2 to 6 feet
MEDIUM BEDDED	8 to 24 inches
THINNLY BEDDED	2-1/2 to 8 inches
VERY THINNLY BEDDED	3/4 to 2-1/2 inches
CLOSELY LAMINATED	1/4 to 3/4 inches
VERY CLOSELY LAMINATED	Less than 1/4 inch

JOINT, FRACTURE, OR SHEAR SPACING

VERY WIDELY SPACED	Greater than 6 feet
WIDELY SPACED	2 to 6 feet
MODERATELY SPACED	8 to 24 inches
CLOSELY SPACED	2-1/2 to 8 inches
VERY CLOSELY SPACED	3/4 to 2-1/2 inches
EXTREMELY CLOSELY SPACED	Less than 3/4 inch

HARDNESS

SOFT - Pliable; can be dug by hand

FIRM - Can be gouged deeply or carved with a pocket knife

MODERATELY HARD - Can be readily scratched by a knife blade; scratch leaves heavy trace of dust and is readily visible after the powder has been blown away

HARD - Can be scratched with difficulty; scratch produces little powder and is often faintly visible

VERY HARD - Cannot be scratched with pocket knife; leaves a metallic streak

STRENGTH

PLASTIC - Capable of being molded by hand

FRIABLE - Crumbles by rubbing with fingers

WEAK - An unfractured specimen of such material will crumble under light hammer blows

MODERATELY STRONG - Specimen will withstand a few heavy hammer blows before breaking

STRONG - Specimen will withstand a few heavy ringing hammer blows and usually yields large fragments

VERY STRONG - Rock will resist heavy ringing hammer blows and will yield with difficulty only dust and small flying fragments

DEGREE OF WEATHERING

HIGHLY WEATHERED - Abundant fractures coated with oxides, carbonates, sulphates, mud, etc., thorough discoloration, rock disintegration, mineral decomposition

MODERATELY WEATHERED - Some fracture coating, moderate or localized discoloration, little to no effect on cementation, slight mineral decomposition

SLIGHTLY WEATHERED - A few stained fractures, slight discoloration, little or no effect on cementation, no mineral decomposition

FRESH - Unaffected by weathering agents, no appreciable change with depth

APPENDIX B

List of References

1. California Geological Survey, 2003, *State of California Seismic Hazard Zones, Oakland East and Part of Las Trampas Ridge Quadrangles, Official Map*, Department of Conservation, Scale 1:24,000, dated February 14.
2. California Division of Mines and Geology, 1997, *Active Fault Near-Source Zones*, Department of Conservation, Sheet E-17, Scale ¼ inch = 1 kilometer.
3. California Division of Mines and Geology, 1982, *State of California Special Studies Zones, Oakland East Quadrangle*, Department of Conservation, Scale 1:24,000, dated January 1.
4. Dibblee, T.W. Jr., 2005, *Geologic Map of the Oakland East Quadrangle, Contra Costa and Alameda Counties, California*, Dibblee Foundation Map DF-160, Santa Barbara Museum of Natural History, Scale 1:24,000.
5. Jennings, C.W., 1994, *Fault Activity Map of California and Adjacent Areas*, California Department of Conservation, Division of Mines and Geology, Geologic Data Map No. 6.
6. Nilsen, T.H., 1975, *Preliminary Photointerpretation Map of Landslide and Other Surficial Deposits of the Oakland East 7-½' Quadrangle, Contra Costa and Alameda Counties, California*, United States Geological Survey Open File Map 75-277-41, Scale 1:24,000.
7. Radbruch, D.H., 1969, *Areal and Engineering Geology of the Oakland East Quadrangle, California*, United States Geological Survey Map GQ-769, Scale 1:24,000.
8. United States Geological Survey (USGS), 2013, *Design Maps Summary Report*, U.S. Seismic Design Maps Web Tool Version 3.1.0, Earthquake Hazards Program.

APPENDIX C

Field Exploration

Our field exploration consisted of a geologic reconnaissance and subsurface exploration by means of continuously sampling three borings and drilling and sampling one boring on August 1, 2014. The borings were completed with portable equipment at the approximate locations shown on Plate 2.

The logs of the borings are displayed on Plates 3-6. Representative disturbed or relatively undisturbed samples of the earth materials were obtained at continuous intervals with a 3-inch-diameter, modified California sampler; a 2-½-inch-diameter sampler; and a 2-inch-diameter, split-barrel Standard Penetration Test (SPT) sampler. The larger samplers were used first, and then the smaller samplers were telescoped through the hole left by the larger samplers above.

Penetration resistance blow counts were obtained by dropping a 140-pound hammer through a 30-inch free fall. The samplers were driven up to 24 inches and the number of blows was recorded for each 6 inches of penetration. These blow counts were then correlated to SPT blow counts. The blows per foot recorded on the Boring Logs represent the accumulated number of blows (correlated to SPT blow counts) that were required to drive the sampler the last 12 inches or fraction thereof. Correction factors of 0.66 and 0.78 were used to correct the field blow counts for the modified California and 2-½-inch-diameter samplers, respectively.

The soil and bedrock classifications are shown on the Boring Logs and referenced on Plates 7 and 8.

APPENDIX D

Distribution

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Alameda, California 94502-7704

(via e-mail at robertcwirthjr@gmail.com)

Mr. Simon Kwan

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Creek Protection Plan

**MONTCLAIR LOT APN 048F-7379-006-00
OAKLAND, ALAMEDA COUNTY, CALIFORNIA**

Prepared for:
City of Oakland
Community and Economic Development Agency
Planning and Zoning Services Division
250 Frank H. Ogawa Plaza
Suite 2114
Oakland, California 94612

Prepared by:
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KTC Environmental
2023 Indian Trail
Cool, California 95614
(530) 488-0727

April 30, 2015
Submitted: July 2021

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FIGURES

Figure 1:	Regional setting of lot APN 48F-7379-6 (red star), located in the eastern portion of the City of Oakland, California.2
Figure 2:	Site and vicinity map for proposed single-family residence (lot APN 48F-7379-6) between 6334 and 6336 Thornhill Drive, Oakland, California.3
Figure 3:	Lot APN 48F-7379-6 (dashed red rectangle), located between 6326 and 6344 Thornhill Drive in the City of Oakland, California. Note the path access on the south off Woodhaven Way.14
Figure 4:	Proposed location of single-family home on lot APN48F-7379-6 illustrating the footprint of the proposed structure and access bridge across Temescal Creek, elevation of the 100-yr flow, and trees to be removed (blue outline).15

ATTACHMENTS

Attachment A: Erosion Control Plan for APN 48F-7379-6

Attachment B: Stormwater Control Plan for APN 48F-7379-6

Attachment C: Summary of Hydrologic and Hydraulic Modeling for APN 48F-7379-6

Attachment D: Standard Conditions of Approval

I. CREEK PROTECTION PLAN

The purpose of this Creek Protection Plan (referred to throughout this document as the “CPP”), is to provide clarity regarding the procedures that will be utilized during construction of the Project to protect Temescal Creek. Acceptance of the CPP will allow the City of Oakland to issue the Creek Permit for the Project.

A. Property Identification

Yu Property, Home-Site Development, Montclair Lot APN 048F-7379-006-00 Project. The project site is located in the City of Oakland, Alameda County, California, between 6326 and 6344 Thornhill Drive. The site is northeast of State Route 13, just east of the intersection with Pinehaven Road, (**Figures 1-4**). The project site is located on Assessor’s Parcel Number (APN) 048F-7379-006-00.

The proposed project is located in the Temescal Creek watershed, which includes the northern most section of the Oakland Hills, and several regional parks. Temescal Creek flows parallel to Thornhill Road along the northern property boundary of the project site.



Figure 1. Regional setting of lot APN 48F-7379-6 (red star), located in the eastern portion of the City of Oakland, California.

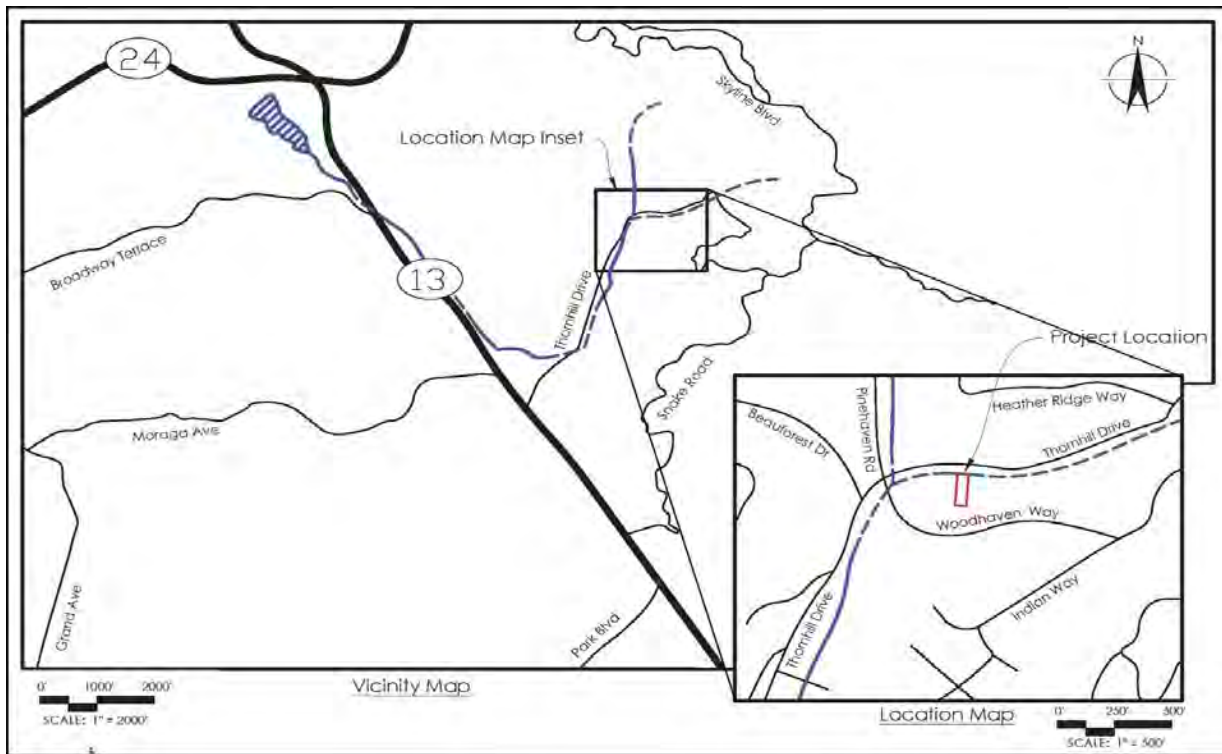


Figure 2. Site and vicinity map for proposed single-family residence (lot APN 48F-7379-6) between 6334 and 6336 Thornhill Drive, Oakland, California.

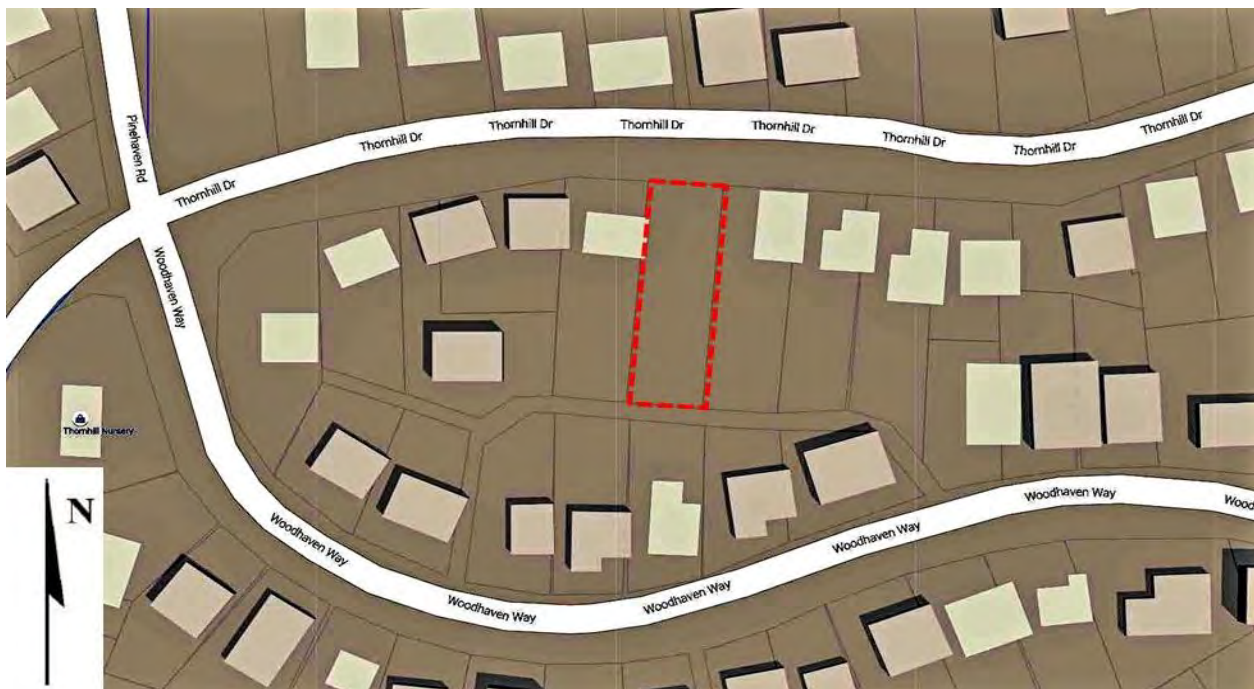


Figure 3. Lot APN 48F-7379-6 (dashed red rectangle), located between 6326 and 6344 Thornhill Drive in the City of Oakland, California. Note the path access on the south off Woodhaven Way.

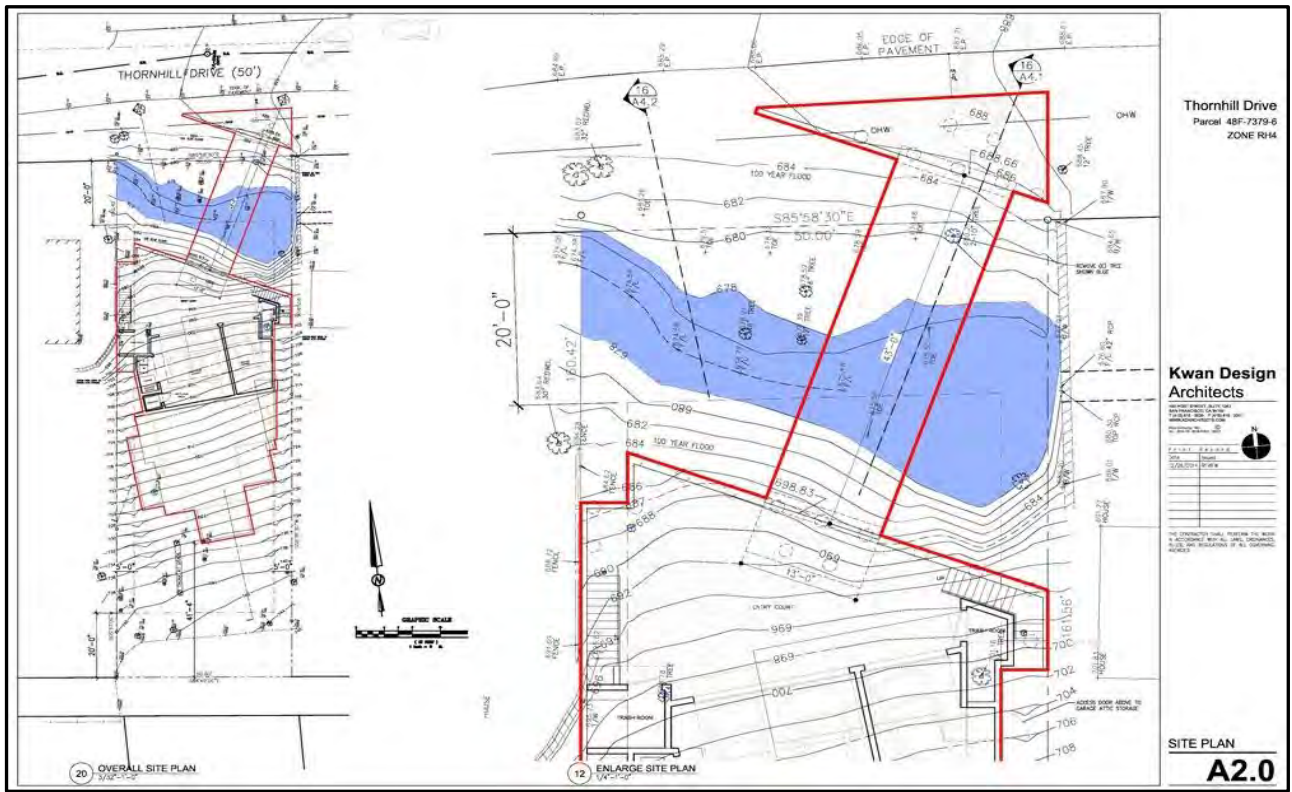


Figure 4. Proposed location of single-family home on lot 59, APN48F-7379-6 illustrating the footprint of the proposed structure and access bridge across Temescal Creek, elevation of the 100-yr flow, and trees to be removed (blue outline).

B. Property Owners

Helen Yu & Robert Wirth
39 Cork Road
Alameda, CA 94502

C. General Contractor

To be determined following project approval and award of contract.

D. Subcontractors

To be determined following project approval and award of contract.

E. Telephone Numbers of Primary Contact

Robert Wirth. Cell: 510-459-1010, Home: 510-459-1910

F. Informational Material Related to Creek Protection, Provided to Workers on the Project site.

1. Copy of the approved Creek Protection Plan
2. Copy of the Erosion Control Plan
3. Copy of the Stormwater Control Plan

G. Litter Prevention Measures.

The Project Manager will ensure the Project site is canvassed daily following the completion of each day's construction activities to identify and remove all litter, loose sediment/soil, and loose construction debris. Litter, loose sediment/soil, and loose construction debris will be cleaned up and removed to an area specifically identified for their removal and disposal. This is anticipated to be a large dumpster(s). The capacity of the dumpster will be assessed daily to ensure adequate storage is available. If dumpster storage is deemed inadequate, the Project Manager will arrange for the timely removal and replacement of the dumpster.

H. Dust Control Measures.

The need for dust control on the Project site is expected to be greatest during initial site clearing and excavation for the foundation and piers. Dust will be controlled during excavation via the application of water through a spray hose. The Project Manager will assess the number of spray hoses required for dust control during excavation. The rate of water application will depend upon atmospheric conditions (how hot and dry it is), and site conditions. The quantity of water applied should be sufficient to control airborne dust and not result in excessive runoff that may cause soil/sediment erosion.

Following the completion of excavation activities, mulch will be applied as necessary to all bare-ground surfaces. Mulch can reduce wind erosion by up to 80%. Disturbed ground surfaces adjacent to the excavate areas will be seeded as-soon as practical to help protect against wind and water erosion.

I. Equipment and Tool Cleaning Methods.

The Project Manager shall designate an area for cleaning of equipment and tools. The designated tool cleaning area will be located on the most level ground available in the southern portion of the Project site away from Temescal Creek. Water used for equipment and tool cleaning will be used sparingly. The equipment and tool cleaning area will be surrounded by straw wattles and silt fencing to filter any excessive water runoff from the equipment and tool cleaning area and prevent erosion. Water hoses will only be energized when in-use and will not be left energized

following the completion of the cleaning activity. This will avoid any accidental, and potentially unnoticed, discharges of water on the Project site.

J. Construction Site Fencing.

The Temporary construction fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along both sides of the creek (if/where applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City. Construction fencing will be installed on the Project site to keep workers and construction equipment out of the riparian corridor. Construction fencing will be installed at or above the elevation of the 100-year flow (approximately 683.8 feet above sea level) on both sides of Temescal Creek (as access allows). Vehicle access points shall be provided on two sides of the Project site. The main entrance shall be on the south side of the Project site at the back alley. Another entrance shall be provided on the north side of the Project site off Thornhill Road for access during excavation and construction of the bridge piers and installation of the clear-span bridge. Construction site fencing will provide gates at both Project entrance points for access to the site and to secure the site following completion of the workday.

K. Erosion Control Protection.

The project will implement an Erosion Control Plan (see **Attachment A**) developed for the Project site and utilize the appropriate best management practices (BMPs) in accordance with industry standards and techniques, and recommendations as outlined by the: California Stormwater Quality Association (CASQA, 2015), California Department of Transportation (Caltrans, 2018), and the Bay Area Stormwater Management Agencies Association (BASMAA, 2017). All disturbed areas will be re-vegetated and seeded with an appropriate native seed mixture.

Should a storm water pollution prevention plan (SWPPP) be required, a SWPPP will be developed for the Project by a Qualified SWPPP Developer (QSD) per the Nation Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. The Construction General Permit defines the measures that must be taken in order to prevent discharges of storm water runoff from the Project site due to construction activities. Since the Project site is less than 1.0 acre in size the risk of or erosion is determined by the site's risk assessment for erosion, or "R" value. Sites with an R-value less than 5 are considered low risk for erosion (pollution). Pollution risk is classified as either Low, Medium or High, and each risk category has specific required elements. A Qualified Stormwater Practitioner (QSP) will determine the Project site's risk factor and its required elements to protect against storm water discharges.

All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).

Prior to commencement of each day's construction activities the following actions will be performed:

1. Daily "tailgate meetings" will be held. Tailgate meetings will include discussion of that day's anticipated construction activities and the associated preventative measure(s) to address potential site erosion and/or sediment runoff from the Project site to protect the creek.
2. Daily inspections of the Stormwater Pollution Prevention Best Management Practices (BMPs) to ensure the BMPs are functioning properly and well-maintained. Identified

deficiencies will be addressed/corrected prior to commencement of that day's construction activities.

Other erosion control measures include:

1. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).
2. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.
3. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.
4. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.
5. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
6. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
7. Broom sweep the street pavement adjoining the project site daily. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains.
8. On sloped properties, the downhill end of the construction area will be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.
9. The project applicant will implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent biodegradable erosion control fabric will be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas will be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes will be covered with staked tarps when rain is occurring or is expected (50% or greater chance of a Qualified Storm Event (QSE, 0.5 inch rain)).
10. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.

11. When possible, all work in or near creek channels will be performed with hand tools and by a minimum number of people. Immediately upon completion of work in/near the creek channel the soil will be repacked and planted with native vegetation.

L. Future and Ongoing Siltation and Erosion Control Protection.

The Project will incorporate a Stormwater Control Plan (see **Attachment B**). Daily inspections of the stormwater Best Management Practices (BMPs) will be performed to ensure the BMPs are properly installed and maintained. Identified deficiencies will be addressed/corrected prior to commencement of that day's construction activities.

Following completion of construction activities for the Project, the Project site will be assessed to:

1. Identify areas of potential sediment erosion and their anticipated flow path to the Temescal Creek.
2. Identify and implement the proper BMP(s) to address the potential erosion. and to secure the site following completion of the workday.
3. The project incorporates a bio-treatment and detention system designed to harnesses stormwater runoff generated from impervious surfaces into flow-through planters that treat the runoff water prior to entering an on-site cistern. The proposed design allows the project to meet Alameda County stormwater guidelines.
4. The conceptual home design proposes to incorporate an interconnected, three-tank (3) cistern alignment to collect stormwater after it is treated in the flow-through planters. The 3-tank cistern will have a combined minimum 16,000-gallon capacity, which is 276 gallons more than the 15,724 gallons of runoff generated by the 100-year, 24-hour storm event from the impervious surfaces for the proposed project (per the Alameda County Hydrology and Hydraulics Manual). Therefore, storm flows in Temescal Creek will not be impacted by stormwater runoff from the impervious surfaces of the proposed single-family home.

M. Wet Weather Protection.

The primary storm water pollutant at construction sites is sediment. Excess sediment can cloud the water, reducing the amount of sunlight reaching aquatic plants, clog fish gills, smother aquatic habitat and spawning areas, and impede navigation in our waterways. Sediment also transports other pollutants such as nutrients, metals, and oils and grease.

The rainy season in California runs from October 15th through April 15th. During this time work near the riparian buffer will be limited and avoided if possible. Filter materials, acceptable to the City, will be installed (such as sandbags, filter fabric, etc.) at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be inspected and maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.

N. Stockpile Locations.

A staging area will be developed in the southwest corner of the property to stockpile project materials. The Project does not anticipate the development of any loose material (soil, gravel, etc) stockpiles however, in the event that a loose material stockpile is necessary the stockpile will be protected with the appropriate BMPs (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion of the material and discharge of stormwater from the staging area and stockpiles.

O. Special Circumstances/Additional Information.

Should “special” (unforeseen) circumstances associated with the Project arise that may produce unanticipated environmental impacts despite implementation of the SCAs, the Project Manager will confer with the City to determine what, if any, mitigation measures should be taken to address the environmental impact.

P. Emergency Preparations for Construction Related Spills.

The Project Manager Potential “spills” related to the proposed Project include wet cement, aggregate materials, and fuel. Prior to the pouring of wet concrete, the Project Manager will review the anticipated procedure for the pour with all workers involved in the pour, and the preventative measures to protect Temescal Creek. The review will identify the potential for “spills” and the required actions to implement if necessary.

Due to the low viscosity of wet cement any associated spill is anticipated to be contained/controlled within the immediate work area. Any wet concrete that does spill will immediately be removed from the Project site via shovels and wheelbarrows and properly disposed.

Aggregate material utilized on the Project site will be properly compacted during the day the material is installed. BMPs such as straw wattles and silt fencing will be installed around the perimeter of the aggregate. Any loose aggregate stored on the Project site will be stored in the southern section of the Project site on a level area. Proper BMPs will be installed around the perimeter of the loose aggregate.

Only temporary storage of fuel is allowed on the Project site to provide refueling of portable, gas-powered equipment such as compactors, generators, etc. Fuel for portable, gas-powered equipment is to be stored in a container specifically designed for the fuel. Refueling of portable, gas-powered equipment is to take place at the construction vehicle where the fuel is stored. All construction vehicles with portable fuel containers will have absorbent pads readily available to address any fuel spills. Absorbent pads should be placed under the gas-powered equipment prior to refueling.

Q. Hydrology Report.

Please refer to **Attachment C** for the Hydrology Report.

III. STANDARD CONDITIONS OF APPROVAL

The Standard Conditions of Approval (SCA) incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) requirements, Housing Element and other General Plan Element-related mitigation measures, California Building Code, Uniform Fire Code, Energy and Climate Action Plan, Complete Streets Policy, and Green Building Ordinance, among others), which have been found to substantially mitigate environmental effects.

The Creek Protection Plan will implement the applicable SCA (see **Attachment D**). The SCA and their associated implementation measures will be:

1. included as part of the design, construction, and operations of the proposed project; and
2. made conditions of approval for the project.

II. REFERENCES

Alameda County Public Works Agency (ACPWA), 2009. Hydrology and hydraulics criteria summary for Western Alameda County, Revised August 7, 1989.

Bay Area Stormwater Management Agencies Association (BASMAA), 2017. Interim Accounting Methodology for TMDL Loads Reduced. Prepared by Geosyntec Consultants and EOA, Inc.

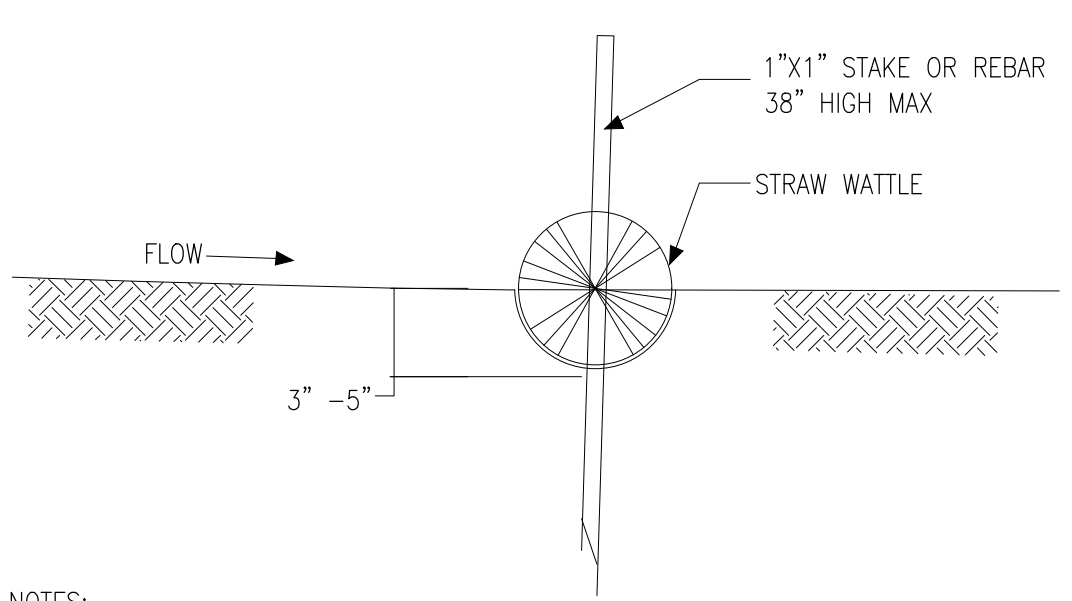
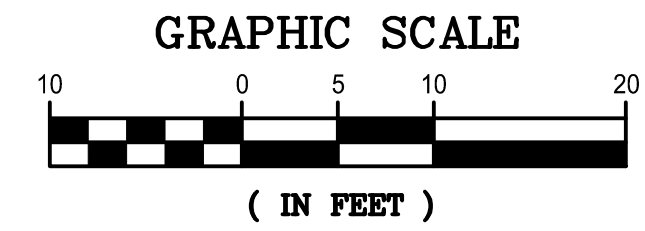
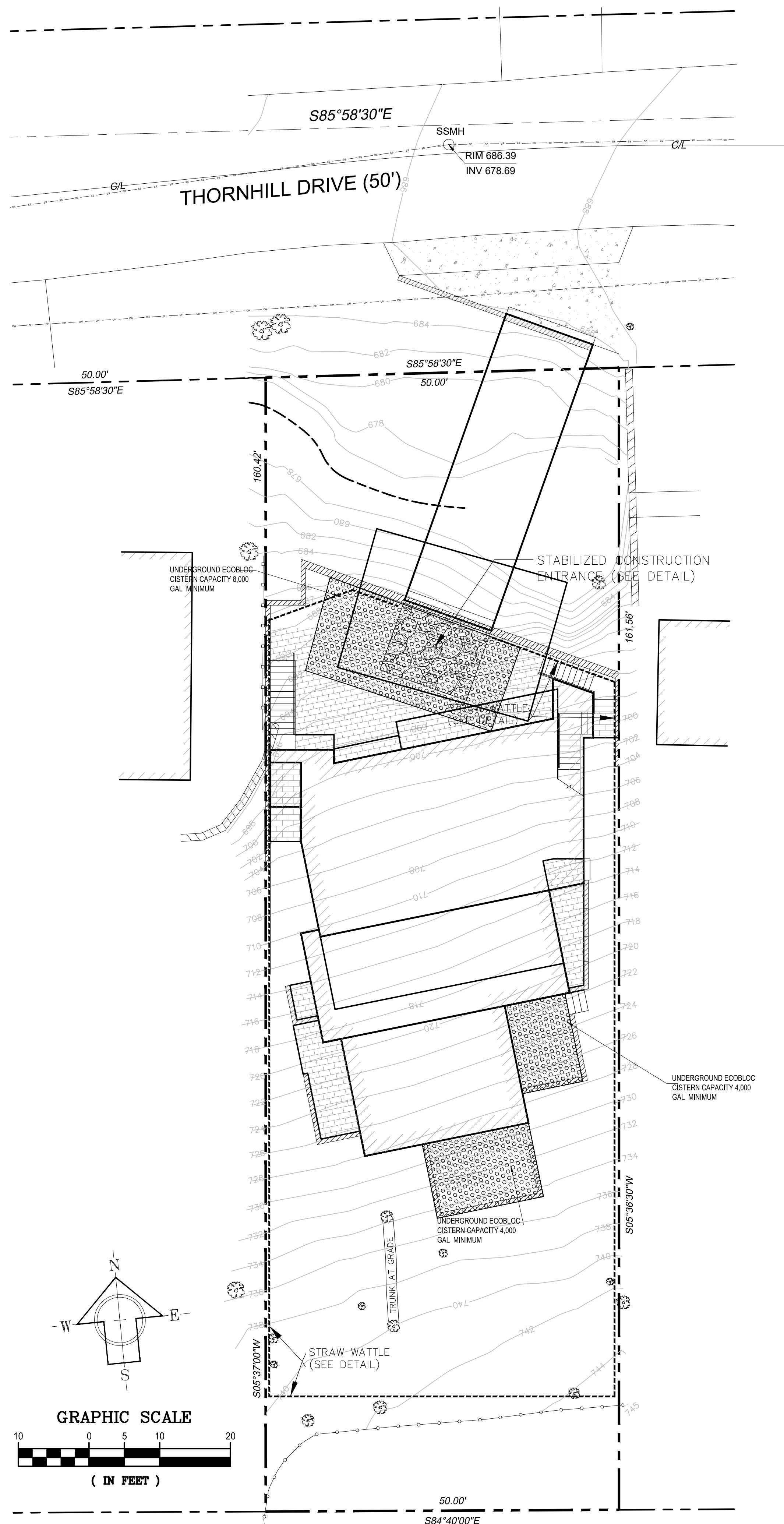
California Department of Transportation (Caltrans), Stormwater Quality Handbook, 2018. Online access at: <http://www.dot.ca.gov/hq/construc/stormwater/manuals.htm>.

California Stormwater Quality Association (CASQA), 2015. Construction BMP Online Handbook. Online access at: <https://www.casqa.org/resources/bmp-handbooks>.

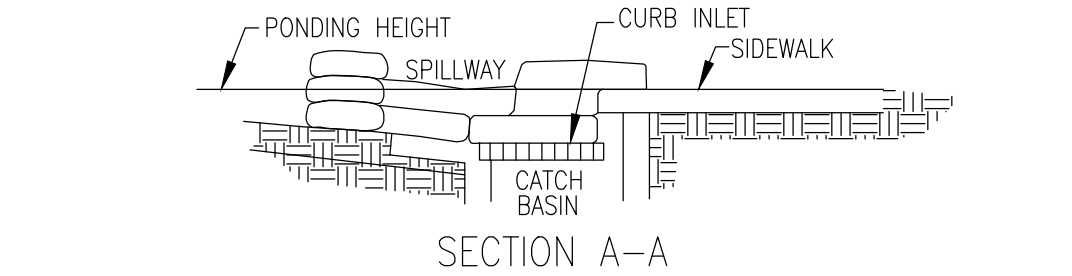
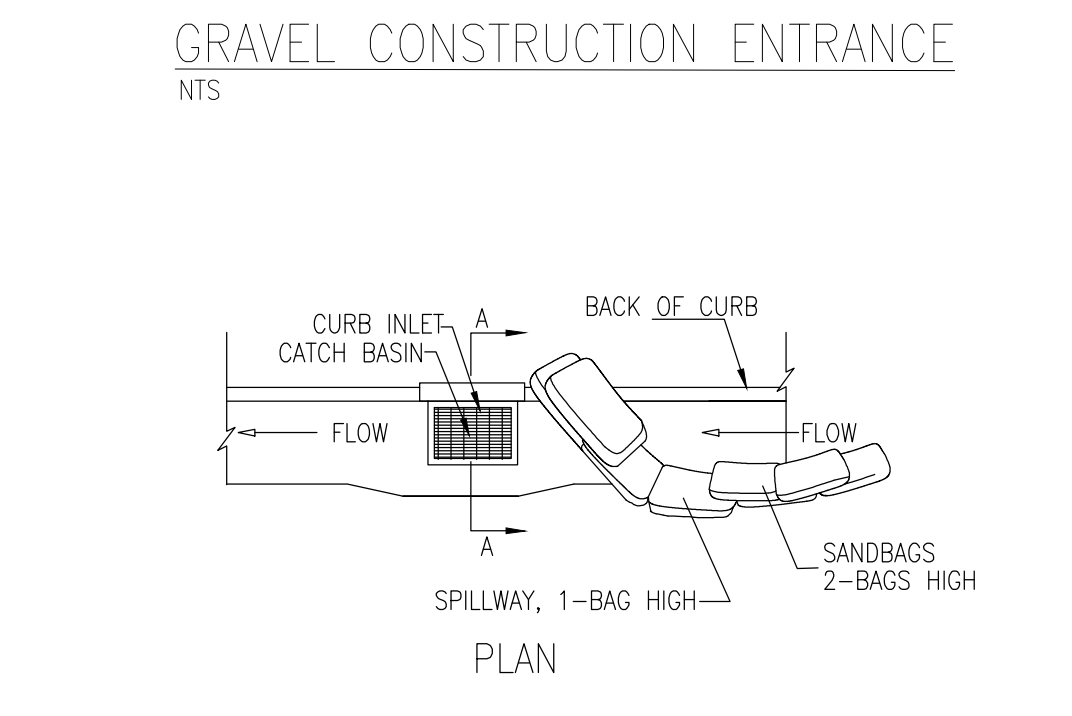
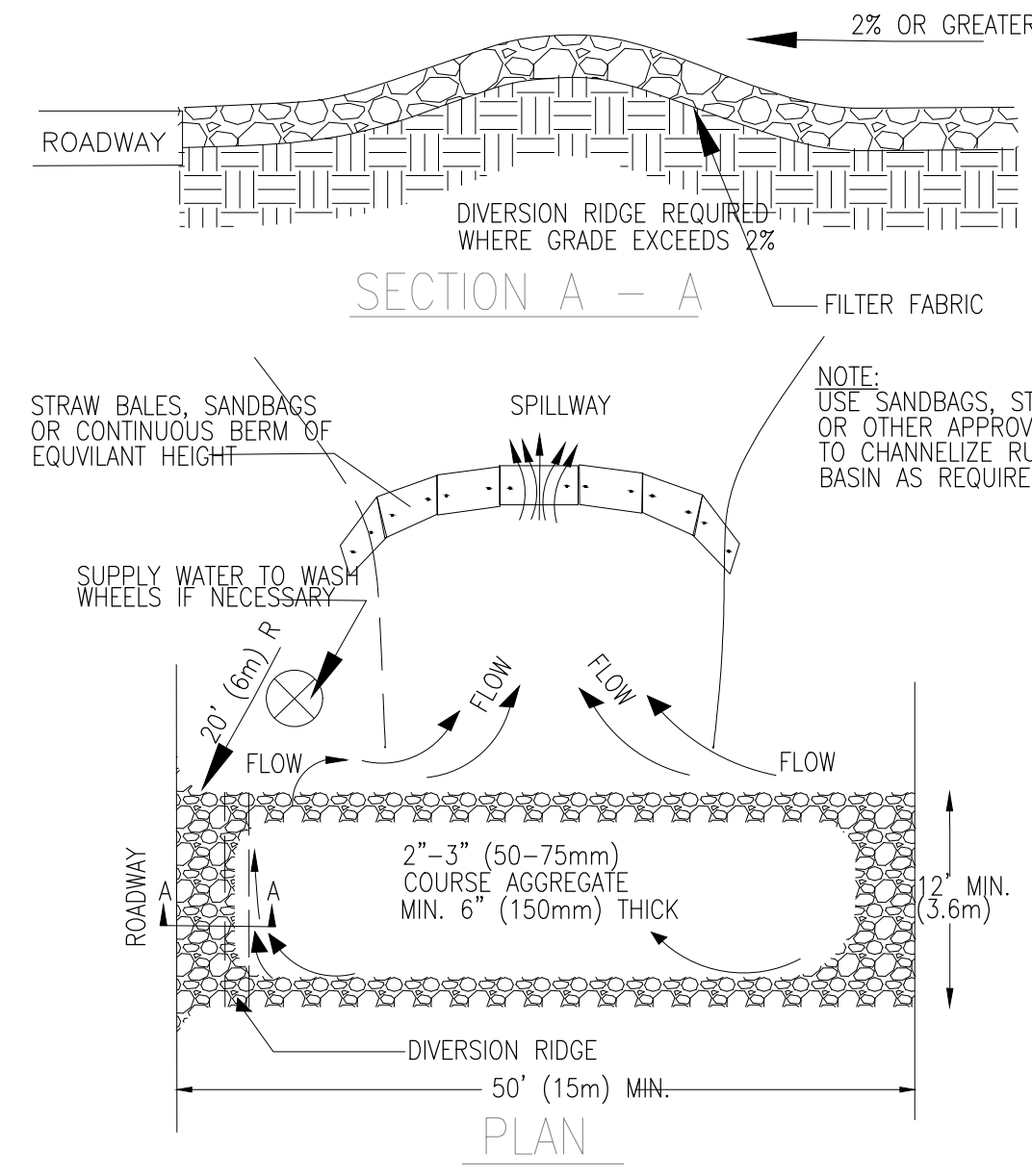
Nazarov, A and Christner B., 2014. Summary of hydrologic and hydraulic modeling for APN 48F-7379-6. Balance Hydrologics Technical Memo, August-2014.

ATTACHMENT A

Erosion Control Plan for APN 48F-7379-6



- NOTES:
1. FIBER ROLL SHALL BE PLACED ON SLOPE CONTOURS TO MAXIMIZE PONDING EFFICIENCY
 2. INSPECT AND REPAIR ROLL AFTER EACH STORM EVENT AND REMOVE SEDIMENT WHEN NECESSARY.
 3. REMOVED SEDIMENT SHALL BE DEPOSITED TO AN AREA THAT WILL NOT CONTRIBUTE SEDIMENT OFF-SITE AND CAN BE PERMANENTLY STABILIZED.
 4. STRAW WATTLE INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE WATTLE IN A TRENCH, 3" - 5" DEEP, DUB ON CONTOUR. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND WATTLE.



- NOTES:
1. PLACE CURB TYPE SEDIMENT BARRIERS ON GENTLY SLOPING STREETS, WHERE WATER CAN POND AND ALLOW SEDIMENT TO SEPARATE FROM RUNOFF.
 2. SANDBAGS OF EITHER BURLAP OR WOVEN GEOTEXTILE FABRIC, ARE FILLED WITH GRAVEL, LAYERED AND PACKED TIGHTLY.
 3. LEAVE ONE SANDBAG GAP IN THE TOP ROW TO PROVIDE A SPILLWAY OVERFLOW.
 4. INSPECT BARRIERS AND REMOVE SEDIMENT AFTER EACH STORM EVENT, SEDIMENT AND GRAVEL MUST BE REMOVED FROM THE TRAVELED WAY IMMEDIATELY.

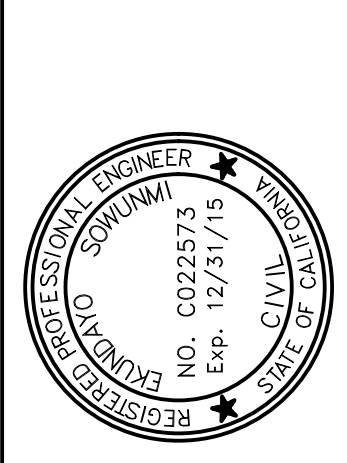
TYPICAL PROTECTION FOR STORM DRAIN INLET
NTS

EROSION CONTROL PLAN NOTES

1. ALL GRADING WORK SHALL BE WINTERIZED PRIOR TO OCTOBER 15, BY PLACING APPROPRIATE SILT FENCING, SILT FENCE/STRAW BALE DIKES AND STRAW BALES IN A MANNER TO MINIMIZE EROSION AND COLLECT SEDIMENT AND ALSO BY HYDROSEEDING AREAS DISTURBED.
2. THIS PLAN IS INTENDED FOR EROSION CONTROL ONLY. OTHER INFORMATION SHOWN HEREIN MAY NOT BE THE MOST CURRENT.
3. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS AND FILLING ALL PLANS WITH THE RELATED AGENCIES ASSOCIATED WITH THEIR WORK. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, PERMITS FOR STORAGE OF HAZARDOUS MATERIALS, BUSINESS PLANS, PERMITS FOR STORAGE OF FLAMMABLE LIQUIDS, GRADING PERMITS, OR OTHER PLANS OR PERMITS REQUIRED BY CITY OF OAKLAND. ALL PROPERTY OWNERS, CONTRACTORS, OR SUBCONTRACTORS WORKING ON-SITE ARE INDIVIDUALLY RESPONSIBLE FOR OBTAINING AND SUBMITTING ANY BUSINESS PLANS OR PERMITS REQUIRED BY CITY, STATE OR LOCAL AGENCIES.
4. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED DURING THE RAINY SEASON (OCT. 15 TO MAY 15), UNTIL DISTURBED AREAS ARE STABILIZED. CHANGES TO THIS PLAN TO MEET FIELD CONDITIONS WILL BE MADE ONLY WITH THE APPROVAL OF, OR AT THE DIRECTION OF THE OWNER. CHANGES MADE TO SUIT FIELD CONDITIONS WILL BE MADE ONLY WITH THE APPROVAL OF OR THE DIRECTION OF THE OWNER. CHANGES MADE TO SUIT FIELD CONDITIONS SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE CIVIL ENGINEER AND THE CITY OF OAKLAND FOR COMMENTS AND APPROVAL.
5. ALL EROSION CONTROL FACILITIES MUST BE INSPECTED AND REPAIRED AS NECESSARY AT THE END OF EACH WORKING DAY, AFTER SIGNIFICANT RAIN OR DAILY DURING THE RAINY SEASON.
6. IF SIGNIFICANT SEDIMENT OR OTHER VISUAL SYMPTOMS OF IMPURITIES ARE NOTICED IN THE STORM WATER, CONTACT THE CIVIL ENGINEER IMMEDIATELY.
7. CONTRACTOR IS RESPONSIBLE FOR INSPECTION AND RESTORATION OF ALL ASPECTS OF THE EROSION CONTROL PLAN. SEDIMENT ON THE SIDEWALKS AND GUTTERS SHALL BE REMOVED BY SHOVEL OR BROOM AND DISPOSED APPROPRIATELY.
8. ALL EMPLOYEES, CONTRACTORS, AND SUBCONTRACTORS ARE RESPONSIBLE FOR CONFORMING TO THE ELEMENTS SHOWN ON THIS PLAN AND RELATED DOCUMENTS.
9. CONTRACTOR TO EMPLOY BEST MANAGEMENT PRACTICES (BMP'S) IN ACCORDANCE WITH THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) LATEST RECOMMENDATIONS.
10. ALL DUMPS OR OTHER TRASH STORAGE ENCLOSURES SHALL BE UTILIZED SOLELY FOR NON-HAZARDOUS MATERIALS.
11. DURING THE RAINY SEASON, ALL PAVED AREAS WILL BE KEPT CLEAR OF EARTH MATERIALS AND DEBRIS. THE SITE SHALL BE MAINTAINED SO THAT A MINIMUM OF SEDIMENT-LADEN RUNOFF ENTERS THE STORM DRAIN SYSTEM. THESE PLANS SHALL REMAIN IN EFFECT UNTIL THE IMPROVEMENTS ARE ACCEPTED BY ALAMEDA COUNTY AND ALL SLOPES ARE STABILIZED.
12. BORROW AREAS AND TEMPORARY STOCKPILES SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES TO THE SATISFACTION OF ALAMEDA COUNTY.
13. REMOVE SPOILS PROMPTLY AND AVOID STOCKPILING OF FILL MATERIALS WHEN RAIN IS IN FORECAST. IF RAIN IS FORECAST OR APPARENT, STOCKPILED SOILS AND OTHER MATERIALS SHALL BE COVERED WITH PLASTIC OR A TAR, AT THE REQUEST OF ALAMEDA COUNTY.
14. STORE, HANDLE AND DISPOSE OF CONSTRUCTION MATERIALS AND WASTES SO AS TO PREVENT THEIR ENTRY INTO THE STORM DRAIN SYSTEM. CONTRACTOR MUST NOT ALLOW CONCRETE, WASHWATERS, SLURRIES, PAINT OR OTHER MATERIALS TO ENTER THE CATCH BASINS, STORM DRAINAGE OR ENTER SITE RUNOFF.
15. USE FILTRATION OR OTHER APPROVED MEASURES TO REMOVE SEDIMENT FROM DEWATERING AFFLUENT.
16. NO CLEANING, FUELING OR MAINTAINING VEHICLES ON SITE SHALL BE PERMITTED TO ALLOW DELETERIOUS MATERIALS FROM ENTERING THE CATCH BASINS, STORM DRAINAGE, OR ENTER SITE RUNOFF.
17. EROSION CONTROL MEASURES TO BE EMPLOYED PER "EROSION AND SEDIMENT CONTROL FIELD MANUAL", CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-SAN FRANCISCO BAY REGION.
18. ALL BARREN AREAS GENERATED DURING THE RAINY SEASON SHALL BE COVERED WITH STRAW OR EQUIVALENT, OR WELL SECURED WITH HEAVY PLASTIC TARP OR GRAVEL, DEPENDING ON THE LOCATION, CONDITIONS, AND FREQUENCY OF ACCESS.
19. ALL EXCESS EXCAVATED SOIL MATERIALS (SPOILS) SHALL BE PROMPTLY REMOVED FROM THE PROPERTY AFTER EXCAVATION.
20. ALL EXCESS EXCAVATED SOIL MATERIALS (SPOILS) SHALL BE LEGALLY DISPOSED OF OFFSITE AT THE OWNER-DESIGNATED LOCATION SOUTHERLY FROM THE PROPERTY ACROSS CALAVERAS RIDGE DRIVE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN THE NECESSARY DOCUMENTATION FROM THE OWNER TO ASCERTAIN FOR HIMSELF THAT THE OWNER HAS LEGAL RIGHT OR PERMISSION FOR SUCH DISPOSAL TO BE MADE AT THE OWNER-DESIGNATED LOCATION.
21. CONTRACTOR AND SUBCONTRACTOR SHALL COMPLY WITH THE FOLLOWING PRINCIPLES REFER TO THE DOCUMENT 'BLUEPRINT FOR A CLEAN BAY' TO REDUCE POLLUTION FROM CONSTRUCTION ACTIVITY:

- IDENTIFY ALL STORM DRAINS, DRAINAGE SWALES AND CREEKS LOCATED NEAR THE CONSTRUCTION SITE AND MAKE SURE ALL SUBCONTRACTORS ARE AWARE OF THEIR LOCATIONS TO PREVENT POLLUTANTS FROM ENTERING THEM.
- CLEAN UP LEAKS, DRIPS, AND OTHER SPILLS IMMEDIATELY SO THEY DO NOT CONTACT STORMWATER.
- REFUEL VEHICLES AND HEAVY EQUIPMENT IN ONE DESIGNATED LOCATION ON THE SITE AND TAKE CARE TO CLEAN UP SPILLS IMMEDIATELY.
- WASH VEHICLES AT AN APPROPRIATE OFF-SITE FACILITY. IF EQUIPMENT MUST BE WASHED ON-SITE, DO NOT USE SOAPS, SOLVENTS, DEGREASERS, OR STEAM CLEANING EQUIPMENT, AND PREVENT WASH WATER FROM ENTERING THE STORM DRAIN. IF POSSIBLE, DIRECT WASH WATER TO A LOW POINT WHERE IT CAN EVAPORATE AND/OR INFILTRATE.
- NEVER WASH DOWN PAVEMENT OR SURFACES WHERE MATERIALS HAVE SPILLED. USE DRY CLEANUP METHODS WHENEVER POSSIBLE.
- AVOID CONTAMINATING CLEAN RUNOFF FROM AREAS ADJACENT TO YOUR SITE BY USING BERMS AND/OR TEMPORARY OR PERMANENT DRAINAGE DITCHES TO DIVERT WATER FLOW AROUND THE SITE. REDUCE STORMWATER RUNOFF VELOCITIES BY CONSTRUCTING TEMPORARY CHECK DAMS AND/OR BERMS WHERE APPROPRIATE.
- PROTECT ALL STORM DRAIN INLETS USING FILTER FABRIC CLOTH OR OTHER BEST MANAGEMENT PRACTICES TO PREVENT SEDIMENTS FROM ENTERING THE STORM DRAINAGE SYSTEM DURING CONSTRUCTION ACTIVITIES.
- KEEP MATERIALS OUT OF THE RAIN - PREVENT RUNOFF POLLUTION AT THE SOURCE. SCHEDULE CLEARING OR HEAVY EARTH MOVING ACTIVITIES FOR PERIODS OF DRY WEATHER. COVER EXPOSED PILES OF SOIL, CONSTRUCTION MATERIALS AND WASTES WITH PLASTIC SHEETING OR TEMPORARY ROOFS - BEFORE IT RAINS. SWEEP AND REMOVE MATERIALS FROM SURFACES THAT DRAIN TO STORM DRAINS, CREEKS, OR CHANNELS.
- KEEP POLLUTANTS OFF EXPOSED SURFACES. PLACE TRASH CANS AROUND THE SITE TO REDUCE LITTER. DISPOSE OF NON-HAZARDOUS CONSTRUCTION WASTES IN COVERED DUMPSTERS OR RECYCLING RECEPTACLES.
- PRACTICE SOURCE REDUCTION - REDUCE WASTE BY ORDERING ONLY THE AMOUNT YOU NEED TO FINISH THE JOB.
- DO NOT OVER-APPLY PESTICIDES OR FERTILIZERS AND FOLLOW MANUFACTURERS INSTRUCTIONS FOR MIXING AND APPLYING MATERIALS.
- RECYCLE LEFTOVER MATERIALS WHENEVER POSSIBLE. MATERIALS SUCH AS CONCRETE, ASPHALT, SCRAP METAL, SOLVENTS, DEGREASERS, CLEARED VEGETATION, PAPER, ROCK, AND VEHICLE MAINTENANCE MATERIALS SUCH AS USED OIL, ANTIFREEZE, BATTERIES, AND TIRES ARE RECYCLABLE (CHECK WITH THE LOCAL PLANNING OR BUILDING DEPARTMENT FOR MORE INFORMATION).
- DISPOSE OF ALL WASTES PROPERLY. MATERIALS THAT CANNOT BE REUSED OR RECYCLED MUST BE TAKEN TO AN APPROPRIATE LANDFILL OR MAY REQUIRE DISPOSAL AS HAZARDOUS WASTE. NEVER THROW DEBRIS INTO CHANNELS, CREEKS OR INTO WETLAND AREAS. NEVER STORE OR LEAVE DEBRIS IN THE STREET OR NEAR A CREEK WHERE IT MAY CONTACT RUNOFF.
- ILLEGAL DUMPING IS A VIOLATION SUBJECT TO A FINE AND/OR TIME IN JAIL. BE SURE THAT TRAILERS CARRYING YOUR MATERIALS ARE COVERED DURING TRANSIT. IF NOT, THE HAULER MAY BE CITED AND FINED.
- TRAIN YOUR EMPLOYEES AND INFORM SUBCONTRACTORS ABOUT THE STORMWATER REQUIREMENTS AND THEIR OWN RESPONSIBILITIES.

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 526 Calero Ave
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 Tel: (408) 425-4523
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 PLANNING - ENGINEERING - DESIGNING



EROSION CONTROL PLAN
SINGLE-FAMILY RESIDENCE
THORNHILL DRIVE (A.P.N. 48F-7379-6)
OAKLAND, CALIFORNIA

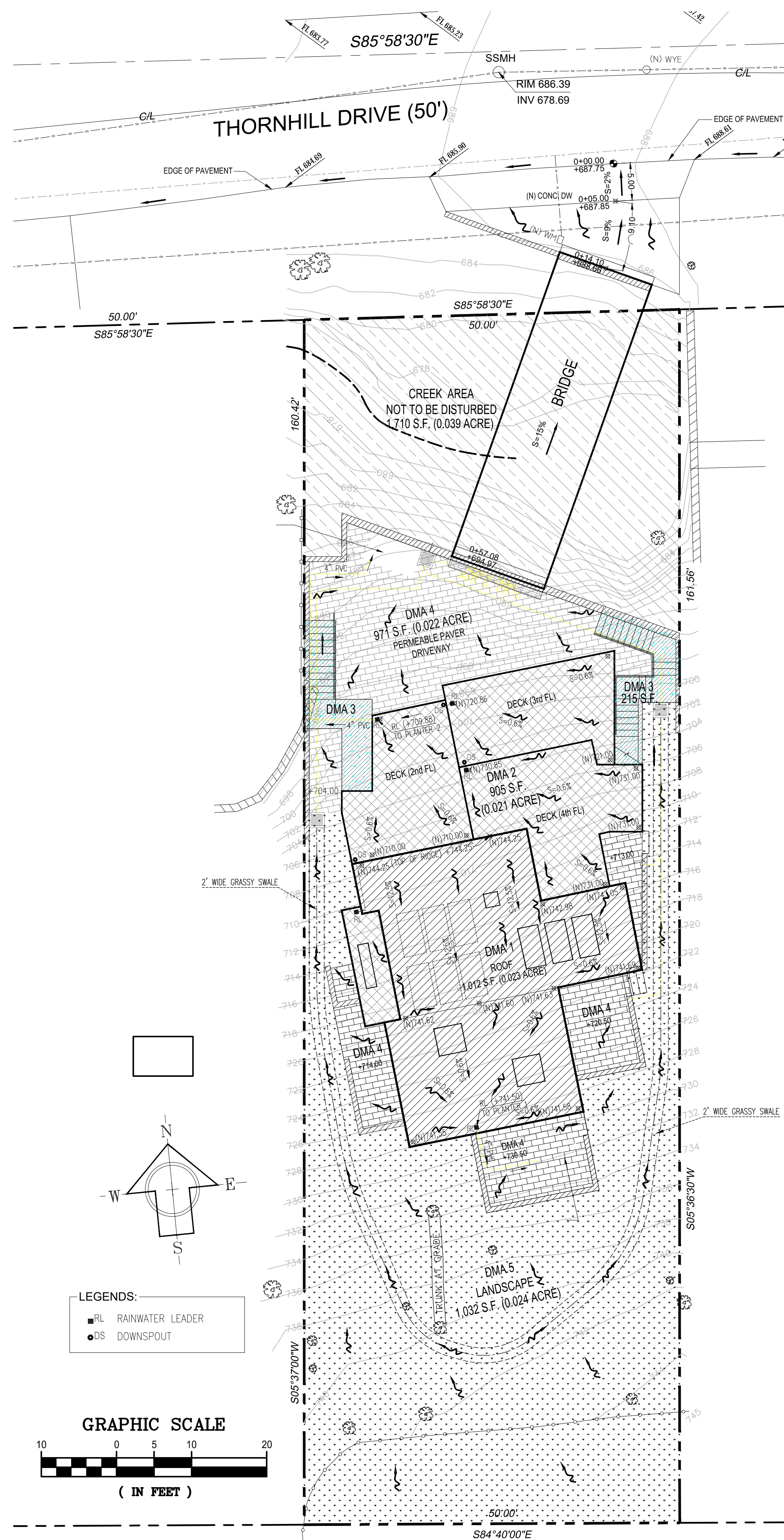
OWNER
MR. ROBERT WIRTH AND
MS. HELEN H. YU
39 CORK ROAD
ALAMEDA, CA94502-7704

DATE: 02-27-15	
DRAWN BY: L.T.	CHECKED BY: T.T.
REVISION	DATE

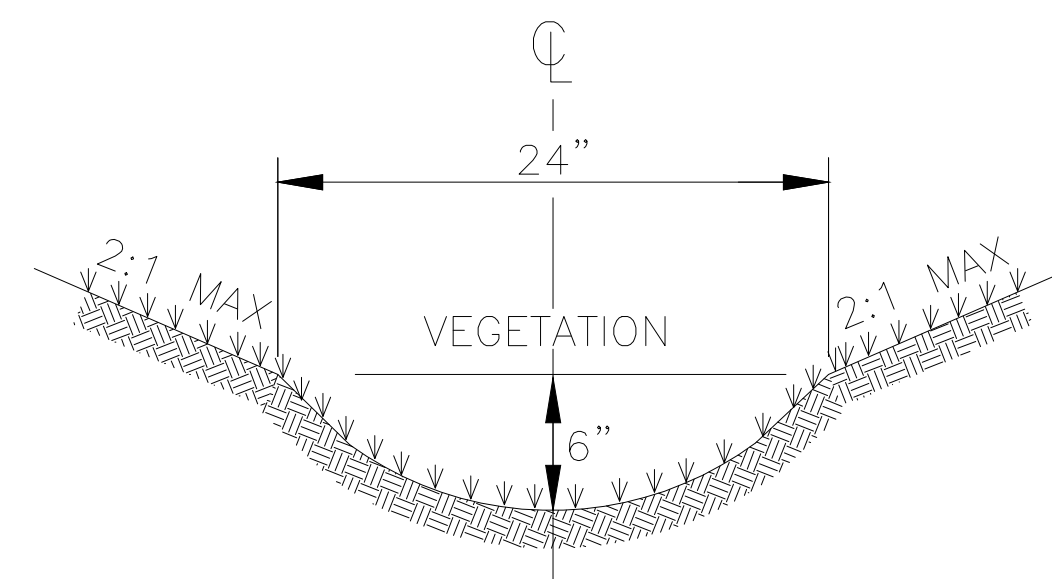
PROJECT NO:
 SCALE: AS SHOWN
 DRAWING No:
C.4

ATTACHMENT B

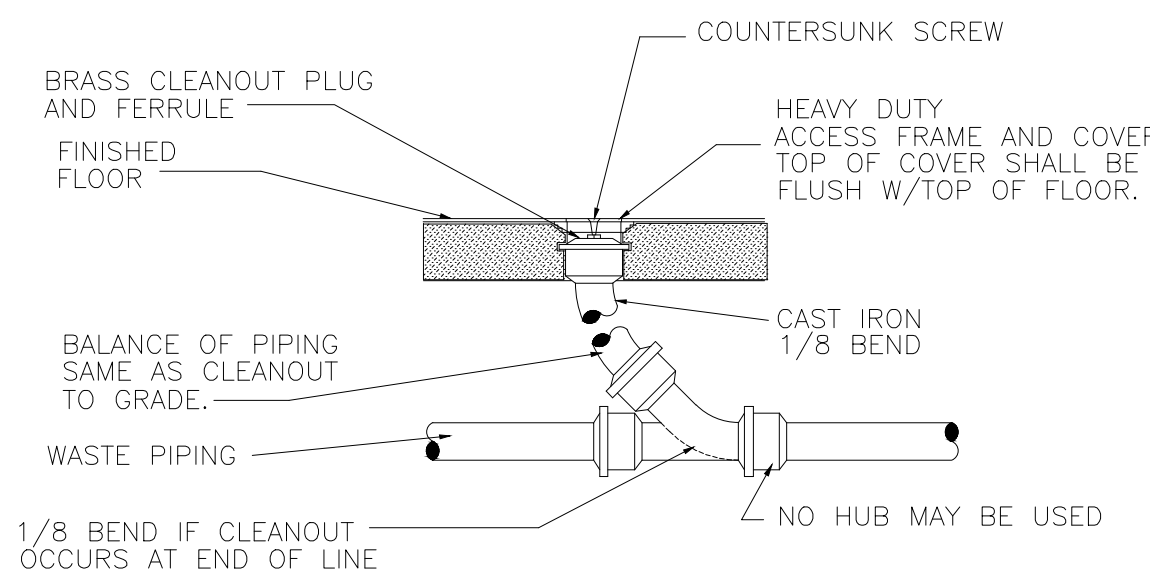
Stormwater Control Plan for APN 48F-7379-6



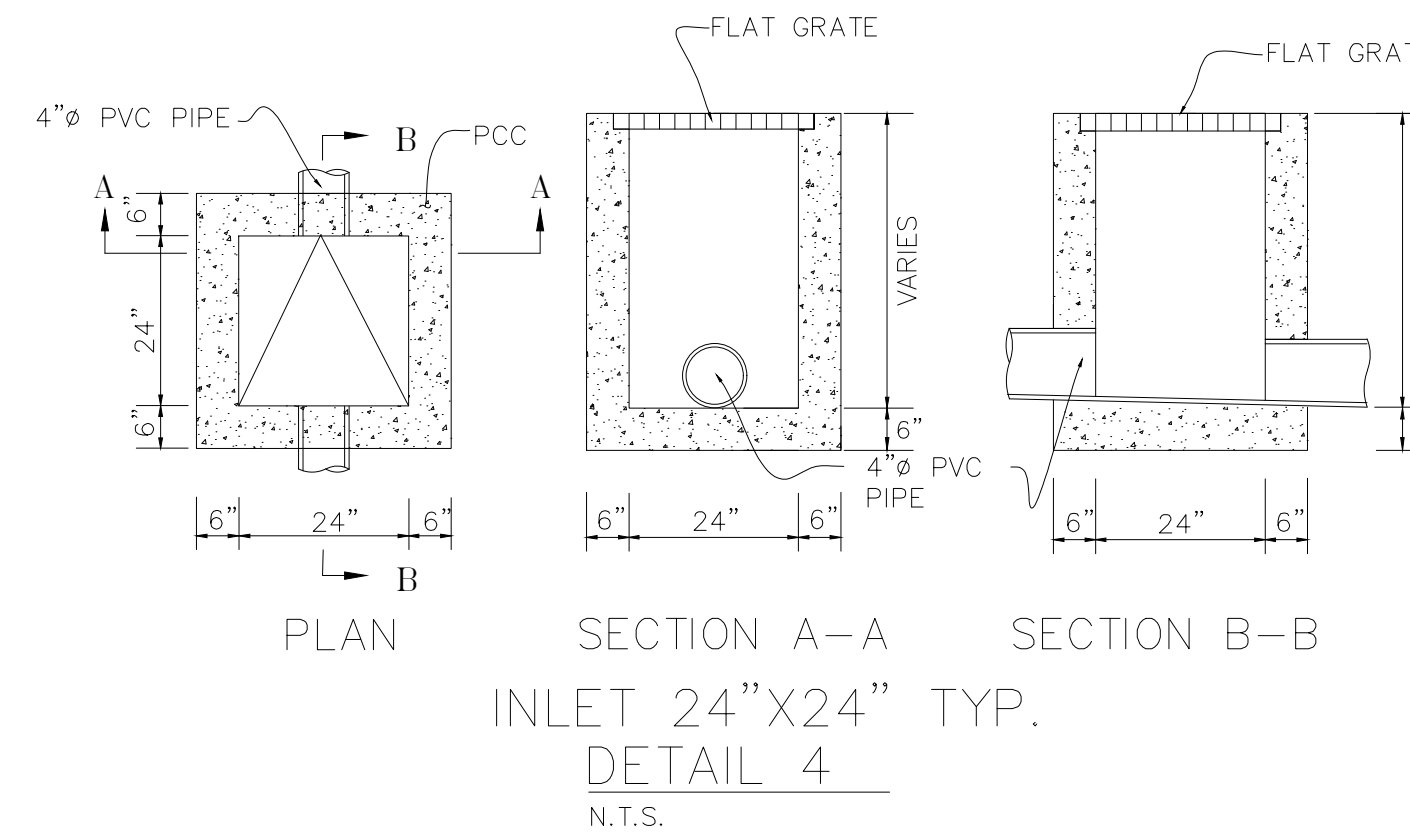
STORMWATER CONTROL PLAN
SCALE: 1" = 10'



SECTION OF GRASSY SWALE
DETAIL 2
N.T.S.



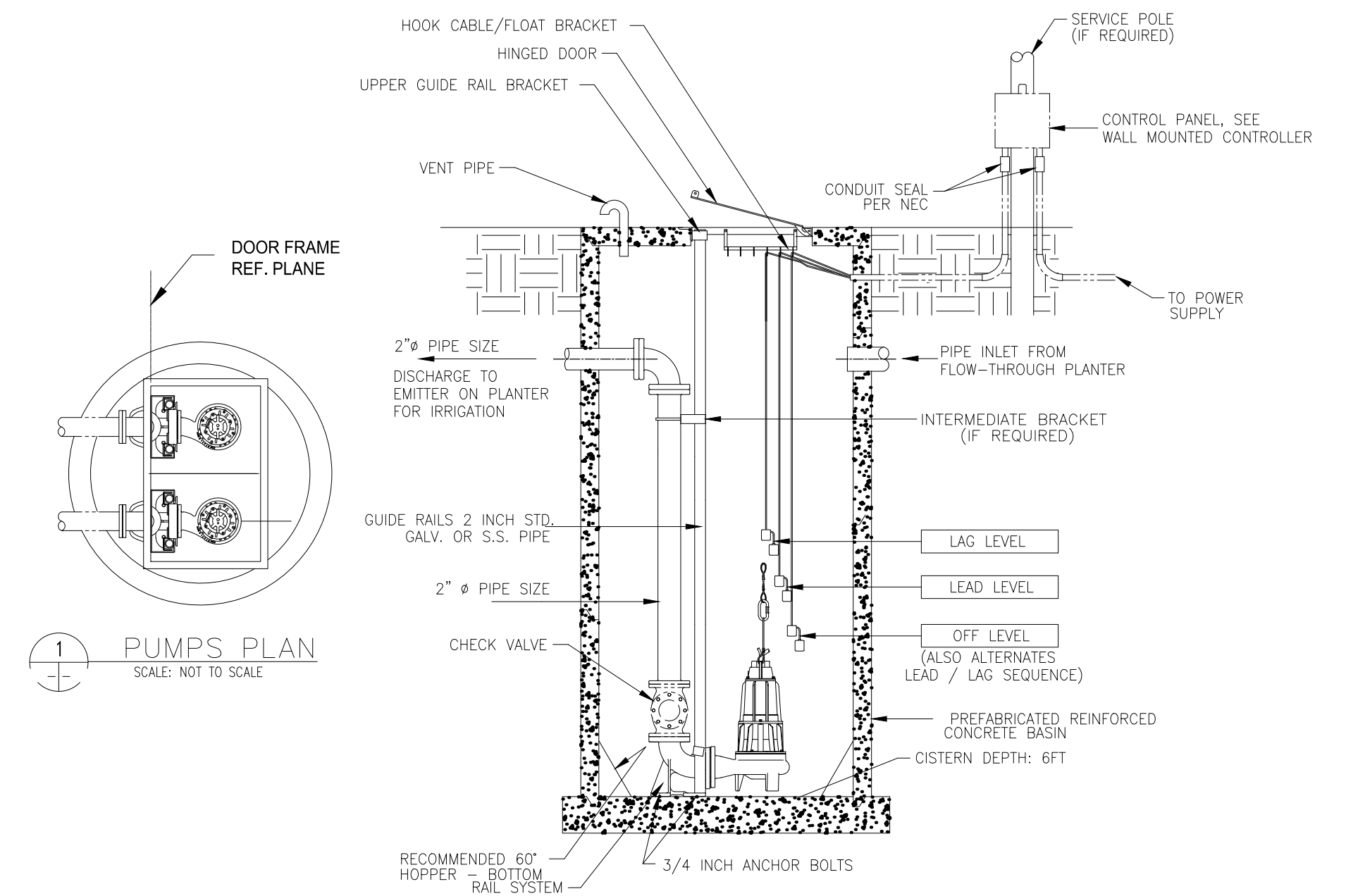
FLOOR CLEANOUT
DETAIL 3
N.T.S.



INLET 24" X 24" TYP.
DETAIL 4
N.T.S.

- C3 AREAS:**
- NEW IMPERVIOUS BUILDING ROOF AREA (16%) - DRAINS TO FLOW THROUGH PLANTER 1 IN BACK DECK OF FLOOR 4
 - NEW IMPERVIOUS CONCRETE DECK (14.3%) - DRAINS TO FLOW THROUGH PLANTER 2 IN FRONT YARD
 - NEW IMPERVIOUS CONCRETE PATH/STAIRS (4.4%) - DRAINS TO PERVIOUS FRONT YARD
 - NEW PERVIOUS AREAS (PERMEABLE PAVEMENT) (15.3%) - SELF TREATING AREA
 - NEW PERVIOUS AREAS (LANDSCAPE) (50.1%) - SELF TREATING AREA
 - NEW PERVIOUS ECO BLOC LIGHT SYSTEM (0.9%) - DRAINS TO CISTERNS FOR STORAGE. WATER CAN BE USED FOR IRRIGATION DURING SUMMER

SUMP PUMP											
SYMBOL	SERVICE	MINIMUM CAPACITY GPM OF EACH PUMP	TOTAL DYNAMIC HD FT WC	TYPE	MAXIMUM RPM	NO. OF PUMPS	MIN HP	VOLTAGE	PHASE	HERTZ	REMARKS
SP-1 & 2	DRAINAGE	1000	15	SUBMERSIBLE NSC	1750	2	15	208	3	60	
SP-3 & 4	DRAINAGE	1000	15	SUBMERSIBLE NSC	1750	2	15	208	3	60	



- NOTES:**
- REFERENCE PUMP DIMENSION SHEETS
 - FOR MINIMUM BASIN SIZING, SEE ELECTRICAL/MECHANICAL DRAWINGS FOR MORE DETAILS
 - CISTERNS CAPTURE RAINWATER FROM FLOW-THROUGH PLANTERS FOR STORAGE AND SUPPLY WATER RECYCLING FOR IRRIGATION ON PLANTER THROUGH PUMPS.

DETAIL OF CISTERN WITH PUMPS
SCALE: NOT TO SCALE

TABLE OF EXISTING DRAINAGE AREA:

AREA#	SURFACE	SQ. FT.	ACRES	%
1	(E) CREEK AREA	1,710	0.039	21%
2	(E) LANDSCAPE/BUSHES/DUST	6,338	0.146	79%
TOTAL SITE		8,048	0.185	100%

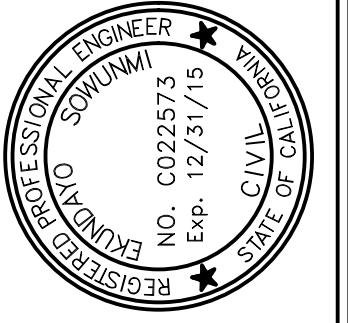
* TOTAL AREA OF SITE DISTURBED (LANDSCAPE): 0.146 ACRE (6,338 SQ. FT.)

TABLE OF FUTURE DRAINAGE AREA DISTURBED OF SITE:

AREA	SURFACE	IMPERVIOUS AREA	PERVIOUS AREA	PERCENTAGE
DMA 1	ROOF AREA	1,012 SF		16.0%
DMA 2	CONC. DECK	905 SF		14.3%
DMA 3	CONC. PATH/STAIRS	215 SF		3.4%
DMA 4	PERMEABLE PAVING, PATIOS		971 SF	15.3%
DMA 5	LANDSCAPE		3,174 SF	50.1%
DMA 6	ECO BLOC LIGHT SYSTEM		61 SF	0.9%
TOTAL AREA OF SITE DISTURBED (6,338 SF)		2,132 SF	4,206 SF	100%

* PERCENTAGE OF THE PERVIOUS AREA COMPARED TO LAND COVERAGE OF SITE DISTURBED = 4,206/6,338 = 66%

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PLANNING - ENGINEERING - DESIGNING



STORMWATER CONTROL PLAN
SINGLE-FAMILY RESIDENCE
THORNHILL DRIVE (A.P.N. 48F-7379-6)
OAKLAND, CALIFORNIA

OWNER:
MR. ROBERT WIRTH AND
MS. HELEN H. YU
39 CORK ROAD
ALAMEDA, CA 94502-7704

DATE: 02-27-15

DRAWN BY:	CHECKED BY:
L.T.	T.T.
REVISION	DATE

PROJECT NO:
SCALE: AS SHOWN
DRAWING NO:
C.3

ATTACHMENT C

Summary of Hydrologic and Hydraulic Modeling for APN 48F-7379-6



800 Bancroft Way • Suite 101 • Berkeley, CA 94710 • (510) 704-1000

224 Walnut Avenue • Suite E • Santa Cruz, CA 95060 • (831) 457-9900

PO Box 1077 • Truckee, CA 96160 • (530) 550-9776

August 7, 2014

Mr. Robert Wirth
39 Cork Road
Alameda, CA 94502

RE: Summary of Hydrologic and Hydraulic Modeling for APN 48F-7379-6

Dear Mr. Wirth:

Thank you for contacting Balance Hydrologics (Balance) regarding assistance with preparing a Hydrology Report for Ms. Helen H. Yu, the owner of APN 48F-7379-6, located between 6326 and 6344 Thornhill Drive in the City of Oakland. It is our understanding that you are acting as Ms. Yu's agent and that your client's intent is to build a single family residence on the property and that the proposed improvements may encroach on the tributary of Temescal Creek that runs through the northern portion of the property. We understand that the City of Oakland Fire Marshall has required access to the proposed single-family home on the property via Thornhill Drive. You have indicated your intent to provide access to the property from Thornhill Drive with a clear-span bridge. Due to the potential for encroachment on the creek channel through the property, the City of Oakland requires a Hydrology Report to be completed as part of a Creek Protection Permit Application. Serving as the Hydrology Report for the project, this letter (hereafter referred to as "report") summarizes the hydrologic and hydraulic methods of and approach to evaluating the peak discharges for the four design events (5-year, 10-year, 25-year, and 100-year) through the tributary as required by the City of Oakland.

This report has been prepared prior to the development of the site plan. Therefore, the focus of the report is on existing site conditions with the assumption that the proposed project will have no impact on water elevations in the creek.

Technical Approach and Methodology

The 1989 Hydrology and Hydraulics Criteria Summary for Western Alameda County allows for the use of Hydraulic Engineering Center's Hydrologic Modeling System (HEC-HMS) and calls for the use of Soil Conservation Service (SCS) Curve Number (CN) methodology. The United States Department of

Agriculture (USDA) Natural Resources Conservation Service's National Engineering Handbook¹ is referenced by the 1989 manual, and describes the specific procedure for calculating Curve Numbers adjusted for impervious values. Dodson & Associates' HydroCalc Hydraulics software was used to aid in the estimation of flow velocities. The 1989 manual contains a pre-defined rainfall distribution curve for a 24-hour duration event, figures for estimating time of concentration, a map of the mean annual precipitation, and the equations necessary to calculate mass precipitation.

To assess the performance of the tributary during the 5-, 10-, 25-, and 100-year events, this study uses the U.S. Army Corps of Engineers' HEC-HMS and HEC-RAS software packages to model the hydrology and hydraulics of the site, respectively.

Hydrology - Input Parameters and Assumptions

Input parameters for the HEC-HMS model were compiled from site topography, soil survey information, and additional guidance from the 1989 manual. The input parameters are summarized below.

- *Watersheds.* The project watershed was divided into three sub-watersheds as shown on Figure 1 below. Red boundaries delineate the sub-watersheds, while the yellow and blue lines indicate the longest sheet and channel flow paths, respectively. The upper watersheds, referred to as Upper Left and Upper Right, are each 0.09 square miles in size and extremely steep and sparsely developed. Elevations in the Upper Left watershed range from 780 to 1480 feet while elevations in the Upper Right watershed range from 780 to 1300 feet. The Lower watershed has the largest area at 0.14 square miles and features substantially more residential development. It is less steep with elevations ranging from 670 to 1365 feet. The proposed project site is shown with a red box in Figure 1. Drainage from the three watersheds confluences approximately 1,000 feet upstream from the project site and drains to the southwest. The modeled point of concentration is just downstream of the property located at 6326 Thornhill Drive.

¹ U.S. Department of Agriculture, Soil Conservation Service, "National Engineering Handbook, Part 630, Hydrology – Chapter 9: Hydrologic Soil-Cover Complexes", July, 2004, 210-VI-NEH.

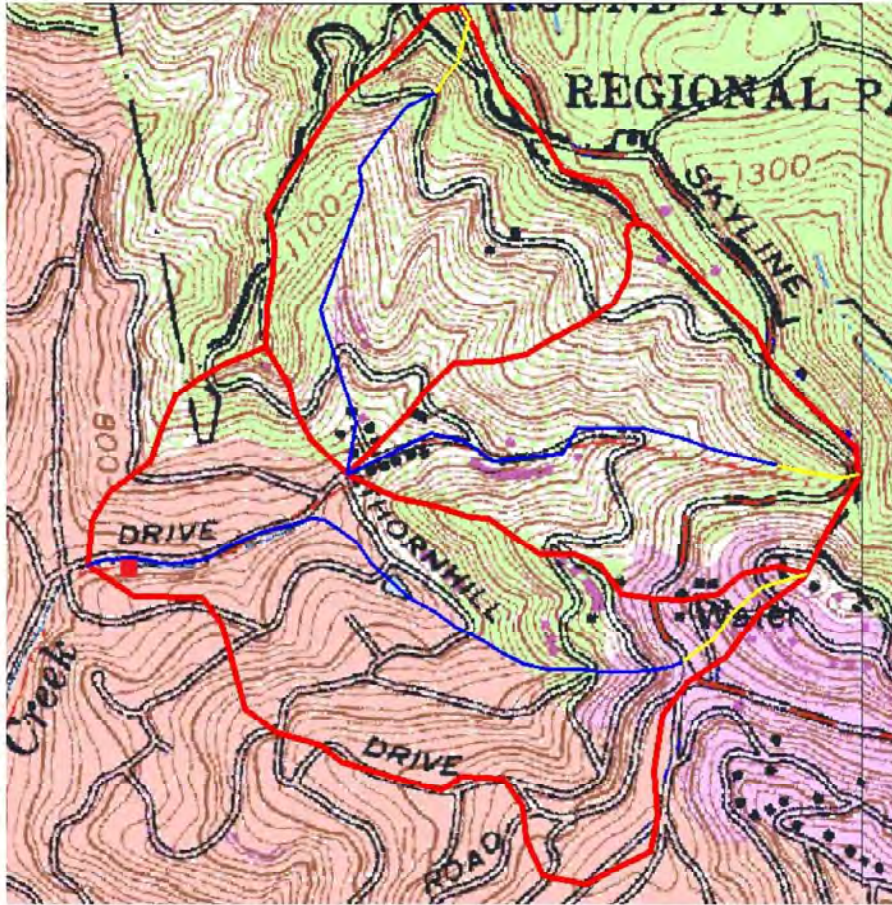


Figure 1: Watershed and flow path delineation. Project location indicated by red box at lower portion of watershed.

- Soil types.** Information on underlying soil types was compiled from the Natural Resource Conservation Service Web Soil Survey and is included as Attachment A. All soils within the watershed boundary are classified in the Hydrologic Soil Group D (USDA, 2014). A hydrologic soil group is a group of soils having similar runoff potential under similar storm and cover conditions. Soils in Group D have high runoff potential when thoroughly wet and water movement through the soil is restricted or very restricted (USDA, 2007).
- Land cover.** The predominant land cover of the Upper Left and Upper Right watersheds is open space with an estimated 5% and 10% imperviousness, respectively. The predominant land cover of the Lower watershed is assumed to be ½-acre lots with an estimated 30% imperviousness. The composite CN for the upper watersheds was calculated to be 80. The composite CN for the lower watershed was 85.

Future development and introduction of additional impervious surfaces in the watershed, unrelated to the proposed work, could impact flows at the project site. Increasing impervious area could increase the total runoff and change the time of concentration, the peak discharge and the time of peak discharge might also change.

- *Rainfall-runoff model.* Per the 1989 manual, the SCS unit hydrograph methodology was used.²
- *Lag time.* Lag time parameters for the SCS unit hydrograph were calculated using the methodology in the 1989 manual. Overland sheet flow velocity was estimated using Figure 4 and time of concentration was estimated using Equation 1-2 of the 1989 manual. The results are summarized in Table 1.

Table 1: Overland Sheet Flow Time of Concentration.

Watershed	Max Elevation <i>ft</i>	Min Elevation <i>ft</i>	Flow Length <i>ft</i>	Overland Flow Slope <i>ft/ft</i>	Flow Velocity <i>ft/s</i>	Time of Concentration <i>min</i>
Upper Left	1480	1395	483	17.6%	6.3	1.3
Upper Right	1300	1200	411	24.3%	7.9	0.9
Lower	1365	1245	791	15.2%	6.2	2.1

Channel flow time of concentration was calculated with the aid of critical depth flow velocities estimated using the HydroCalc software. Results are summarized in Table 2.

Table 2: Channel Flow Time of Concentration.

Watershed	Max Elevation <i>ft</i>	Min Elevation <i>ft</i>	Flow Length <i>ft</i>	Channel Slope <i>ft/ft</i>	Flow Velocity <i>ft/s</i>	Time of Concentration <i>min</i>
Upper Left	1395	780	2167	28.4%	5.7	6.3
Upper Right	1200	780	2356	17.8%	9.9	4.0
Lower	1245	670	3313	17.4%	9.8	5.6

Time of concentration for each watershed is the sum of the overland and channel time of concentrations. Lag time was calculated by multiplying the total time of concentration by 0.6. Lag times for each watershed are shown in Table 3.

Table 3: Lag Time.

Watershed	Total TOC <i>min</i>	Time Lag <i>min</i>
Upper Left	7.6	4.6
Upper Right	4.8	2.9
Lower	7.7	4.6

² SCS here stands for Soil Conservation Service, now renamed the Natural Resource Conservation Service (NRCS). However, the appellation SCS is still commonly used when referring to the runoff modeling components utilized for this study.

Due to the steepness of the watersheds, the calculated lag times were between 2.9 and 4.6 minutes. The 1989 manual notes that the lag time should seldom be less than 3 minutes. For this reason, a sensitivity analysis was performed during the hydrologic modeling that showed that the peak flow rate was not sensitive to the lag time – similar flow rates were evident using lag times as long as 15 minutes.

- *Design storms.* The 24-hour design storm was used for modeling the rainfall-runoff. Mean annual precipitation was taken as 26 inches from Figure 9 of the 1989 manual. Rainfall distributions were developed for the 5-, 10-, 25-, and 100-year design events using unit mass precipitation factors per Figure 8 of the 1989 manual. The 24-hours totals are shown in Table 4.

Table 4: 24-hour design storms.

Event <i>year</i>	Mass Precipitation Factor	24-hour Precipitation <i>in</i>
5	0.14	3.5
10	0.16	4.2
25	0.19	5.1
100	0.24	6.3

Hydrology - Modeling Results

Output results from the HMS modeling are summarized in Table 5. The peak discharges are calculated for the point of concentration immediately downstream of the property located at 6326 Thornhill Drive.

Table 5: Peak discharges at project site.

Event <i>year</i>	Peak Discharge <i>cfs</i>
5	128
10	162
25	206
100	268

This report has been prepared prior to the development of the site plan. The focus of the report is on existing site conditions with the assumption that the proposed project will have no impact on the creek. Therefore, the pre- and post-project peak discharges remain the same.

Hydraulics - Input Parameters and Assumptions

Input parameters for the existing conditions HEC-RAS model were compiled from site topography and outputs from the HEC-HMS model. The input parameters are summarized below.

- *Model extents.* The model extents were set primarily by the culverts upstream and downstream of the property.
- *Cross-sections.* A topographic survey was prepared by Montclair Land Surveying on May 1, 2014 and is included as Attachment B. This survey was supplemented by a field visit to verify hydraulic structure sizes, predominant drainage paths, and roughness coefficients. From visual inspection of the vegetative cover it was estimated that a Manning's n of 0.07 for the overbank and 0.045 for the channel were appropriate.
- *Culverts.* The studied tributary of Temescal Creek, upstream of the proposed project site, alternates between contained within long culvert reaches and open channel. A 36" concrete culvert is located immediately upstream of the project site (see Figure 2). This culvert is several hundred feet long and does not have the capacity to contain the calculated peak discharges. Conservatively, it was not included in the model. Instead, it was assumed that the peak discharge would surcharge the culvert and flow down Thornhill Drive until it had the opportunity to re-enter the open channel, which in this case is immediately downstream of the culvert, at the middle left of the photograph in Figure 2. This is the upstream end of the modeled reach.



Figure 2: Culvert immediately upstream of the project site.

The culvert through the driveway just downstream of the project site is a 42" concrete pipe with a barrel length of 17.8 feet (see Figure 3). Per the survey, the upstream edge of the driveway has an elevation of 682.7 feet, while the downstream edge of the driveway has an elevation of 681.7. A similar 1 foot elevation drop was assumed between the upstream and downstream culvert inverts. The driveway and the culvert were modeled as a bridge within the HEC-RAS model.



Figure 3: Culvert immediately downstream of the project site.

- **Tailwater Assumption.** The downstream culvert does not have the capacity to convey the large design events and therefore the driveway acts as a weir to the flow in the channel. The reach was first modeled using the normal depth approach with a channel slope of 3%. The results indicated that the weir would surcharge by approximately a 1 foot depth. Per the site visit, a clear-span bridge driveway is located approximately 50 feet downstream from the weir which does not support the normal depth assumption. No survey was available to measure the bridge deck elevation, but assuming a similar elevation gradient exists between the two parcels as on the surveyed street, and assuming a similar 1 foot surcharge at the bridge, an estimated tailwater elevation of 679 feet was used in the model.
- **Peak Discharges.** Peak discharges for the 5-, 10-, 25-, and 100-year events were obtained from the HEC-HMS model and are summarized in Table 5 above.

Hydraulics - Modeling Results

Water surface elevations were estimated for the design events and are provided in Table 6. The project is not expected to impact the water surface elevations. Therefore, the water surface elevations are expected to be the same under pre- and post-project conditions.

Table 6: Water surface elevations at project site.

Event <i>year</i>	Water Surface Elevation <i>feet</i>
5	683.0
10	683.3
25	683.5
100	683.8

These water surface elevations are primarily a result of backwater due to the downstream culvert and driveway, as shown in Figure 4. Since this reach is culverted upstream and downstream of the project area, the conditions upstream and downstream will not change as a result of the proposed project, assuming adequate conveyance is provided. This includes the backwater condition as well as the direction of flow.

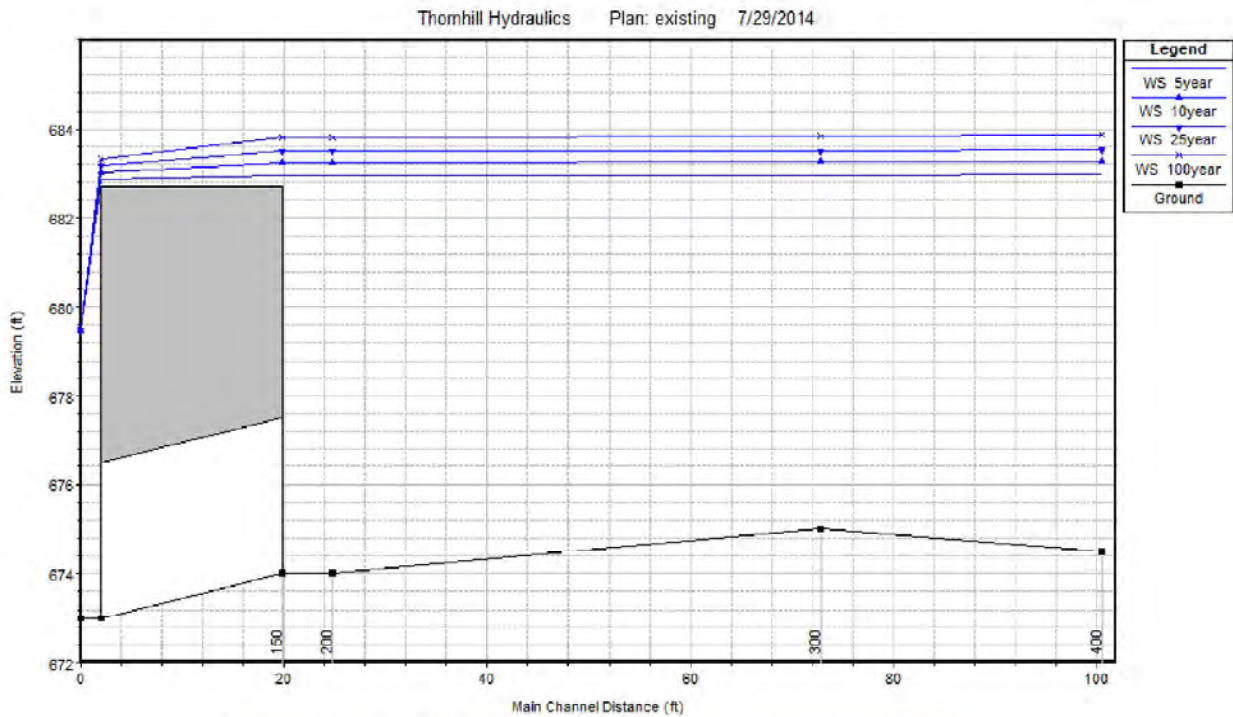


Figure 4: Water surface elevations for the 5-, 10-, 25-, and 100-year flows.

Mr. Robert Wirth
 September 10, 2014
 Page 9

The cross section most applicable to the project location, and the associated water surface elevations, is shown in Figure 5. The edge of pavement for Thornhill Drive at this cross-section location according to the survey is 686.4 feet. The 100-year event is contained within the flood channel with a freeboard of 2.6 feet in relation to the edge of pavement.

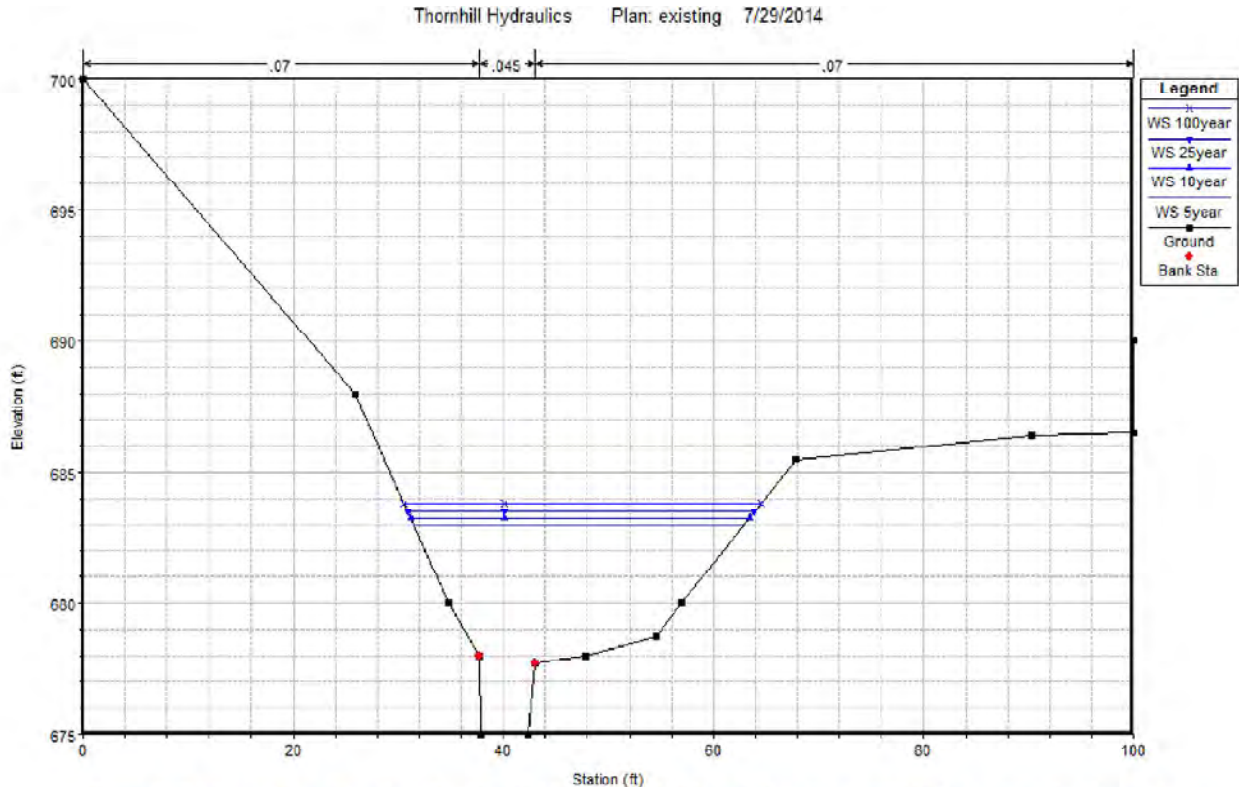


Figure 5: Water surface elevations for the 5-, 10-, 25-, and 100-year flows at the middle cross-section located centrally in the project site. Point of reference is looking downstream with Thornhill Drive on the right.

The velocities in the channel range from 1.4 ft/s for the 5-year event to 2.4 ft/s for the 100-year event.

Future Development

Impacts from future developments in the area are anticipated to be minimal due to several factors. First, the topography of the watershed is very steep with slopes ranging from 15 to 24 percent. Steep slopes produce quick/fast responses to rain events even under native vegetative conditions. Second, 73-percent of the soils in the watershed are dominated by the Maymen loam (USDA, 2014). Maymen soils consist of shallow, somewhat excessively drained soils formed in residuum and weathered from shale, schist, greenstone, sandstone or conglomerate (USDA, 2009). And third, the majority of the watershed has been developed and only a limited number of developable lots exist.

Future development and introduction of additional impervious surfaces in the watershed, unrelated to the proposed work, has the potential to impact flows at the project site. Increasing impervious area may increase the total runoff and change the time of concentration. However, the limited number of developable lots combined with the steep topography and shallow soils over bedrock are anticipated to result in negligible changes to the current hydrograph.

Creek Bank Stability

No changes to channel stability are anticipated through the property due to the proposed home construction. Construction of the proposed single-family home anticipates the installation of a clear-span bridge across the creek that runs through the property (Wirth, B., personal communication). Modeling results indicate the water surface elevation of the 100-year storm event is contained within the confines of the riparian corridor (Figure 5). Estimated in-channel velocities range from 1.4 fps for the 5-year flow, up to 2.4 fps for the 100-year flow. Estimated overbank velocities range from 0.6 fps for the 5-year flow, up to 1.5 fps for the 100-year flow. The project is not expected to impact the velocities at the project site. Therefore, under the assumptions of the model, the velocities are expected to be the same under pre- and post-project conditions.

Current streambank conditions indicate the riparian corridor is well vegetated with a thick cover of English Ivy (Figures 2 and 3). English Ivy acts as a groundcover, spreads horizontally and vertically, reaching 8" in height. English ivy has been planted as an erosion control measure in many parts of the United States because of its habit of rooting at the leaf nodes along the stem. It is perhaps the best known of all evergreen vines in cultivation. English Ivy spreads quickly by vegetative means once it is established. Because its leaves are evergreen, it can photosynthesize year-round and will grow rapidly if unchecked (Cal-EPPC, 1999). The riparian corridor also contains several mature trees of 14" to 22" dbh (diameter at breast height). This combination of ground cover and mature trees provide protection to the soils in the channel and the riparian corridor against erosive in-channel and overbank velocities (Järvelä, 2004, Phillips and Tadayon, 2006). Therefore channel stability is not anticipated to be a problem.

Impact on Existing Vegetation or Wildlife within Riparian Corridor

No impacts to the existing vegetation in the riparian corridor are anticipated due to the landowner's plans for the property. The landowner anticipates installing a clear-span bridge over the channel from Thornhill Drive to gain access to the new single-family home. Modeling results indicate that Thornhill Drive is above the water surface elevation for the 100-year storm event. Therefore no changes are anticipated in the course of the water flow or the water surface elevations of the creek running through the property due to the installation of a clear-span bridge from Thornhill Drive. Any wildlife currently utilizing the riparian corridor should be able to continue to utilize the riparian corridor post-project.

Mr. Robert Wirth
September 10, 2014
Page 11

Limitations Disclaimer

Balance Hydrologics has prepared this report for the client's exclusive use on this particular project. The report is based in part on information obtained by personal communication with the client regarding the proposed development of a single-family home and installation of a clear-span bridge across the creek. Methods used in the analysis relied upon reference values commonly used in the area or developed by sources generally held to be reliable. We have not independently verified their validity, accuracy or representativeness to this or other sites. The recommendations provided in this report are based on the assumption that an appropriate and adequate follow-up program will be conducted, and that our firm will be retained at key stages in the project to revise the findings and recommendations described in this report as warranted.

Closing

Thank you again for the opportunity to assist you in developing the hydrologic and hydraulic modeling runs for this report. Do not hesitate to contact us if you have questions related to the modeling work, results, or conclusions presented herein.

Sincerely,

BALANCE HYDROLOGICS, Inc.



Anna A. Nazarov, P.E.
Project Engineer



Bill Christner Jr, PhD
Project Manager
Senior Geomorphologist/Soil Scientist

Enclosure: Attachment A & B

References

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September 10, 2014
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Järvelä, J., 2004. Flow resistance in environmental channels: Focus on vegetation, Helsinki University of Technology Water Resources Publications, TKK-VTR-10, Espoo, 2004, 54 pp.

Phillips, J.V., and Tadayon, S., 2006, Selection of Manning's roughness coefficient for natural and constructed vegetated and non-vegetated channels, and vegetation maintenance plan guidelines for vegetated channels in central Arizona: U.S. Geological Survey Scientific Investigations Report 2006-5108, 41 p.

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United States Department of Agriculture, Natural Resources Conservation Service, 2009. Maymen soil series. USDA-NRCS, Official Soil Series Descriptions (OSDs). National Cooperative Soil Survey, Nov. 2009. Web access August 6, 2014. <https://soilseries.sc.egov.usda.gov/FOSD_Docs/FM/MAYMEN.html>.

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ATTACHMENT A

**NATURAL RESOURCE CONSERVATION SERVICE WEB SOIL
SURVEY**

United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, accessed July 24, 2014, available at <http://websoilsurvey.nrcs.usda.gov/app/WcbSoilSurvey.aspx>



Tables — Hydrologic Soil Group — Summary By Map Unit

Summary by Map Unit — Alameda County, California, Western Part (CA610)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
126	Maymen loam, 30 to 75 percent slopes	D	354.2	72.9%
127	Maymen-Los Gatos complex, 30 to 75 percent slopes	D	60.8	12.5%
MeGcc	Millsholm loam, 50 to 75 percent slopes	D	70.9	14.6%
Totals for Area of Interest			485.9	100.0%

Hydrologic Soil Group Descriptions:

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate

of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

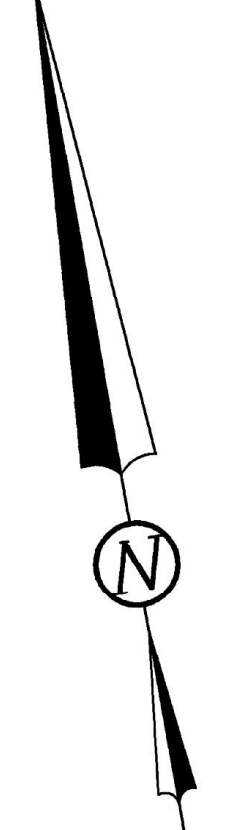
ATTACHMENT B
BOUNDARY AND TOPOGRAPHIC SURVEY

BOUNDARY AND TOPOGRAPHIC SURVEY

LOT 59
 FORESTLAND (4 M 52)
 LOCATED BETWEEN 6326 AND 6344 THORNHILL DRIVE
 CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA

MAY 1, 2014 SCALE: 1" = 8'

MONTCLAIR LAND SURVEYING
 ROBERT J. BRUNEL - LICENSED LAND SURVEYOR
 5942 JOHNSTON DRIVE
 OAKLAND, CALIFORNIA 94611
 (510) 339-3507 FAX (510) 339-3955

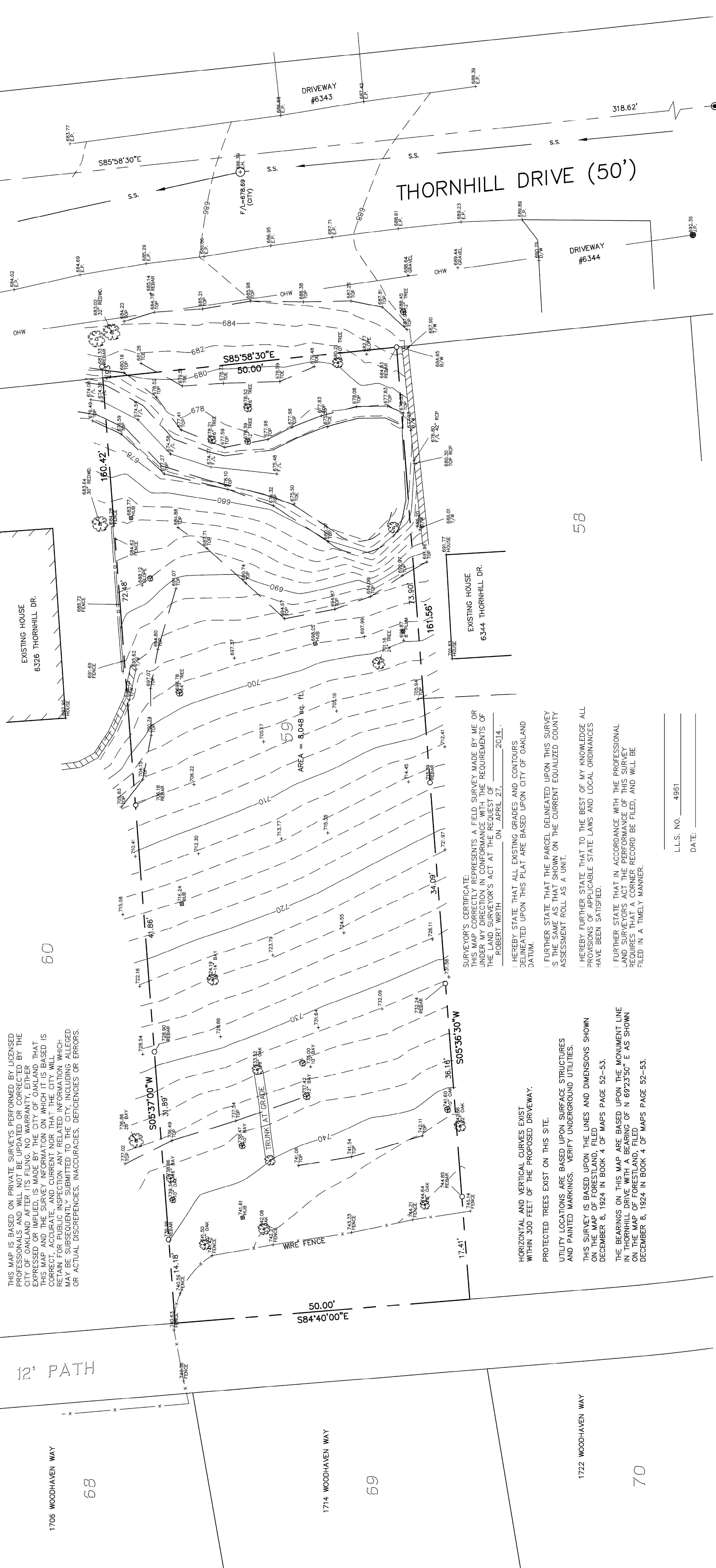


- LEGEND**
- FOUND CONCRETE MONUMENT PER (4 M 52)
 - SET 5/8" REBAR WITH PLASTIC CAP, LS 4981
 - ⊙ SET 2" HUB

- B/W BASE OF WALL
- CONC. CONCRETE
- D/I. DRAIN INLET
- D/W DRIVEWAY
- E.P. EDGE OF PAVEMENT
- F.H. FIRE HYDRANT
- F/L FLOW LINE
- J.P. JOINT POLE
- L.H. LAMP HOLE
- M.H. MANHOLE
- O.H.W. OVERHEAD WIRES
- S.S. SANITARY SEWER
- T/W TOP OF WALL
- W.M. WATER METER
- W.V. WATER VALVE

PUBLIC ADVISORY

THIS MAP IS BASED ON PRIVATE SURVEYS PERFORMED BY LICENSED PROFESSIONALS AND WILL NOT BE UPDATED OR CORRECTED BY THE CITY OF OAKLAND AFTER ITS FILING. NO WARRANTY, EITHER EXPRESSED OR IMPLIED, IS MADE BY THE CITY OF OAKLAND THAT THIS MAP AND THE SURVEY INFORMATION ON WHICH IT IS BASED IS CORRECT, ACCURATE, AND CURRENT NOR THAT THE CITY WILL RETAIN FOR PUBLIC INSPECTION ANY RELATED INFORMATION WHICH MAY BE SUBSEQUENTLY SUBMITTED TO THE CITY, INCLUDING ALLEGED OR ACTUAL DISCREPANCIES, INACCURACIES, DEFICIENCIES OR ERRORS.



SURVEYOR'S CERTIFICATE:
 I HEREBY REPRESENTS A FIELD SURVEY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT AT THE REQUEST OF
 ROBERT WIRTH ON APRIL 27, 2014.

I HEREBY STATE THAT ALL EXISTING GRADES AND CONTOURS DELINEATED UPON THIS PLAT ARE BASED UPON CITY OF OAKLAND DATUM.
 FURTHER STATE THAT THE PARCEL DELINEATED UPON THIS SURVEY IS THE SAME AS THAT SHOWN ON THE CURRENT EQUALIZED COUNTY ASSESSMENT ROLL AS A UNIT.

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

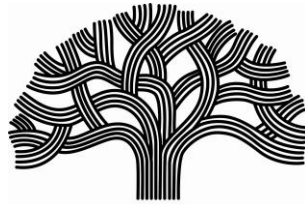
I FURTHER STATE THAT IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT THE PERFORMANCE OF THIS SURVEY REQUIRES THAT A CORNER RECORD BE FILED, AND WILL BE FILED IN A TIMELY MANNER.

HORIZONTAL AND VERTICAL CURVES EXIST WITHIN 300 FEET OF THE PROPOSED DRIVEWAY.
 PROTECTED TREES EXIST ON THIS SITE.
 UTILITY LOCATIONS ARE BASED UPON SURFACE STRUCTURES AND PAINTED MARKINGS. VERIFY UNDERGROUND UTILITIES.
 THIS SURVEY IS BASED UPON THE LINES AND DIMENSIONS SHOWN ON THE MAP OF FORESTLAND, FILED IN BOOK 4 OF MAPS PAGE 52-53, ON DECEMBER 8, 1924 IN BOOK 4 OF MAPS PAGE 52-53.
 THE BEARINGS ON THIS MAP ARE BASED UPON THE MONUMENT LINE IN THORNHILL DRIVE WITH A BEARING OF N 69°23'50" E AS SHOWN ON THE MAP OF FORESTLAND, FILED IN BOOK 4 OF MAPS PAGE 52-53, ON DECEMBER 8, 1924 IN BOOK 4 OF MAPS PAGE 52-53.

LLS. NO. 4951
 DATE:

ATTACHMENT D

Standard Conditions of Approval



CITY OF OAKLAND

STANDARD CONDITIONS OF APPROVAL

**Department of Planning and Building
Bureau of Planning**

**Adopted by City Council on November 3, 2008 (Ordinance No. 12899 C.M.S.)
Revised January 24, 2020**

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PART 3: SCA: OTHER STANDARD CONDITIONS	ERROR! BOOKMARK NOT DEFINED.4

INTRODUCTION

Generally, projects of the same type should have the same conditions of approval. Variations in conditions of approval should only occur if two projects have different characteristics such as different sizes, locations, environmental settings, or other considerations. The City of Oakland has developed Standard Conditions of Approval contained in this document to achieve this consistency. These Conditions are applied to projects when they receive discretionary planning-related approval (including permits issued under the Planning Code and Subdivision Regulations, Creek Protection Permits, and Development-Related Tree Permits). The Conditions should be applied to projects based on the guidance in this document. Variations in the application of the Conditions should only occur in special circumstances.

Part 1 contains General Administrative Conditions. These Conditions pertain to the administrative aspects of the project approval.

Part 2 contains Environmental Protection Measures. These Conditions are Uniformly Applied Development Standards that substantially mitigate environmental effects. The Conditions are incorporated into a project regardless of the project's environmental determination, pursuant, in part, to California Environmental Quality Act (CEQA) Guidelines sections 15183 and 15183.3. As applicable, the Conditions are adopted as requirements of an individual project when the project is approved by the City and are designed to, and will, substantially mitigate environmental effects. In reviewing project applications, the City determines which of the Conditions are applied, based upon the project's characteristics and location, zoning district, applicable plans, and type(s) of permit(s)/approvals(s) required for the project. For example, Conditions related to creek protection permits are applied to projects on creekside properties.

The Standard Conditions of Approval were initially and formally adopted by the Oakland City Council on November 3, 2008 (Ordinance No. 12899 C.M.S.), pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183 (and now section 15183.3), and incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) requirements, Housing Element and other General Plan Element-related mitigation measures, California Building Code, Uniform Fire Code, Energy and Climate Action Plan, Complete Streets Policy, and Green Building Ordinance, among others), which have been found to substantially mitigate environmental effects.

Where there are peculiar circumstances associated with a project or project site that will result in significant environmental impacts despite implementation of the Standard Conditions of Approval the City will determine whether there are feasible mitigation measures to reduce the impact to less than significant levels in the course of appropriate CEQA review (mitigated negative declaration or EIR).

Part 3 contains Other Standard Conditions. These Conditions contain requirements to substantially reduce the non-environmental impacts of projects.

Instructions for Use

As stated above, the Standard Conditions of Approval are applied to projects depending upon the circumstances surrounding the project. This document provides guidance concerning when each Condition should be applied. In both Parts 1 and 2, bracketed text in gray should be deleted from the final document.

In a CEQA document, the Standard Conditions of Approval applicable to the project are considered requirements of the project and not mitigation. In an EIR, the Standard Conditions of Approval should be included in the discussion concerning the regulatory setting of the applicable environmental topic. In the event that Standard Conditions of Approval do not substantially mitigate an environmental effect, the City will determine if there are feasible mitigation measures to reduce the impact to a less-than-significant level.

Many of the Standard Conditions of Approval require technical studies to be prepared. In the case of a project subject to detailed CEQA review, the technical studies may be required to be performed during the course of the CEQA review (and the results of the studies incorporated into the CEQA document) rather than after project approval. In cases where a technical study required by a Standard Condition of Approval is conducted prior to project approval and includes project-specific recommendations for mitigating an environmental effect, these recommendations are considered implementation measures for the Standard Condition of Approval rather than separate mitigation measures.

Part 1: Standard Conditions of Approval – General Administrative Conditions

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans, 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 (2) years from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

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

4. Minor and Major Changes

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

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City’s Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called “City”) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys’ fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called “Action”) against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys’ fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City,

acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

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

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

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

11. Public Improvements

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

Part 2: Standard Conditions of Approval – Environmental Protection Measures

GENERAL

12. Regulatory Permits and Authorizations from Other Agencies

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

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

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

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

AESTHETICS

16. Trash and Blight Removal

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

17. 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

18. Landscape Plan

a. Landscape Plan Required

- Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. *Landscape Installation*

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

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. *Landscape Maintenance*

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

19. Lighting

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

AIR QUALITY

20. 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

21. Criteria Air Pollutant Controls - Construction Related

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

- a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).
- c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.

- d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
- e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
- f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

BIOLOGICAL RESOURCES

29. Tree Removal During Bird Breeding Season

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

When Required: Prior to removal of trees

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

30. Tree Permit

a. Tree Permit Required

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

When Required: Prior to approval of construction-related permit

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

Monitoring/Inspection: Bureau of Building

b. Tree Protection During Construction

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

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

roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.

- iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

Prior to issuance of a final inspection of the building permit. Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

c. *Tree Replacement Plantings*

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

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

- ii. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye), Umbellularia californica (California Bay Laurel), or other tree species acceptable to the Tree Division.
- iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- iv. Minimum planting areas must be available on site as follows:
 - For Sequoia sempervirens, three hundred fifteen (315) square feet per tree;
 - For other species listed, seven hundred (700) square feet per tree.
- v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

CULTURAL RESOURCES

32. 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

33. Archaeologically Sensitive Areas – Pre-Construction Measures

Requirement: The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources.

Provision A: Intensive Pre-Construction Study.

The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:

- a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.
- b. A report disseminating the results of this research.
- c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.

If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.

Provision B: Construction ALERT Sheet.

The project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.

The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and

supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.

When Required: Prior to approval of construction-related permit; during construction

Initial Approval: Bureau of Building; Bureau of Planning

Monitoring/Inspection: Bureau of Building

34. Human Remains – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

GEOLOGY AND SOILS

36. 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

37. 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

HAZARDS AND HAZARDOUS MATERIALS

42. Hazardous Materials Related to Construction

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

- a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;
- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

44. Hazardous Materials Business Plan

Requirement: The project applicant shall submit a Hazardous Materials Business Plan for review and approval by the City, and shall implement the approved Plan. The approved Plan shall be kept on file with the City and the project applicant shall update the Plan as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle hazardous materials and provides information to the Fire Department should emergency response be required. Hazardous materials shall be handled in accordance with all applicable local, state, and federal requirements. The Hazardous Materials Business Plan shall include the following:

- a. The types of hazardous materials or chemicals stored and/or used on-site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.
- b. The location of such hazardous materials.

- c. An emergency response plan including employee training information.
- d. A plan that describes the manner in which these materials are handled, transported, and disposed.

When Required: Prior to building permit final

Initial Approval: Oakland Fire Department

Monitoring/Inspection: Oakland Fire Department

HYDROLOGY AND WATER QUALITY

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

51. Site Design Measures to Reduce Stormwater Runoff

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

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

52. Source Control Measures to Limit Stormwater Pollution

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

- a. Stencil storm drain inlets “No Dumping – Drains to Bay;”
- b. Minimize the use of pesticides and fertilizers;
- c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;
- d. Cover trash, food waste, and compactor enclosures; and
- e. Plumb the following discharges to the sanitary sewer system, subject to City approval:
- f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;

- g. Dumpster drips from covered trash, food waste, and compactor enclosures;
- h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
- i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
- j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

54. NPDES C.3 Stormwater Requirements for Small Projects

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

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

55. Vegetation Management on Creekside Properties

Requirement: The project applicant shall comply with the following requirements when managing vegetation prior to, during, and after construction of the project:

- a. Identify and leave “islands” of vegetation in order to prevent erosion and landslides and protect habitat;
- b. Trim tree branches from the ground up (limbing up) and leave tree canopy intact;
- c. Leave stumps and roots from cut down trees to prevent erosion;
- d. Plant fire-appropriate, drought-tolerant, preferably native vegetation;
- e. Provide erosion and sediment control protection if cutting vegetation on a steep slope;
- f. Fence off sensitive plant habitats and creek areas if implementing goat grazing for vegetation management;
- g. Obtain a Tree Permit before removing a Protected Tree (any tree 9 inches diameter at breast height or dbh or greater and any oak tree 4 inches dbh or greater, except eucalyptus and Monterey pine);
- h. Do not clear-cut vegetation. This can lead to erosion and severe water quality problems and destroy important habitat;

- i. Do not remove vegetation within 20 feet of the top of the creek bank. If the top of bank cannot be identified, do not cut within 50 feet of the centerline of the creek or as wide a buffer as possible between the creek centerline and the development;
- j. Do not trim/prune branches that are larger than 4 inches in diameter;
- k. Do not remove tree canopy;
- l. Do not dump cut vegetation in the creek;
- m. Do not cut tall shrubbery to less than 3 feet high; and
- n. Do not cut short vegetation (e.g., grasses, ground-cover) to less than 6 inches high.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

56. Creek Protection Plan

a. Creek Protection Plan Required

Requirement: The project applicant shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to the City for site improvements and shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices (“BMPs”) during construction and after construction to protect the creek. Required BMPs are identified below in sections (b), (c), and (d).

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. Construction BMPs

Requirement: The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following:

- i. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.
- ii. The project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent biodegradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.
- iii. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.

- iv. All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted.
- v. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.
- vi. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.
- vii. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.
- viii. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.
- ix. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
- x. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- xi. Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains.
- xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).
- xiii. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

c. *Post-Construction BMPs*

Requirement: The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

d. *Creek Landscaping*

Requirement: The project applicant shall include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City. Landscaping information shall include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season.

Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

e. *Creek Protection Plan Implementation*

Requirement: The project applicant shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.

When Required: During construction; ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

NOISE

61. 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

62. Construction Noise

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

- a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.
- b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air

exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.

- c. Applicant shall use temporary power poles instead of generators where feasible.
- d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

63. Extreme Construction Noise

a. Construction Noise Management Plan Required

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

- i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Public Notification Required

Requirement: The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme

noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

67. Operational Noise

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

PUBLIC SERVICES

70.Capital Improvements Impact Fee

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

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

TRANSPORTATION/TRAFFIC

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

c. Obstruction Permit Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

d. 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

e. 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

78. Transportation Impact Fee

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

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

UTILITY AND SERVICE SYSTEMS

81. 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

82. 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

84. 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.
 - GreenPoint Rated Checklists for Single-Family New Construction 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

b. *Compliance with Green Building Requirements During Construction*

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

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

- i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
- ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
- iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

c. Compliance with Green Building Requirements After Construction

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

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

89. 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%202023%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,
- 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

Part 3: Standard Conditions of Approval – Other Standard Conditions

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.

Robert C Wirth Jr

Name of Project Applicant

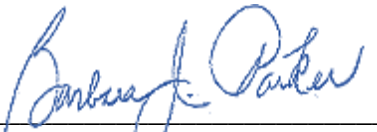


Signature of Project Applicant

July 5, 2021

Date

Approved as to Form and Legality


Office of the City Attorney

**Emergency Order No. 3 of the City of Oakland
Interim City Administrator/Director of the Emergency Operations Center**

Whereas, due to the spread of COVID-19 (coronavirus) within the state, on March 1, 2020 the Alameda County Public Health Department, and on March 4, 2020, Governor Gavin Newsom, declared local and state public health emergencies due to the spread of COVID-19 locally and within the state, pursuant to Health & Safety Code section 101080 and Government Code section 8625, respectively, and

Whereas, on March 9, 2020, the City Administrator in her capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, the City Council passed Resolution No. 88075 C.M.S. confirming the existence of the local emergency proclaimed by the City Administrator pursuant to her power under Oakland Municipal Code section 8.50.050(C) to proclaim a local emergency provided that the local emergency proclamation shall remain in effect only if the City Council confirms the existence of the emergency within seven days; and

Whereas, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, ordering “all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors”, and further acknowledged that the “supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care”; and

Whereas, the Order N-33-20 provides that, to mitigate/control the spread of COVID-19, when people need to leave their homes or places of residence to carry out specified essential functions or to facilitate necessary activities, they should at all times practice “social distancing”, which means remaining a distance of six (6) feet from other persons when in public places; and

Whereas, the City Administrator in his capacity as the Director of the EOC has authority “to promulgate orders, rules, and regulations on matters reasonably related to the protection of life and property and the preservation of public peace and order, in accordance with Article 14 of the California Emergency Services Act, [and such] rules and regulations must be confirmed at the earliest practicable time by the governing body as required by law;” and

Whereas, on March 23, 2020, the Interim City Administrator in his capacity as the Director of the EOC issued an emergency COVID-19 order (Emergency Order of the City Of Oakland), which, among other things, cancelled meetings of all City commissions, committees and boards related to the processing of planning and building applications, including the Planning Commission, Design Review Committee and Landmarks Advisory Board until further notice; and

Whereas, on April 29, 2020, the County Health Officer issued County Order No. 20-10, which defines the scope of construction activities deemed “Essential Businesses” to include “. . . construction, but only as permitted under the State Shelter Order [Order N-33-20] and only pursuant to the Construction Safety Protocols listed in Appendix B and incorporated into [the County Order] by reference”; and

Whereas, under Order N-33-20 Critical Infrastructure is allowed to continue, if remote working is not possible. Critical infrastructure includes: “Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing, commercial, and mixed-use construction); and workers who support the supply chain of building materials from production through application/installation, including cabinetry, fixtures, doors, cement, hardware, plumbing, electrical, heating/cooling, refrigeration, appliances, paint/coatings, and employees who provide services that enable repair materials and equipment for essential functions”; and

Whereas, the City Administrator in his capacity as the Director of the EOC has determined that it is now necessary to amend his March 23, 2020 Order to allow City commissions, committees and boards related to the processing of planning and building applications, including the Planning Commission, Design Review Committee and Landmarks Advisory Board, to commence meetings in order to provide the reviews, hearings, approvals and/or other actions necessary for construction activities specified in Alameda County Order no. 20-10 as “Essential Businesses” to proceed; and

Whereas, on May 4, 2010, City Council passed Resolution No. 82727 C.M.S., urging City departments to refrain from, among other things, entering into any new or amended contracts for services or supplies with companies headquartered in Arizona until Arizona rescinds SB 1070 (“Arizona Boycott Policy”) when doing so will not result in significant additional costs to the City or conflict with law; and

Whereas, Oakland Municipal Code (“OMC”) section 2.22.010 directs the City Administrator to refrain from entering into any new or amended contracts for services or supplies with businesses that have entered into a contract to provide services, goods, materials or supplies to build the U.S.-Mexico border wall (“Border Wall Policy”) when doing so will not result in significant additional costs to the City or conflict with law; and

Whereas, O.M.C. section 2.22.050 authorizes the City Administrator to waive the Border Wall Policy for contracts within his/her authority when the policy conflicts with the law; and

Whereas, the City will be entering into contracts for the provision of emergency services and supplies to respond to the COVID-19 crisis; and

Whereas, the City intends to seek reimbursement, to the greatest extent practicable, from the Federal Emergency Management Agency or other federal agencies for its expenses related to providing COVID-19 emergency services and supplies; and

Whereas, the California Governor’s Office of Emergency Services has informed City staff that the City’s Arizona Boycott Policy and Border Wall Policy may conflict with federal regulations governing the award of federal financial assistance and may therefore jeopardize the City’s ability to secure federal funds and reimbursements; and

Whereas, the City Administrator has determined that it is necessary to waive application of the City’s Arizona Boycott Policy and Border Wall Policy to emergency contracts the City needs to execute to address the impacts of COVID-19 to avoid any potential conflict with federal law and to maximize the City’s ability to obtain reimbursement from the Federal Emergency Management Agency and/or other federal agencies for its COVID-19 emergency expenditures.

Now, Therefore, I, Steven Falk, Interim City Administrator/Director of the Emergency Operations Center of the City of Oakland, in accordance with the authority vested in me pursuant to Oakland’s Emergency Services Act, Oakland Municipal Code Chapter 8.50, specifically section 8.50.050.C.5.(a), hereby order the following:

1. Section 3 of the Interim City Administrator’s Emergency COVID-19 Order dated March 23, 2020, is deleted (see language with strike-throughs below) and new Building and Planning Department procedures are promulgated as follows:

~~“All time limits, shotlocks, and other deadlines associated with Planning Department and Building Department notices, application reviews, appeals, enforcement activities and other matters set forth in Titles 15 and 17 of the OMC and related administrative instructions, regulations and policies are suspended for the duration of the local emergency or until such time as this order is rescinded or the City Council terminates the emergency, whichever is earlier.”~~

All time-limits and deadlines associated with Planning and Building Department notices and appeals are hereby replaced by the notice and appeal procedures set forth in **Attachment A** and **Attachment B** respectively, which are attached hereto and incorporated as if fully set forth herein. The attached notice and appeal procedures shall remain in effect for the duration of this Order. Upon termination of this Order, all former procedures under the Oakland Municipal Code (O.M.C.) shall be reinstated, unless otherwise amended by subsequent orders.

2. Section 4 of the Interim City Administrator’s Emergency COVID-19 Order dated March 23, 2020, is deleted (see language with strikethroughs below):

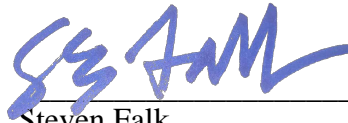
~~Meetings of all City commissions, committees and boards related to the processing of planning and building applications, including the Planning Commission, the Design Review Committee and Landmarks Advisory Board, are cancelled until further notice~~

3. Application of the City’s Arizona Boycott Policy is hereby waived for emergency contracts the City executes to address the impacts of COVID-19 that may be eligible for reimbursement from the Federal Emergency Management Agency and/or other federal agencies.

4. Application of the City's Border Wall Policy is hereby waived for emergency contracts the City executes to address the impacts of COVID-19 that may be eligible for reimbursement from the Federal Emergency Management Agency and/or other federal agencies.

I FURTHER DIRECT that as soon hereafter as possible, this Order shall be filed in the Office of the City Clerk, posted on the City of Oakland website, and that widespread publicity and notice of this Order shall be provided to the public.

IN WITNESS WHEREOF I have hereunto set my hand this 13th day of May, 2020



Steven Falk
Interim City Administrator/Director of Emergency
Operations Center, City of Oakland, California

Attest:

LaTonda Simmons
City Clerk and Clerk of the City Council
City of Oakland, California

2930450v8
May 2020

Attachment A
Interim Procedures for Posting and Mailing Public Notice of Development Projects for the Duration of the Order

Pursuant to the shelter-in-place orders issued by both the Governor of California and the Alameda County Health Officer for the COVID-19 pandemic (“Emergency Orders”), the City of Oakland offices are closed to the public and non-essential personnel are required to work remotely. These requirements extend to the Planning Bureau, resulting in much of the Bureau’s personnel working remotely.

Without the ability for requisite staff to be present in the office, the City does not have the capacity to post and mail public notices for development projects on behalf of applicants, in accordance with its currently established procedures. As a result, it is necessary for development project applicants to demonstrate compliance with these established procedures, by posting and mailing requisite notices as outlined below and as may be further clarified by the Director of Planning and Building or his designee.

The following procedures set forth how development projects will be noticed by applicants for the duration of this Order, or until the previous procedure is restored or further amended:

1. The City hereby replaces the City’s 17-day notice period required under Title 17 of the Oakland Municipal Code (O.M.C.) with the 10-day notice period as set forth under Government Code sections 65905, 65090, 65091, 65092, and 65094.
2. For a development project ready for public notice, the staff planner for the project will prepare the public notice, using the City’s template.
3. The staff planner will verify that the entire file, including the most recent submitted plan set and any correspondence that would constitute public record, is available on the City’s Accela website in a publicly viewable format prior to the posting and mailing of the public notice.
4. The staff planner will send the completed public notice form and address labels to the applicant, with instructions on posting and mailing the public notice for interested parties.
5. The applicant will then be required to post and mail the public notice according to staff planner instruction. Thereafter, the applicant will e-mail the staff planner with proof of project site posting, PDFs of the mailing receipts, and a certificate of mailing evidencing that the public notice was posted and mailed on the date agreed upon with the staff planner. The staff planner must receive proof of posting, the mailing receipts and certificate of mailing on the date of posting and mailing, which the staff planner will place in the development file and upload to Accela.
6. Failure of the applicant to provide proof of posting and mailing of the public notice will result in the development project not moving forward until termination of the City Administrator’s Order and/or resumption of the normal public noticing procedures.
7. Interested parties who desire to comment on the development project will be encouraged to e-mail any questions or comments to the staff planner during the 10-day public notice period. Those members of the public who choose to send written comments must call the staff planner no later than the date of mailing but before the public comment period has ended, to inform the staff planner written comments are being mailed. The staff planner will work with on-site City staff to receive a copy of the written comments.
8. If an applicant or member of the public has any questions regarding the above public notice procedures, they shall direct the questions first to the staff planner, who may consult with the Director of Planning and Building or his designee for further direction.

Attachment B
Interim Procedures for Appeals of City Planning Bureau Decisions for Development Projects for the Duration of the Order

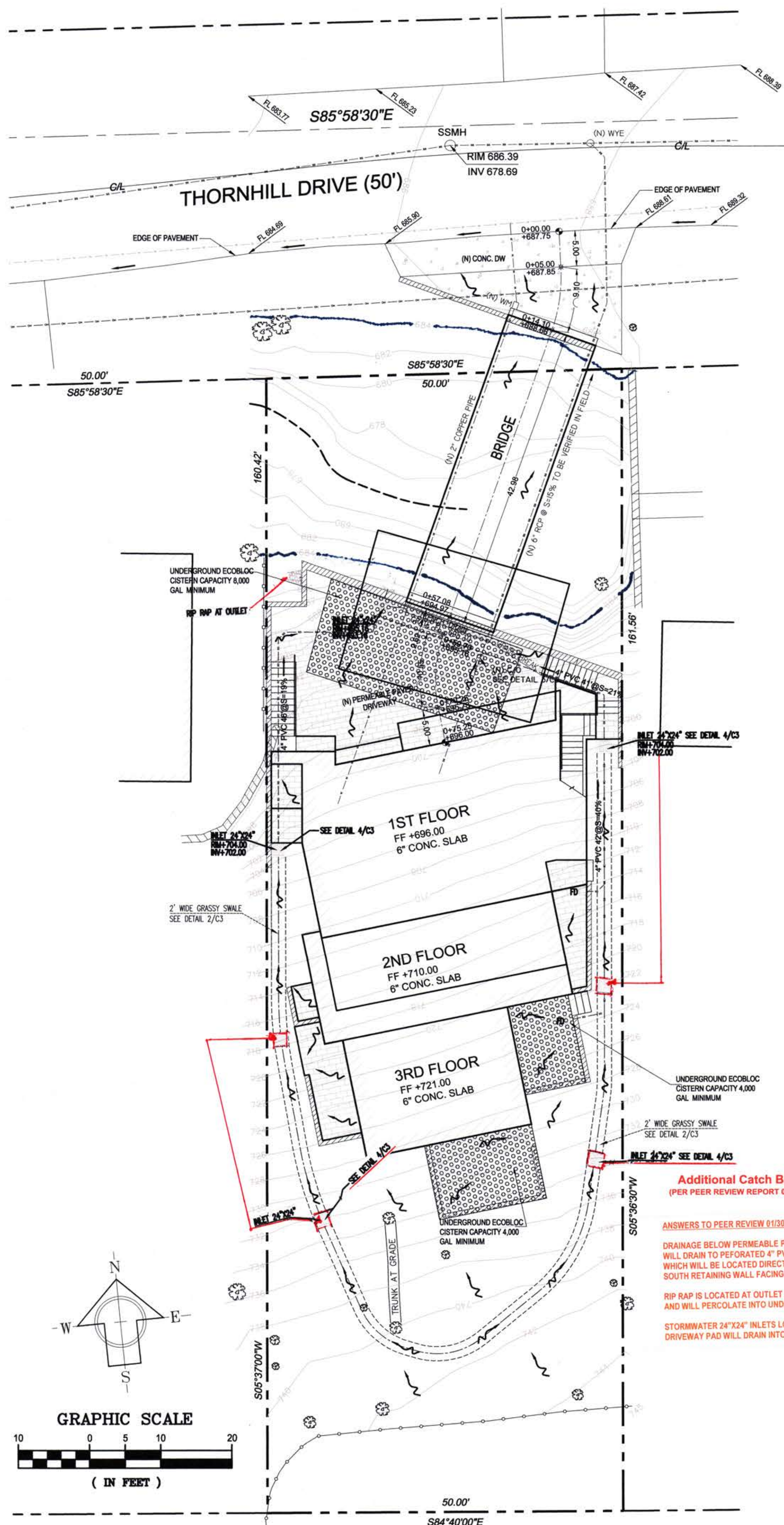
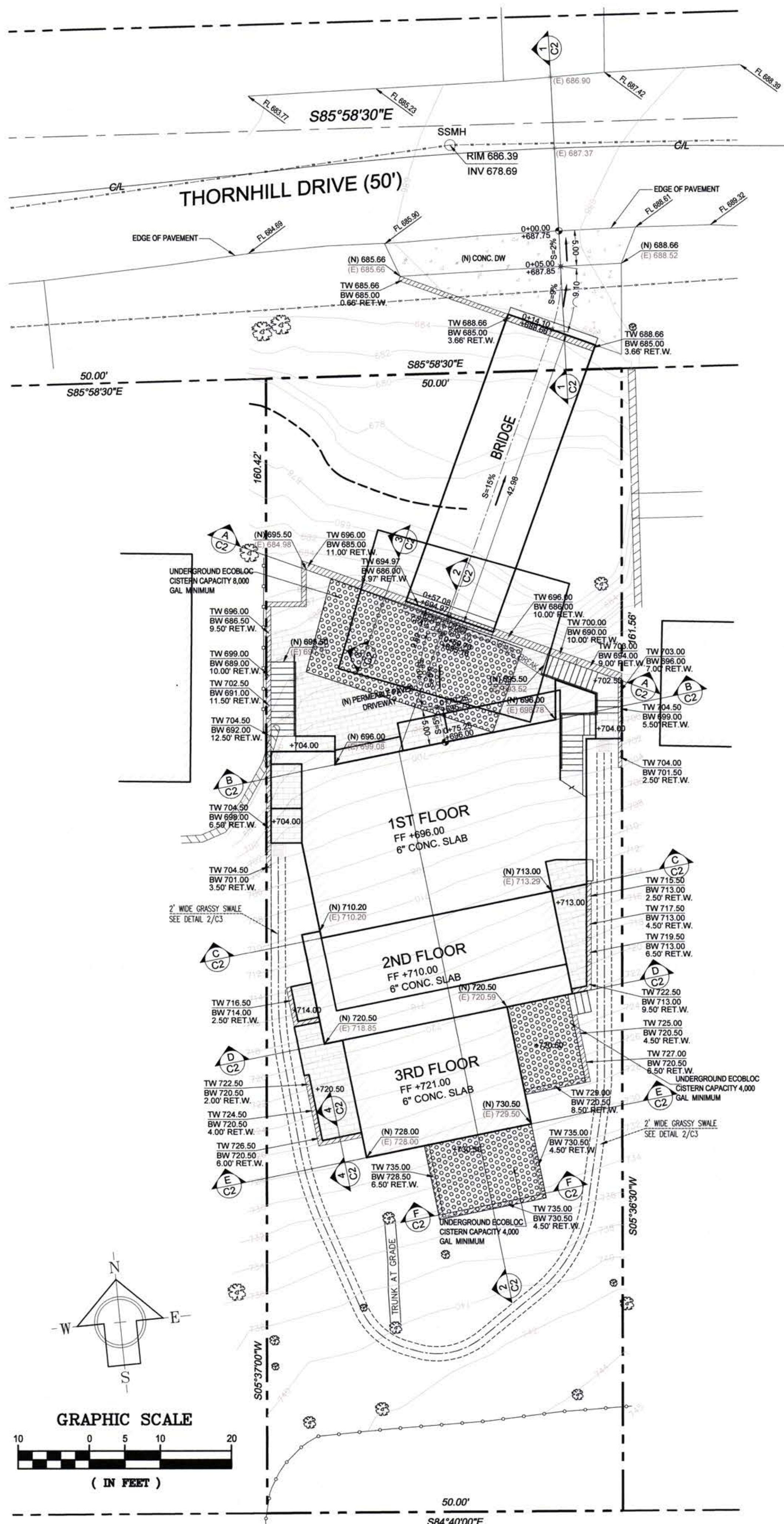
Pursuant to the shelter-in-place orders issued by both the Governor of California and the Alameda County Health Officer for the COVID-19 pandemic (“Emergency Orders”), the City of Oakland offices are closed to the public and non-essential personnel are required to work remotely. These requirements extend to the Planning Bureau, resulting in much of the Bureau’s personnel working remotely.

Without the ability for requisite staff to be present in the office, the City does not have the capacity to receive in-person appeals of Planning Bureau decisions. Under the City’s past practice, the City receives appeals by way of appellant’s physical submittal of the appeal form and documents at the Permit Center, followed by in-person payment to the City’s cashier.

Since Permit Center is not open to the public at this time, the City is altering its appeal submittal requirements to respond to the lack of onsite staff for the duration that this Order remains in effect.

The below appeal submittal requirements shall apply to all development projects processed under Titles 16 or 17 of the Oakland Municipal Code (O.M.C.) or O.M.C. Chapter 17.132 Planning Director determinations:

1. Planning Staff will accept written appeals by e-mail only, unless an alternative submittal process is arranged pursuant to Section 5 below and is accomplished before the appeal deadline.
2. To initiate an appeal, the appellant **must** email: a) the case planner, b) the Development Planning Manager (cpayne@oaklandca.gov) and c) the Zoning Manager (rmerkamp@oaklandca.gov) a signed copy of the Planning Bureau’s appeal application form, as well as all supporting documents, no later than 4:00 p.m. on the final appeal date stated in the City’s decision letter. Failure to submit the appeal form and supporting documents in a timely manner will result in the rejection of the appeal. Additional material may **not** be submitted at a later date. Within one (1) business day of the appeal submittal, the project’s staff planner will create the appeal record in Accela and email the appellant with the record ID and invoice numbers. Appellant will then have five (5) calendar days from the date of appeal submittal to pay the appeal fee to the City’s cashier. If the fifth (5th) calendar day falls on a weekend or City holiday, appellant will have until the end of the following City business day to pay the appeal fee.
3. Failure to pay the appeal fee in full within the timeframe identified in Section 2 above will result in the rejection of appellant’s appeal and, if the appeal period has closed, will not allow for resubmittal of the appeal.
4. Once the appeal documents are uploaded onto Accela and payment of the appeal fee is verified, the staff planner will notify the original applicant of the appeal (assuming the applicant is not also the appellant).
5. **No Appellant E-mail Access:** If the appellant does not have internet access so that appellant is effectively prevented from e-mailing the appeal, the appellant shall contact the staff planner as soon as possible following the decision date to arrange an alternative appeal submittal process. Upon approval by the staff planner, it may be acceptable to submit the appeal, all related documents, and the appeal fee via U.S. Mail, provided the postmark date is no later than the last date of appeal and the appellant has alerted the staff planner of the appeal in a timely manner.
6. Appellant is solely responsible for adherence to the above timelines. If an applicant or member of the public has any questions regarding the above public notice procedures, they shall direct the questions first to the staff planner, who may consult with the Director of Planning and Building or his designee for further direction.



- GENERAL NOTE:**
1. THE ORGANIC MATERIAL COVERING THE SITE SHALL BE STOCKPILED. THE STRIPPING SHALL BE USED TO BACKFILL ALL LANDSCAPE PLANTERS AND ROUGH GRADE MOUND AREAS, AS SHOWN ON LANDSCAPE DRAWING IF ANY, TO WITHIN 6" OF GRADE SHOWN. EXCESS STRIPPING AND EXCAVATED MATERIAL SHALL BE REMOVED FROM THE SITE BY THE GRADING CONTRACTOR.
 2. ALL GRADING AND EARTHWORK SHALL BE IN ACCORDANCE WITH THE SOIL REPORT FOR THIS PROPERTY IF ANY. SECTION 19, STANDARD SPECIFICATION, STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION; AND ALAMEDA COUNTY. IT IS THE REQUIREMENT OF THIS PROJECT THAT THE SOIL ENGINEER BE PRESENT AT THE CONSTRUCTION SITE DURING THE ENTIRE GRADING OPERATION.
 3. COMPACTION TO BE DETERMINED USING APPLICABLE ASTM STANDARDS, CURRENT EDITION AND THE GEOTECHNICAL REPORT.
 4. ALL WORK FOR STORM DRAINAGE INSTALLATION SHALL BEGIN AT THE DOWNSTREAM CONNECTION POINT. THIS WILL ALLOW FOR ANY NECESSARY ADJUSTMENTS TO BE MADE PRIOR TO THE INSTALLATION OF THE ENTIRE LINE. IF THE CONTRACTOR FAILS TO BEGIN AT THE DOWNSTREAM CONNECTION POINT AND RATHER START WORK UPSTREAM, HE/SHE SHALL PROCEED AT HIS/HER OWN RISK AND BE RESPONSIBLE FOR ANY ADJUSTMENTS NECESSARY.
 5. CONTRACTOR SHALL UNCOVER AND EXPOSE ALL EXISTING UTILITIES AND SEWER LINES WHERE THEY ARE TO BE CROSSED ABOVE OR BELOW BY THE NEW FACILITY BEING CONSTRUCTED IN ORDER TO VERIFY THE GRADE AND TO ASSURE THAT THERE IS SUFFICIENT CLEARANCE. PIPES SHALL NOT BE STRUNG NOR TRENCHING COMMENCED UNTIL ALL CROSSINGS HAVE BEEN VERIFIED FOR CLEARANCE. IF THE CONTRACTOR FAILS TO FOLLOW THIS PROCEDURE, HE/SHE WILL BE SOLELY RESPONSIBLE FOR ANY EXTRA WORK OR MATERIAL REQUIRED IF MODIFICATIONS TO THE DESIGN ARE NECESSARY. CONTRACTOR SHALL NOTIFY ALL PUBLIC AND PRIVATE UTILITY OWNERS 48 HOURS PRIOR TO COMMENCEMENT OF WORK ADJACENT TO THE UTILITY. CONTACT UNDERGROUND SERVICES ALERT(USA) AT (800)642-2444.
 6. THE PERMITTEE MUST MAINTAIN THE STREETS, SIDEWALKS AND OTHER PUBLIC RIGHT OF WAY IN A CLEAN, SAFE AND USABLE CONDITION. ANY SPILLS OF SOIL, ROCK OR CONSTRUCTION DEBRIS MUST BE REMOVED FROM THE PUBLICLY OWNED PROPERTY DURING CONSTRUCTION AND UPON COMPLETION OF THIS PROJECT.
 7. THE CONTRACTOR SHALL VERIFY THE CONTENTS AND THICKNESS OF THE BUILDING SLAB SECTION (I.E. CONCRETE, SAND, ROCK) WITH THE STRUCTURAL PLAN AND THE ELEVATIONS SHOWN HEREON PRIOR TO COMMENCEMENT OF GRADING OPERATION.
 8. CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITION DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THE CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD THE RECORD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN ACCORDANCE WITH THE PERFORMANCE OF WORK ON PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THIS DESIGN PROFESSIONAL.
 9. A FOG SEAL OF SS-1 EMULSION CUT 50% SHALL BE APPLIED AT THE RATE OF 0.10 GALLONS PER SQUARE YARD TO FINISHED ASPHALT CONCRETE SURFACING.
 10. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO GENERAL AND SPECIFIC PROVISIONS, STANDARD DRAWINGS, AND REQUIREMENTS OF THE ALAMEDA COUNTY.
 11. CONTRACTOR SHALL PROVIDE ADEQUATE DUST CONTROL AT ALL TIME. COMPLIANCE WITH THE APPLICABLE SECTION OF CALIFORNIA AND FEDERAL O.S.H.A. REQUIREMENTS AND OTHER APPLICABLE SAFETY ORDINANCES. CONTRACTOR SHALL BEAR FULL RESPONSIBILITY FOR TRENCHING, SHORING DESIGN AND INSTALLATION.
 12. IT IS THE CONTRACTOR'S RESPONSIBILITY TO REPLACE ALL STREET MONUMENTS, LOT CORNER PIPES AND GRADE STAKES DISTURBED DURING THE PROCESS OF CONSTRUCTION AT THE REGULAR ENGINEERING FEE.

LEGEND & ABBREVIATIONS

680	CONTOUR LINES	SSMH	SANITARY SEWER MANHOLE
---	PROPERTY LINES	C/O	CLEANOUT
---	WOOD FENCE LINES	WV	WATER VALVE
---	CHAINLINK FENCE LINES	WM	WATER METER
---	WATER LINES	PP	POWER POLE
---	SANITARY SEWER LINES	SS	STREET SIGN
---	STORM DRAIN LINES	(E)	EXISTING
---	ELECTRIC OVERHEAD LINES	(N)	NEW
---	GAS LINES	DS	DOWNSPOUT
---	FOOTPRINT AREA	AC	ASPHALT CONCRETE
---	LANDSCAPE	DW	DRIVEWAY
○ DS	DOWNSPOUT	TC	TOP OF CURB
○ SSMH	SANITARY SEWER MANHOLE	FL	FLOW LINE
△ WV	WATER VALVE	PL	PROPERTY LINE
□ WM	WATER METER	CL	CENTERLINE
○ PP	POWER POLE	RIM	RIM
○ SS	STREET SIGN	INV	INVERT
○ (E)	EXISTING GRADES	RET.W	RETAINING WALL
○ (N)	NEW GRADES	CONC.	CONCRETE
---	DRAINAGE FLOW		

TRANVU, LLC
526 Calero Ave
San Jose, CA 95123
Tel: (408) 425-4523
Email: info@tranvu.com
PLANNING - ENGINEERING - DESIGNING

GRADING AND DRAINAGE PLAN
SINGLE-FAMILY RESIDENCE
THORNHILL DRIVE (A.P.N. 48F-7379-6)
OAKLAND, CALIFORNIA

MR. ROBERT WIRTH AND MS. HELEN H. YU
39 CORK ROAD
ALAMEDA, CA 94502-7704

DATE: 02-27-15
DRAWN BY: L.T.
CHECKED BY: T.T.
REVISION: A
DATE: 7-16-20

PROJECT NO: 15-152
SCALE: AS SHOWN
DRAWING NO: C.1



**Balance
Hydrologics, Inc.®**

800 Bancroft Way • Suite 101 • Berkeley, CA 94710 • (510) 704-1000

224 Walnut Avenue • Suite E • Santa Cruz, CA 95060 • (831) 457-9900

PO Box 1077 • Truckee, CA 96160 • (530) 550-9776

January 26, 2015
Mr. Robert Wirth
39 Cork Road
Alameda, CA 94502

RE: Addendum to the Summary of Hydrologic and Hydraulic Modeling for APN 48F-7379-6

Dear Mr. Wirth:

This Memo is an Addendum to the Hydrology Summary Memo developed by Balance Hydrologics for Ms. Helen H. Yu, the owner of APN 48F-7379-6, located between 6326 and 6344 Thornhill Drive in the City of Oakland. It is our understanding that you are now moving forward with the project and have developed construction plans for the parcel. The plans call for the installation of a clear-span bridge over the tributary to Temescal Creek that flows parallel to Thornhill Drive. Installation of the bridge will necessitate the removal of two (2) ten inch (10") diameter Bay Trees along the right bank (view downstream). The Bay trees share the same trunk and are essentially one tree (Wirth, 2014). You have asked Balance Hydrologics to review the Hydrology Report and provide a professional assessment regarding the potential impacts removal of the trees may have on the creek corridor to convey the 100-year flow. I have reviewed the proposed bridge plans and the location of the Bay trees and offer the following assessment.

The two Bay trees are located along the right bank at an elevation of 680 feet (based on the surveyor's datum). The proposed bridge installation will cut the trees and leave approximately a 2-foot stump. The top of the 2-foot stump will reach an elevation of 682. This is 1.8 feet below the 683.8 elevation of the 100-year event estimated for the site. Balance Hydrologics modeled the hydrology and hydraulics of the site during the 5-, 10-, 25-, and 100-year events using the U.S. Army Corps of Engineers' HEC-HMS and HEC-RAS software packages. Results of this modeling effort indicate the following peak discharge values and corresponding elevations for these storm events:

Table 1: Peak discharges and elevations at project site.

Event year	Peak Discharge cfs	Elevation
5	128	683.0
10	162	683.3
25	206	683.5
100	268	683.8

The top of the proposed 2-foot tree stumps are below the 683.8 elevation of the 100-year event, indicating that removal of the trees will result in removal of material from the 100-year flood flow therefore resulting in less obstructions and increased flow conveyance within the channel.

Mr. Robert Wirth
January 26, 2015
Page 2

No changes to channel stability are anticipated through the property due to the proposed tree removal. Leaving entire stump(s) intact should limit and/or avoid disturbance to the soil and groundcover in the riparian corridor. This will preserve the integrity of the riparian corridor and should avoid the need for soil stabilization following tree removal. Current streambank conditions indicate the riparian corridor is well vegetated with a thick cover of English Ivy. English ivy has been planted as an erosion control measure in many parts of the United States because of its habit of rooting at the leaf nodes along the stem. The combination of good ground cover and intact stumps will provide protection to the soils in the channel and the riparian corridor against erosive in-channel and overbank velocities. Therefore channel stability is not anticipated to be a problem.

In summary, it is my professional opinion that removal of the trees will not impede the conveyance of the 100-year flow or negatively impact channel stability.

Limitations Disclaimer

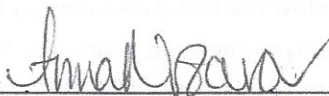
Balance Hydrologics has prepared this addendum for the client's exclusive use on this particular project. The addendum is based in part on information obtained by personal communication with the client regarding the proposed development of a single-family home, installation of a clear-span bridge across the creek, and removal of trees.

Closing

Thank you again for the opportunity to assist you. Do not hesitate to contact us should you have any questions and/or need of further analysis.

Sincerely,

BALANCE HYDROLOGICS, Inc.



Anna A. Nazarov, P.E.
Project Engineer



Bill Christner Jr, PhD
Project Manager
Senior Geomorphologist/Soil Scientist

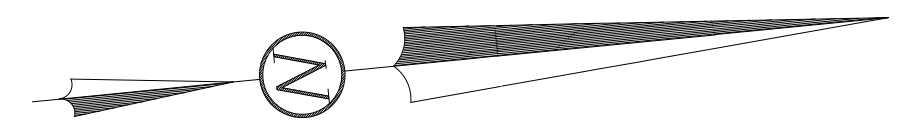
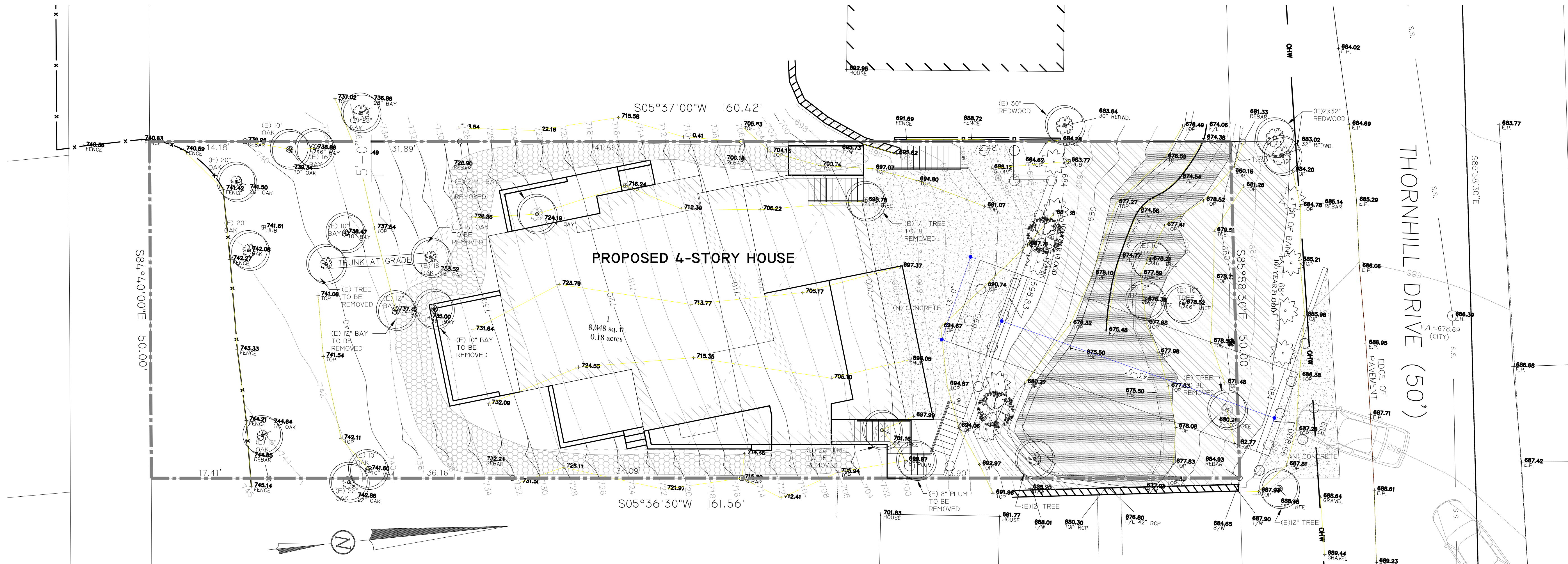
References

Wirth, Robert, 2014. Personal communication, December 9, 2014.


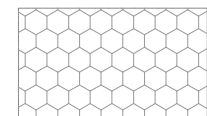

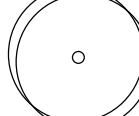
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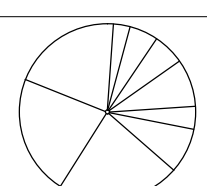
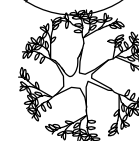
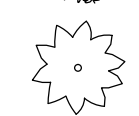
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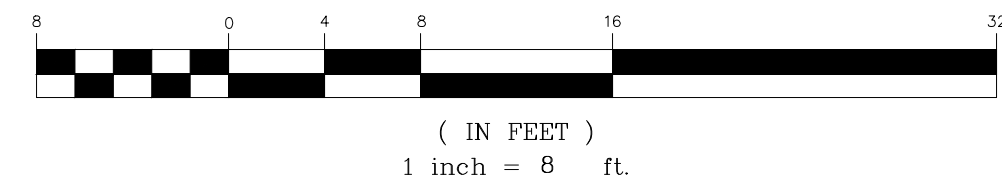
LEGEND:

-  PROTECTION ZONE (NO BUILD)
-  MIXED NATIVE GRASS
-  4" LONG X 1" DIA LIVE STAKE WITH TWO LATERAL BUDS ABOVE GRADE. BOTTOM OF STAKES TO BE IN NATIVE SOIL. 2-4 STAKES PER SQUARE YARD
-  EXISTING TREE - SEE PLAN

CREEK PROTECTION PLANT LIST

SYMBOL	QUANTITY	SIZE	BOTANICAL NAME	COMMON NAME	NOTES
	4	15 GAL	SALIX LAEVIGATA	RED WILLOW	45" HIGH, 25' SPREAD, SUN / SHADE PLANT AT BOTTOM OF BANK
	6	10 G	AESCULUS CALIFORNICA	CALIFORNIA BUCKEYE	39" HIGH, 20' SPREAD, SUN / SHADE PLANT AT TOP/ MIDDLE OF BANK
	9	5 GAL	ESCHSCHOLZIA CALIFORNICA	CALIFORNIA POPPY	6" HIGH, 3' SPREAD, SUN / SHADE PLANT AT TOP OF BANK

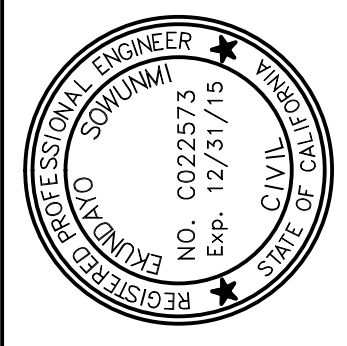
GRAPHIC SCALE



IRRIGATION NOTES

1. AUTOMATIC DRIP SYSTEM FROM WATER STORED IN THREE PLASTIC UNDERGROUND CISTERNS.

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 PLANNING - ENGINEERING - DESIGNING



LANDSCAPE PLAN
SINGLE-FAMILY RESIDENCE
THORNHILL DRIVE (A.P.N. 48F-7379-6)
OAKLAND, CALIFORNIA

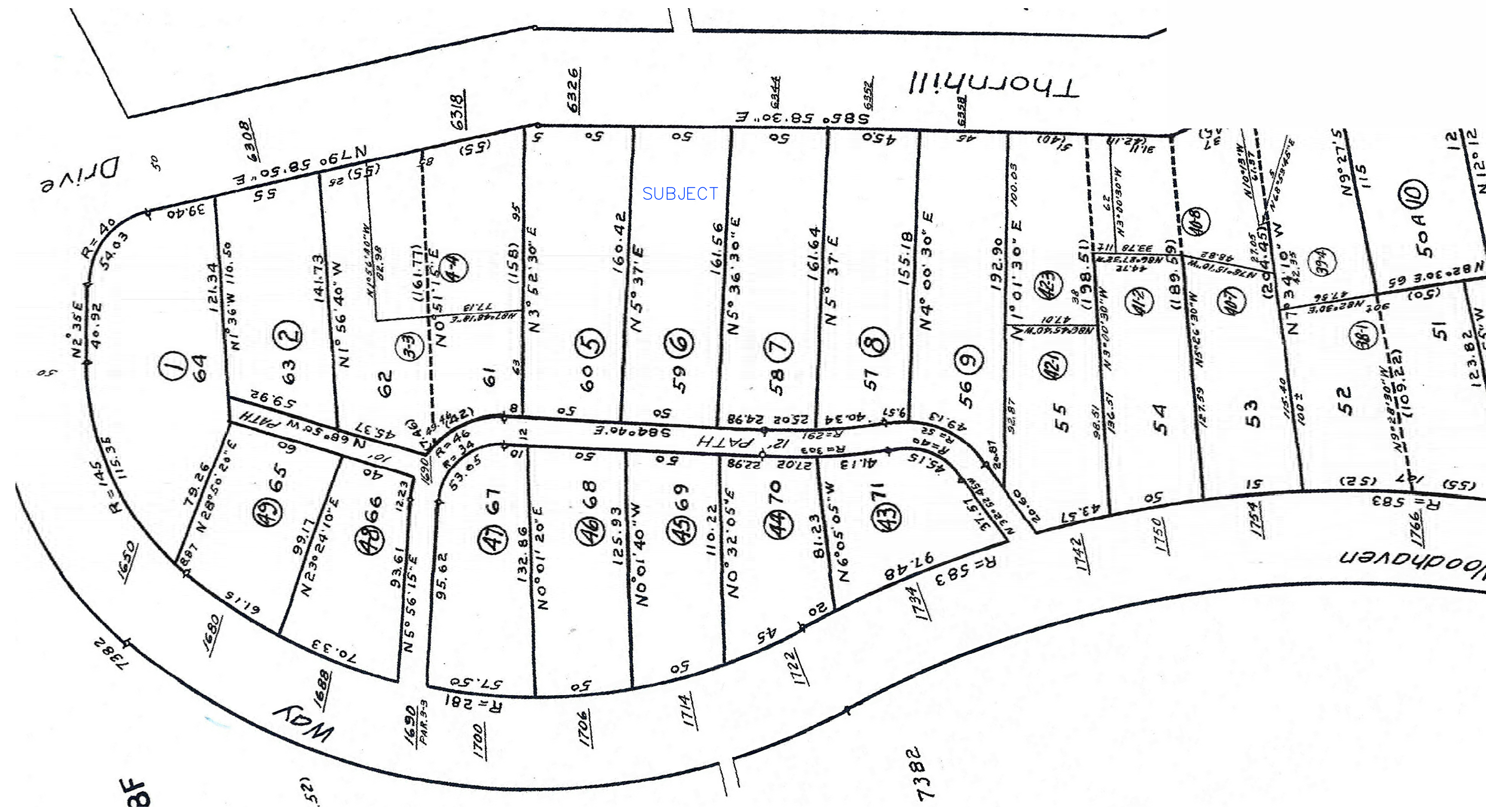
OWNER
MR. ROBERT WIRTH AND
MS. HELEN H. YU
39 CORK ROAD
ALAMEDA, CA94502-7704

DATE: 02-27-15

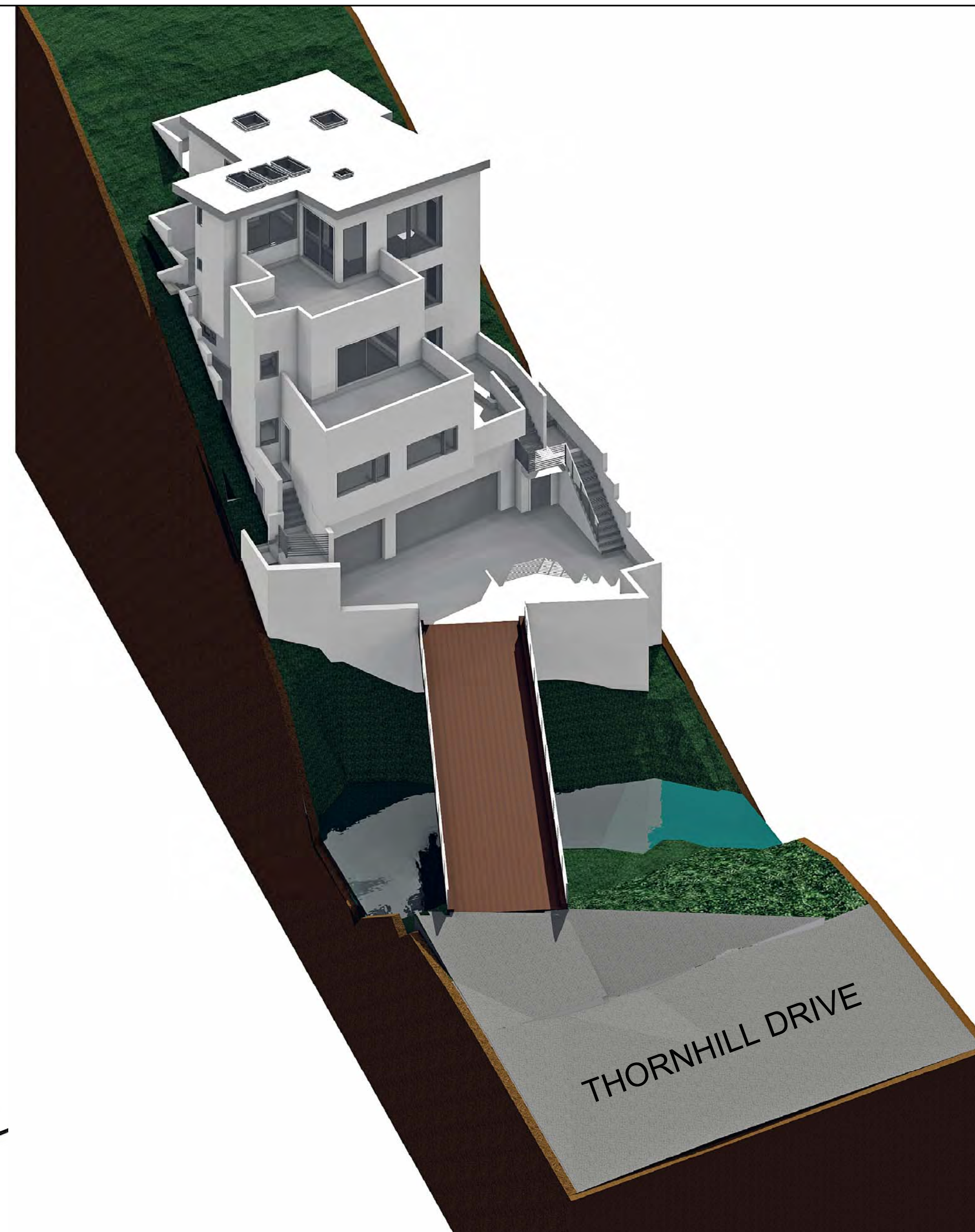
DRAWN BY:	CHECKED BY:
L.T.	T. T.
REVISION	DATE

PROJECT NO:
 SCALE: AS SHOWN
 DRAWING No:
L-1

ABBREVIATIONS	
ACC	ACCESSIBLE
A.P.	ACCESS PANEL
ACOUS.	ACOUSTIC
ADJ.	ADJUSTABLE OR ADJACENT
ALUM.	ALUMINUM
AMP.	AMPERE
A.B.	ANCHOR BOLT
APPD.	APPROVED
APPROX.	APPROXIMATE
ARCH.	ARCHITECTURAL
A.C.	ASPHALT CONCRETE
@	AT
AVE.	AVENUE
BSMT.	BASEMENT
B.M.	BENCH MARK
BTW.	BETWEEN
BEV.	BEVEL
BLK.	BLOCK
BLKG.	BLOCKING
BD.	BOARD
B.S.	BOTH SIDES
BTM.	BOTTOM
B.B.M.	BOTTOM OF BEAM
B.O.S.	BOTTOM OF STEEL
BLDG.	BUILDING
B.U.	BUILT-UP
CAB.	CABINET
CALC.	CALCULATION
CPT.	CARPET
CSMT.	CASEMENT
C.I.	CAST IRON
CAT.	CATALOG
C.B.	CATCH BASIN
CLKG.	CAULKING
CLG.	CEILING
C.J.	CEILING JOIST
CEM.	CEMENT
CEM.PLAS.	CEMENT PLASTER
CTR.	CENTER
CL	CENTER LINE
C.TO.C.	CENTER TO CENTER
CER.	CERAMIC
CHAM.	CHAMFER
CHG.	CHANGE
CHAN.	CHANNEL
CIR.	CIRCLE
CO.	CLEANOUT
CLR.	CLEAR
CLO.	CLOSET
COL.	COLUMN
COMPO.	COMPOSITION
CONC.	CONCRETE
CONC.BLK.	CONCRETE BLOCK
C.O.	CONCRETE OPENING /
COND.	CONDITION
CONN.	CONNECT
CONST.	CONSTRUCTION
CONT.	CONTINUOUS / CONTINUATION
CONTR.	CONTRACTOR
CORR.	CORRUGATE
CON.JT.	CONSTRUCTION JOINT
CSK.	COUNTERSINK
C.R.	CRUSHED ROCK
DENIO.	DEMOLITION
DEPT.	DEPARTMENT
DET.	DETAIL
DIAG.	DIAGONAL
DIA.	DIAMETER
DIML.	DIMENSION
D.W.	DISHWASHER
DR.	DOOR
DBL.	DOUBLE
DH.	DOUBLE HUNG
DN.	DOWN
D.S.	DOWNSPOUT
DWR.	DRAWER
DWG.	DRAWING
EA.	EACH
E.W.	EACH WAY
ELEC.	ELECTRIC
ELEV.	ELEVATION
ENCL.	ENCLOSURE
ENGR.	ENGINEER
ENGRG.	ENGINEERING
ENTR.	ENTRANCE
EQ.	EQUAL
EQUIP.	EQUIPMENT
EQUIV.	EQUIVALENT
EST.	ESTIMATE
EXC.	EXCAVATE
(E)	EXISTING
E.G.	EXISTING GRADE
EXP.	EXPANSION
E.J.	EXPANSION JOINT
EXT.	EXTERIOR
F.O.C.	FACE OF CONCRETE
F.O.M.	FACE OF MASONRY
F.O.S.	FACE OF STUD
F.O.W.	FACE OF WALL
FT.	FEET / FOOT
FIN.	FINISH
F.F.	FINISH FLOOR
F.G.	FINISH GRADE
F.S.	FINISH SURFACE
FIN.FRGM.	FINISHED FRAMING
FRPF.	FIREPROOF
FIX.	FIXED
FLSHG.	FLASHING
F.D.	FLOOR DRAIN
F.L.	FLOOR JOIST
FLR.	FLOOR
FLOUR.	FLUORESCENT
FTG.	FOOTING
FAU.	FORCED AIR UNIT
FDN.	FOUNDATION
FRMG.	FRAMING
FURN.	FURNACE OR FURNISH
GA.	GAUGE
GALV.	GALVANIZE
GL.	GLASS
GLU-LAM.	GLUE LAMINATE BEAM
GOVT.	GOVERNMENT
G.B.	GRAB BAR
GRD.	GRADE
GRND.	GROUND
GYP.	GYPSON
GYP.BD.	GYPSON BOARD
HDW.	HARDWARE
HDWD.	HARDWOOD
HDR.	HEADER
HTG.	HEATING
HVAC	Heat Ventilation & Air Condition
HT.	HEIGHT
H.P.	HIGH POINT
H.M.	HOLLOW METAL
HORIZ.	HORIZONTAL
H.B.	HOSE BIBB
HW	HOT WATER
IN.	INCH
INCL.	INCLUDE / INCLUSIVE
INFO.	INFORMATION
INL.	INLET
I.D.	INSIDE DIAMETER
INSTL.	INSTALL
INS.	INSULATE
INT.	INTERIOR
JOINT.	JOINT
KIT.	KITCHEN
LAM.	LAMINATE
LANDG.	LANDING
LAV.	LAVATORY
L.H.	LEFT HAND
LGT.	LIGHT
LGT.FIXT.	LIGHT FIXTURE
L.W.C.	LIGHT WEIGHT CONCRETE
LGTG.	LIGHTING
L.P.	LOW POINT
LUM.	LUMBER
M.B.	MACHINE BOLT
MAINT.	MAINTENANCE
MFR.	MANUFACTURE / MANUFACTURER
MAS.	MASONRY
M.O.	MASONRY OPENING
MAT.	MATERIAL
MAX.	MAXIMUM
MECH.	MECHANICAL
M.C.	MEDICINE CABINET
MED.	MEDIUM
MEMB.	MEMBRANE
MTL.	METAL
MEZZ.	MEZZANINE
MIR.	MIRROR
MISC.	MISCELLANEOUS
MTD.	MOUNTED
N.G.	NATURAL GRADE
N.E.C.	NATIONAL ELECTRICAL CODE
NEC.	NECESSARY
(N)	NEW
NOM.	NOMINAL
N.	NORTH
N.I.C.	NOT IN CONTRACT
N.T.S.	NOT TO SCALE
NO.	NUMBER
OBS.	OBSOLETE
O.C.	ON CENTER
OPNG.	OPENING
OPP.	OPPOSITE
ORIG.	ORIGINAL
PR.	PAIR
PLAS.	PLASTER
PLAS.LAM.	PLASTIC LAMINATE
PL	PROPERTY LINE
PLMBG.	PLUMBING
PLYWD.	PLYWOOD
PT.	POINT / PRESSURE TREATED
PREFAB.	PREFABRICATED
PRELIM.	PRELIMINARY
PREP.	PREPARE
P.S.I.	POUNDS PER SQUARE INCH
P.T.D.F.	PRESSURE TREATED DOUGLAS FIR
PROJ.	PROJECT
QUAL.	QUALITY
RAD.	RADIUS
RWL.	RAIN WATER LEADER
RTD.	RATED
RECT.	RECTANGULAR
RWD.	REDWOOD
REF.	REFERENCE
REF.	REFRIGERATOR
REBAR.	REINFORCEMENT BAR
REMOVE.	REMOVE
REQD.	REQUIRED
REV.	REVISE
R.	RISER
R.A.	RETURN AIR
RD.	ROAD
RF.	ROOF
R.D.	ROOF DRAIN
RFG.	ROOFING
RM.	ROOM
RGL.	ROUGH
R.O.	ROUGH OPENING
R.S.	ROUGH SAWN
RND.	ROUND
S4S	SAME FOUR SIDES
S.C.	SAW CUT
SCHED.	SCHEDULE
SCHEM.	SCHEMATIC
SCRN.	SCREEN
S.S.D.	SEE STRUCTURAL DRAWINGS
SECT.	SECTION
SERV.	SERVICE
SHTG.	SHEATHING
SHT.	SHEET
SHF.	SHelf
SIM.	SIMILAR
SH	SINGLE HUNG
SNK.	SINK
S.O.G.	SLAB ON GRADE
SL.	SLIDING
SPEC.	SPECIFICATION
S.B.	SPLASH BLOCK
SO.	SQUARE
S.S.	STAINLESS STEEL
STD.	STANDARD
STL.	STEEL
STOR.	STORAGE
ST.	STREET
STRUC.	STRUCTURAL
SUSP.	SUSPEND
SW.	SWITCH
SYM.	SYMMETRICAL
TEMP.	TEMPERED
THK.	THICK
THRU.	THROUGH
T&G	TONGUE AND GROOVE
T&B	TOP AND BOTTOM
T.O.B.	TOP OF BEAM
T.O.C.	TOP OF CONCRETE / TOP OF CURB
T.O.F.	TOP OF FOOTING
T.O.G.	TOP OF GRADE
T.O.S.	TOP OF SHEATHING / TOP OF STEEL
T.	TREAD
TYP.	TYPICAL
U.O.N.	UNLESS OTHERWISE NOTED
UTIL.	UTILITIES
V.I.F.	VERIFY IN FIELD
VERT.	VERTICAL
VEST.	VESTIBULE
W.SCT.	WAINSCOT
W.C.	WATER CLOSET
W.H.	WATER HEATER
W.P.	WATERPROOF
WIN.	WINDOW
W/	WITH
W/O	WITHOUT
WD.	WOOD



16 PARCEL MAP N.T.S.



Thornhill Drive
Parcel 48F-7379-6
ZONE RH4

Kwan Design Architects

480 POST STREET, SUITE 1543
SAN FRANCISCO, CA 94102
T (415) 615-0000 F (415) 615-0001
WWW.KDARCHITECTS.COM

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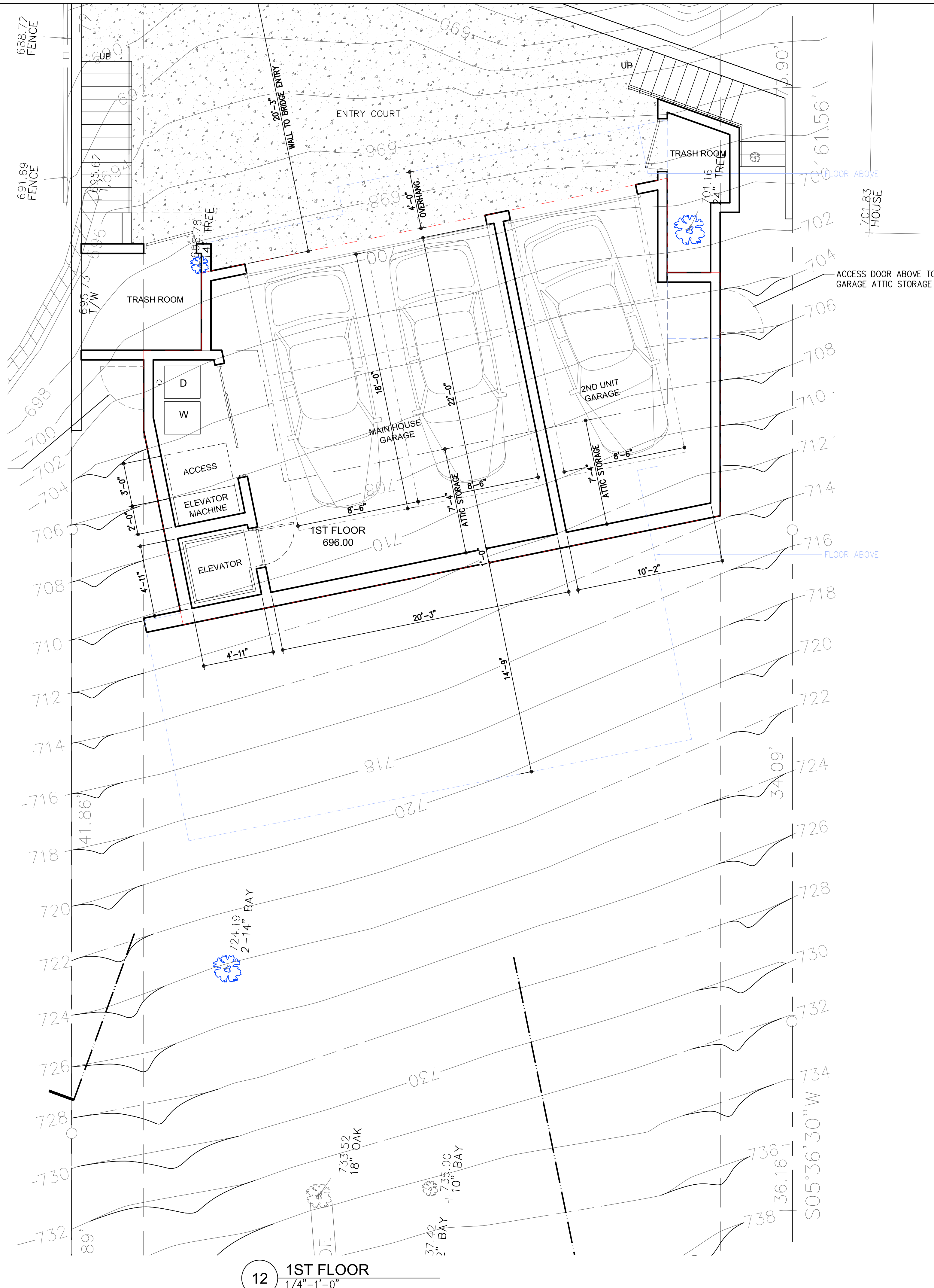
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Date	Issued
12/26/2014	REVIEW

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	2013 CALIFORNIA ELECTRICAL CODE		
	2013 CALIFORNIA ENERGY CODE		
	2013 CALIFORNIA PLUMBING CODE		
	2013 CALIFORNIA MECHANICAL CODE		
	2013 CALIFORNIA FIRE CODE		
	2013 CALIFORNIA RESIDENTIAL CODE		
	2013 CALIFORNIA GREEN BUILDING CODE		
SCOPE OF WORK:	CONSTRUCT A NEW MAIN HOUSE WITH A SECONDARY UNIT WITH A BRIDGE ACCESS FROM BACK OF PAVEMENT.		
PARCEL NUMBER	048F737900600		
PLANNING DEPARTMENT DATA			
ZONE	RH-4		
LOT AREA	8048		
LOT WIDTH	50 FEET		
LOT COVERAGE	40% MAXIMUM =	ALLOWED 3219.2	PROPOSED 3218.0
FAR	50% MAXIMUM =	4024	4024
AREAS			
1ST FLOOR GARAGE	GARAGE TOTAL	DEDUCTION	
	900	440	460
2ND FLOOR	PRIMARY UNIT	SECONDARY UNIT	
	715	496	
3RD FLOOR			1211
4TH FLOOR			1376
			978
			4024
BUILDING DEPARTMENT DATA			
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CONSTRUCTION	TYPE V-A		
STORY	3+ BASEMENT		

COVER

A0.1

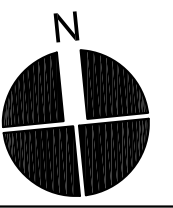
Thornhill Drive
 Parcel 48F-7379-6
 ZONE RH4



12 1ST FLOOR
 1/4"=1'-0"

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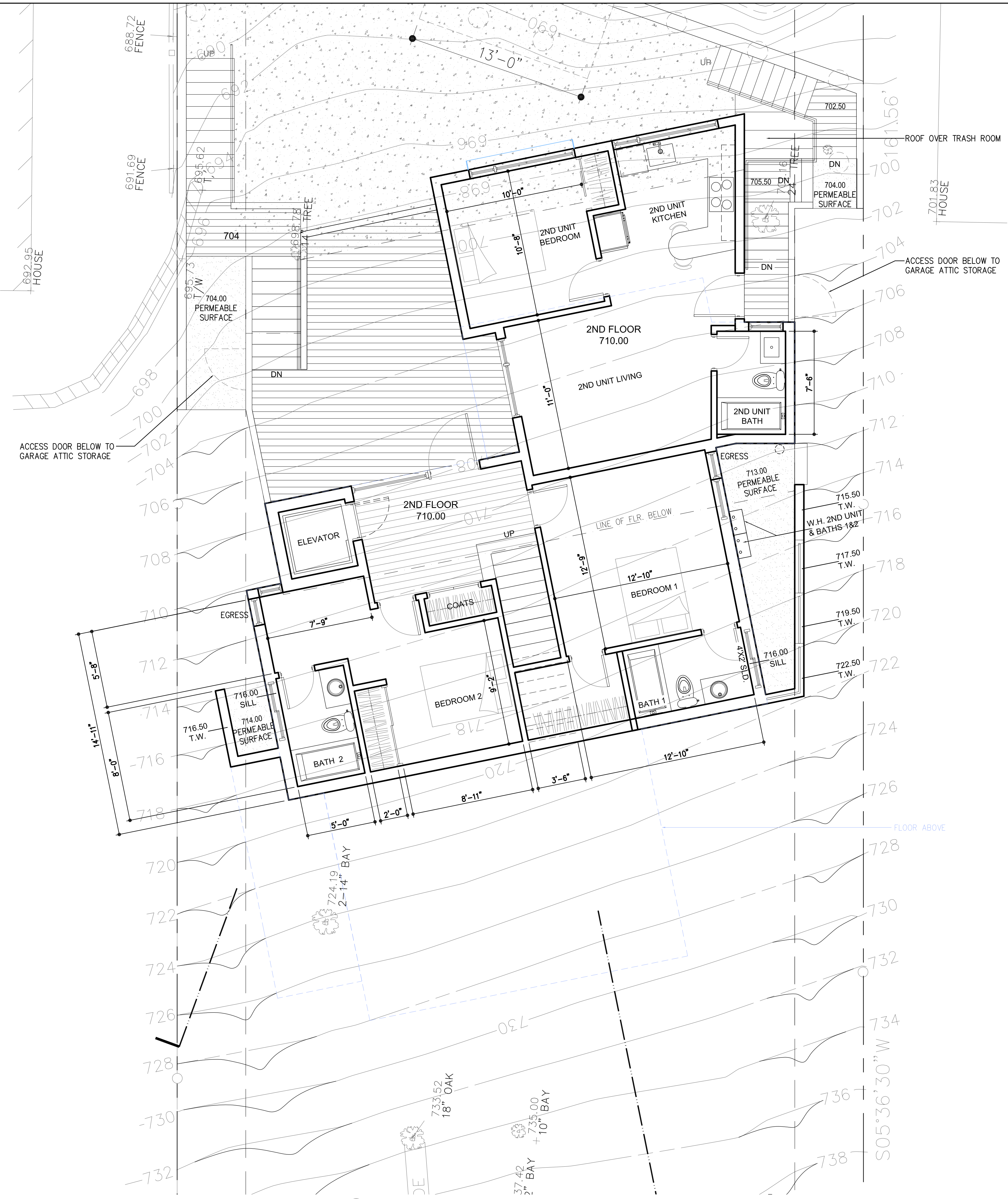
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Thornhill Drive
Parcel 48F-7379-6
ZONE RH4

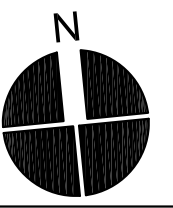


12 2ND FLOOR
1/4"=1'-0"

Kwan Design Architects

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12/26/2014	REVIEW

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12 3RD FLOOR
 1/4"=1'-0"

Kwan Design Architects

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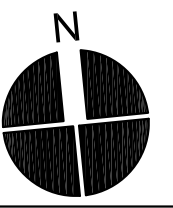
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 ZONE RH4



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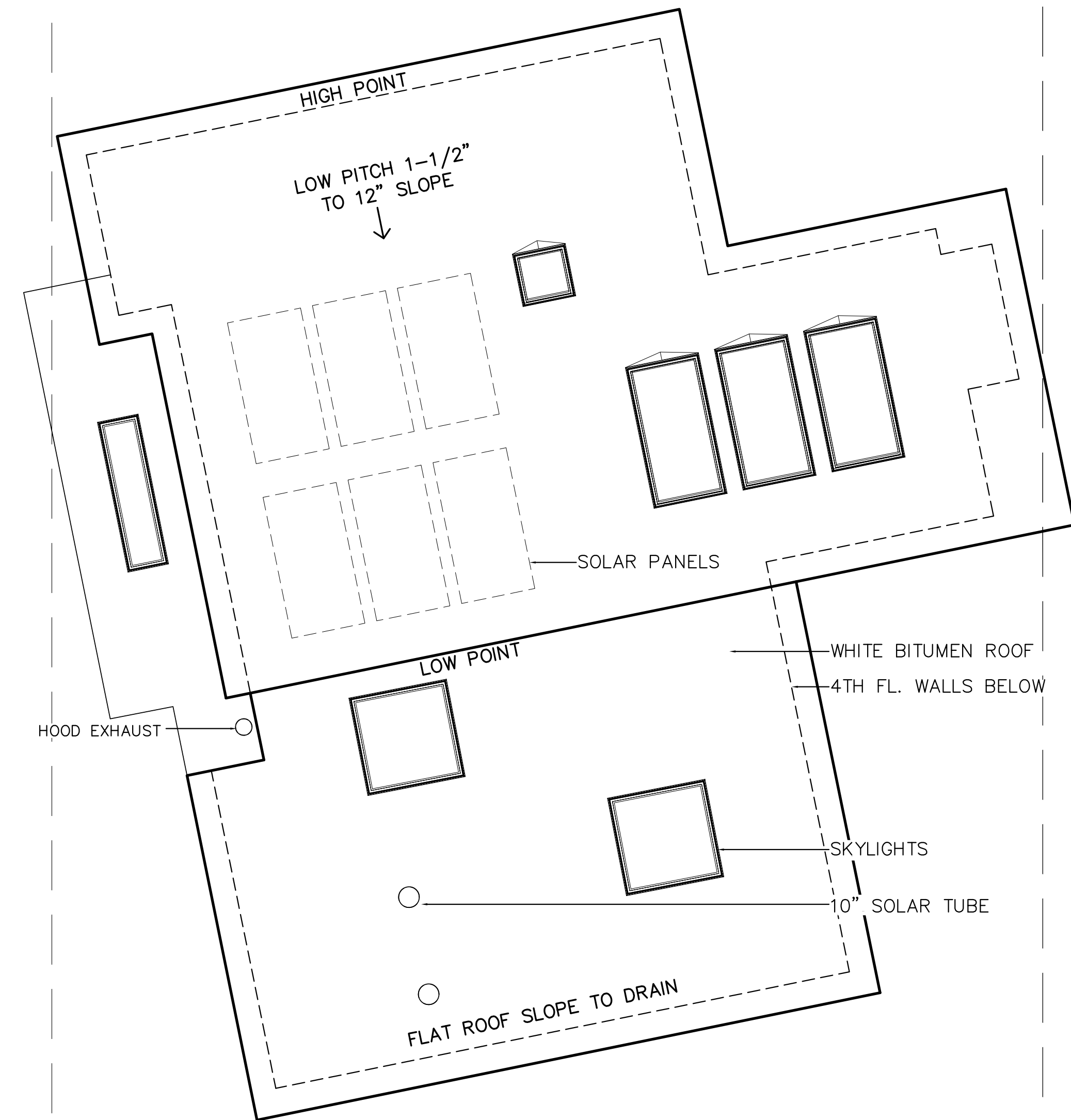


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Thornhill Drive
 Parcel 48F-7379-6
 ZONE RH4



892.95
HOUSE

701.83
HOUSE

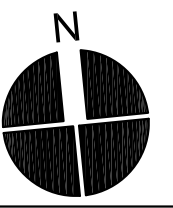
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31.89'

73.90'
161.56'
34.09'
36.16'
S05°36'30"W

12 ROOF PLAN
 1/4"=1'-0"

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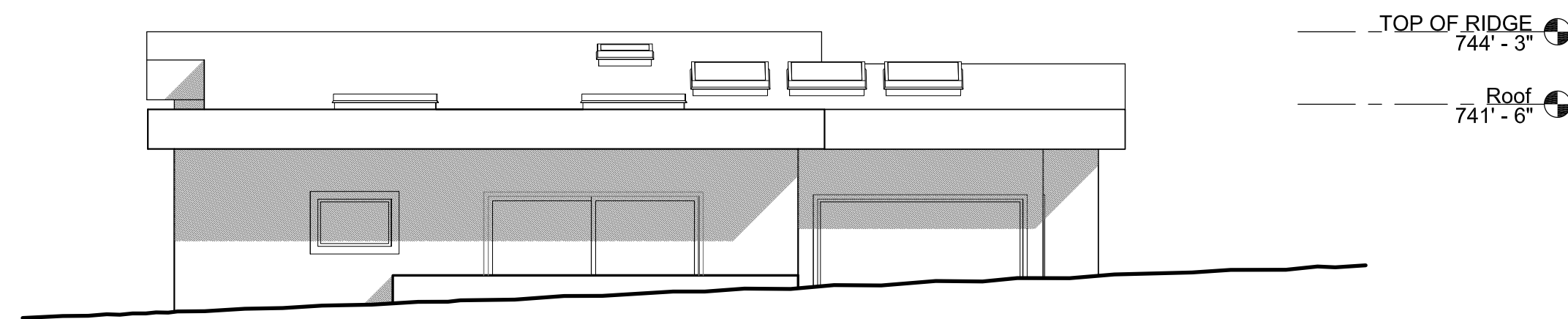


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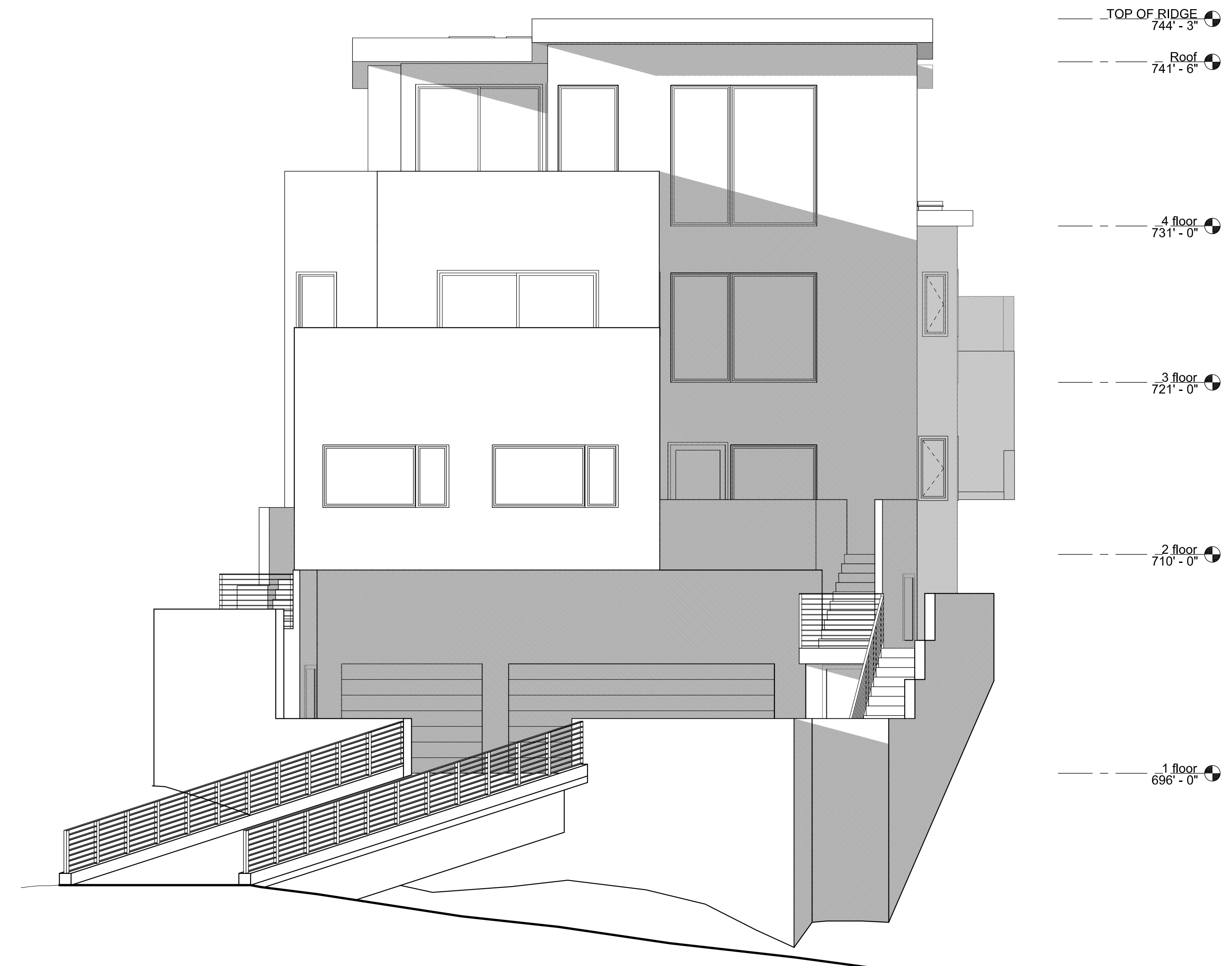
Thornhill Drive
 Parcel 48F-7379-6
 ZONE RH4



18 BACK ELEVATION
 3/16"=1'-0"

- EXTERIOR FINISH NOTES
1. ALL WALLS TO BE STUCCO, SMOOTH 3 COATS FINISH.
 2. ALL WINDOWS & DOORS TO BE ALUMINIUM CLAD WOOD. GARAGE DOOR TO BE SMOOTH ALUMINUM, PAINTED.
 3. DRIVEWAY IN FRONT OF GARAGE TO BE PERVIOUS CONCRETE.
 4. ALL PATIOS TO BE PERVIOUS CONCRETE OR PEBBLE.
 5. ROOF TO BE WHITE BITUMEN ROOFING.

19 EXTERIOR FINISH NOTES
 3/16"=1'-0"



12 FRONT ELEVATION
 3/16"=1'-0"

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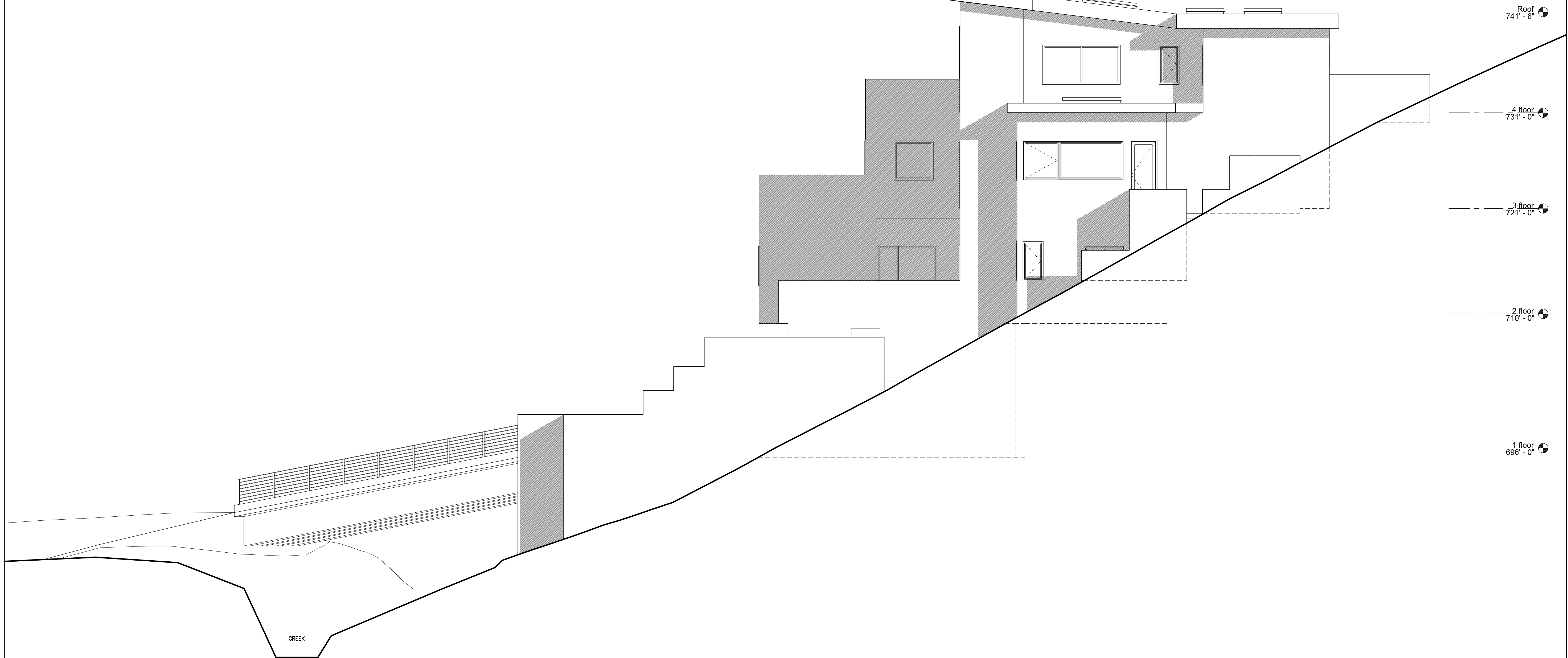
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FRONT & BACK ELEVATIONS

A3.1



Thornhill Drive
 Parcel 48F-7379-6
 ZONE RH4



- TOP OF RIDGE 744'-3"
- - - Roof 741'-6"
- - - 4 floor 731'-0"
- - - 3 floor 721'-0"
- - - 2 floor 710'-0"
- - - 1 floor 696'-0"

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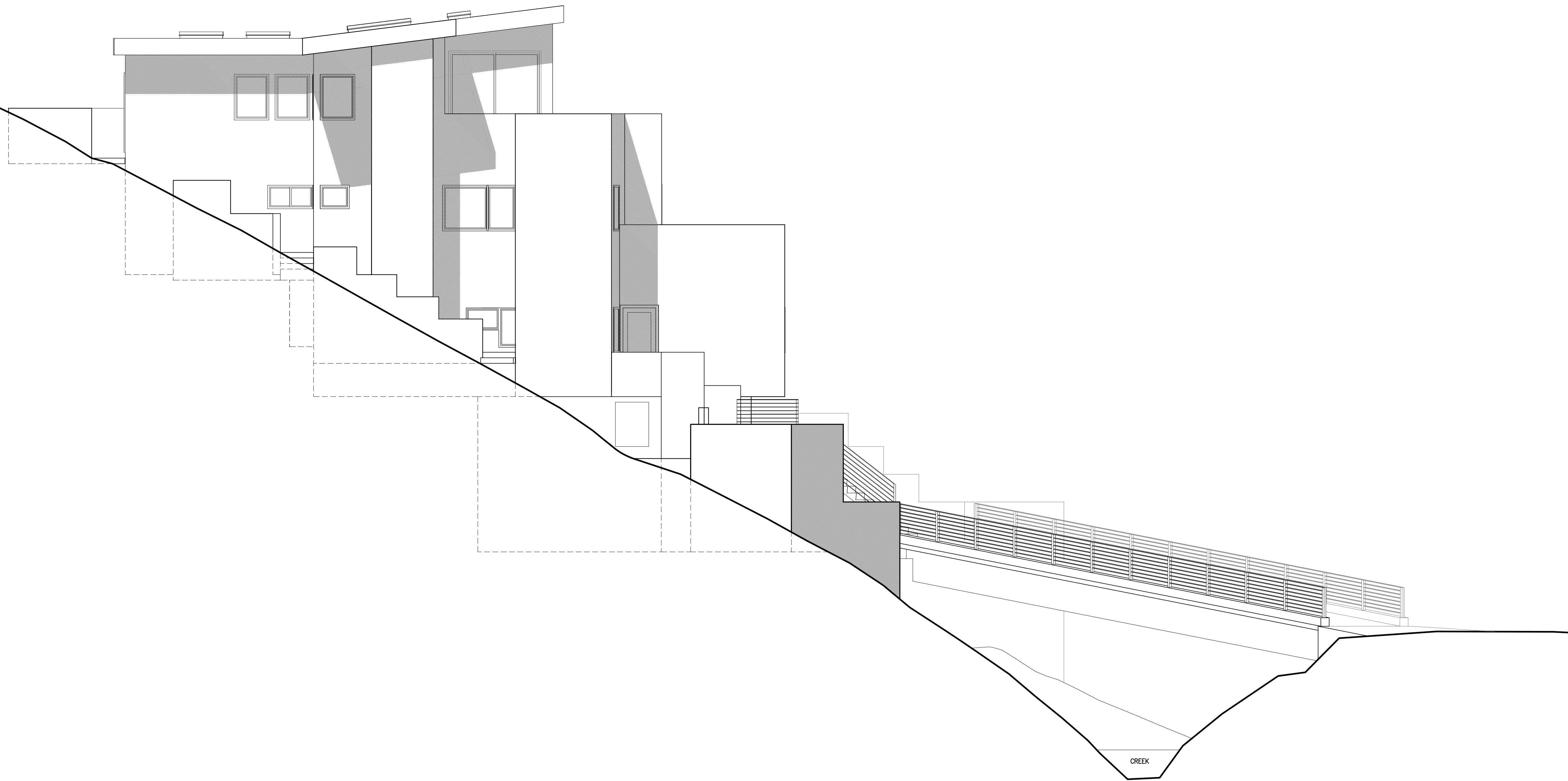
RIGHT SIDE
 ELEVATION

A3.2

Thornhill Drive
 Parcel 48F-7379-6
 ZONE RH4



- TOP OF RIDGE
744' - 3"
- Roof
741' - 6"
- 4 floor
731' - 0"
- 3 floor
721' - 0"
- 2 floor
710' - 0"
- 1 floor
696' - 0"



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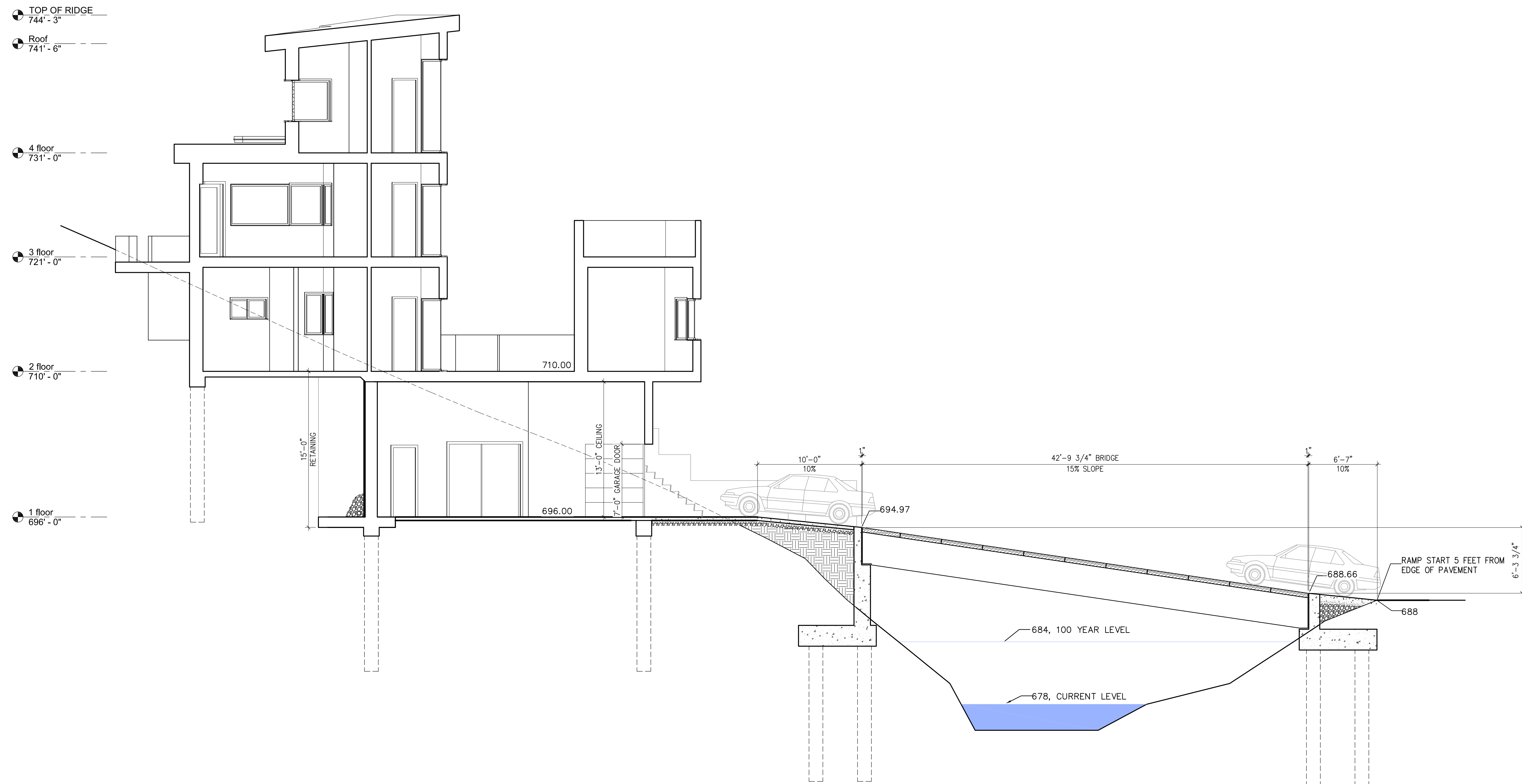
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LEFT SIDE
 ELEVATION

A3.3

Thornhill Drive
 Parcel 48F-7379-6
 ZONE RH4



16 SECTION @ DRIVEWAY
 3/16"=1'-0"

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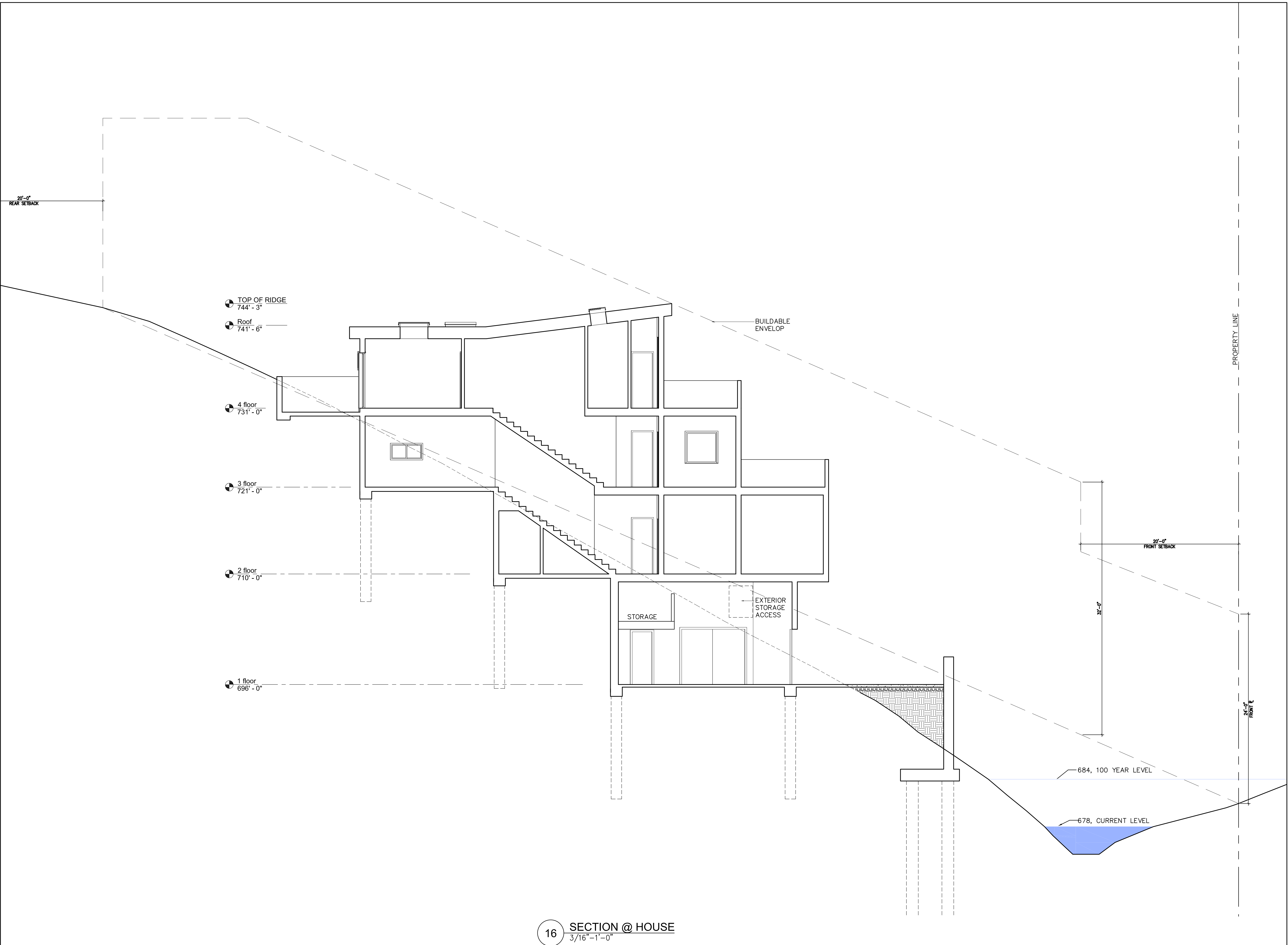
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SECTION

A4.1

Thornhill Drive
 Parcel 48F-7379-6
 ZONE RH4



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16 SECTION @ HOUSE
 3/16"=1'-0"

SECTION
A4.2

ATTACHMENT

D

Construction Sequencing Plan (CSP)

Thornhill Drive

48F-7379-6

PLN# 15152

June 17, 2021

Revised July 7, 2021

Prepared

Robert Wirth

Construction Sequencing Plan (CSP)

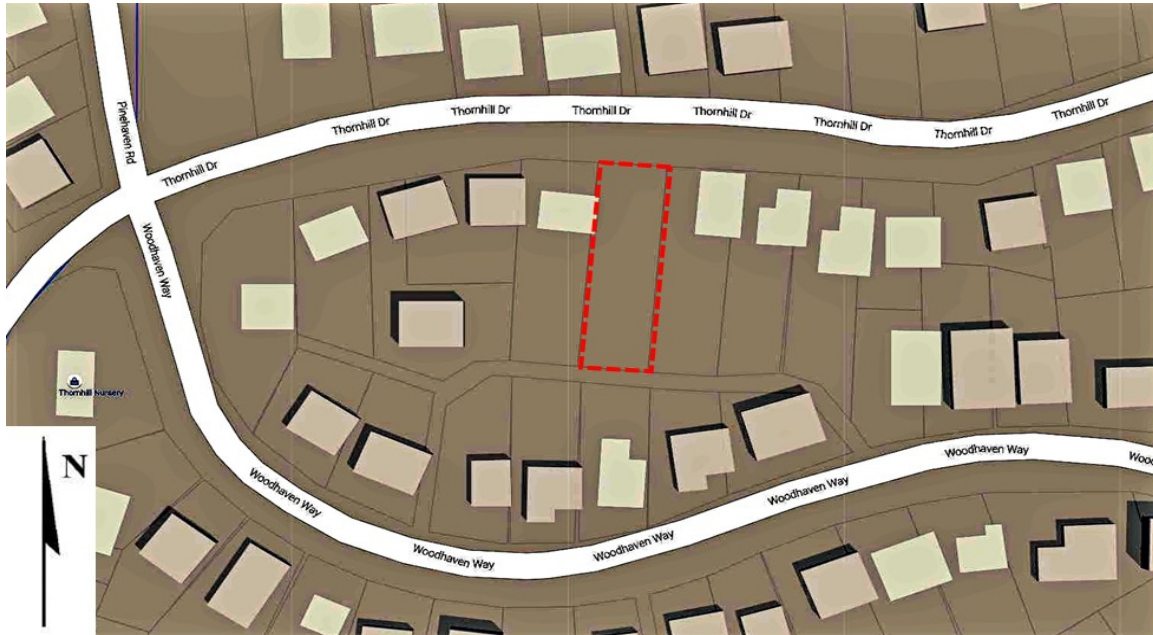


Figure 1 Project Site Location between 6326 Thornhill Dr. and 6344 Thornhill Drive

Description

Construction site sequencing plan for the Thornhill Drive Parcel 48F-7379-6 to minimize erosion and sediment transport into the creek. Construction phasing, scheduling, and sequencing of land disturbing activities. Current erosion and sediment controls will need to be adjusted as the project progresses.

- Construction phasing refers to disturbing only part of a site at a time to limit the potential for erosion from dormant parts of a site. Effectively stabilizing one area at a time instead of an entire area at one time.
- Grading activities and construction are completed on part of a site before grading and construction begins on another portion of the site.
- Construction sequencing or scheduling refers to a specified work schedule that coordinates the timing of land disturbing activities and the installation of erosion and sediment control practices.

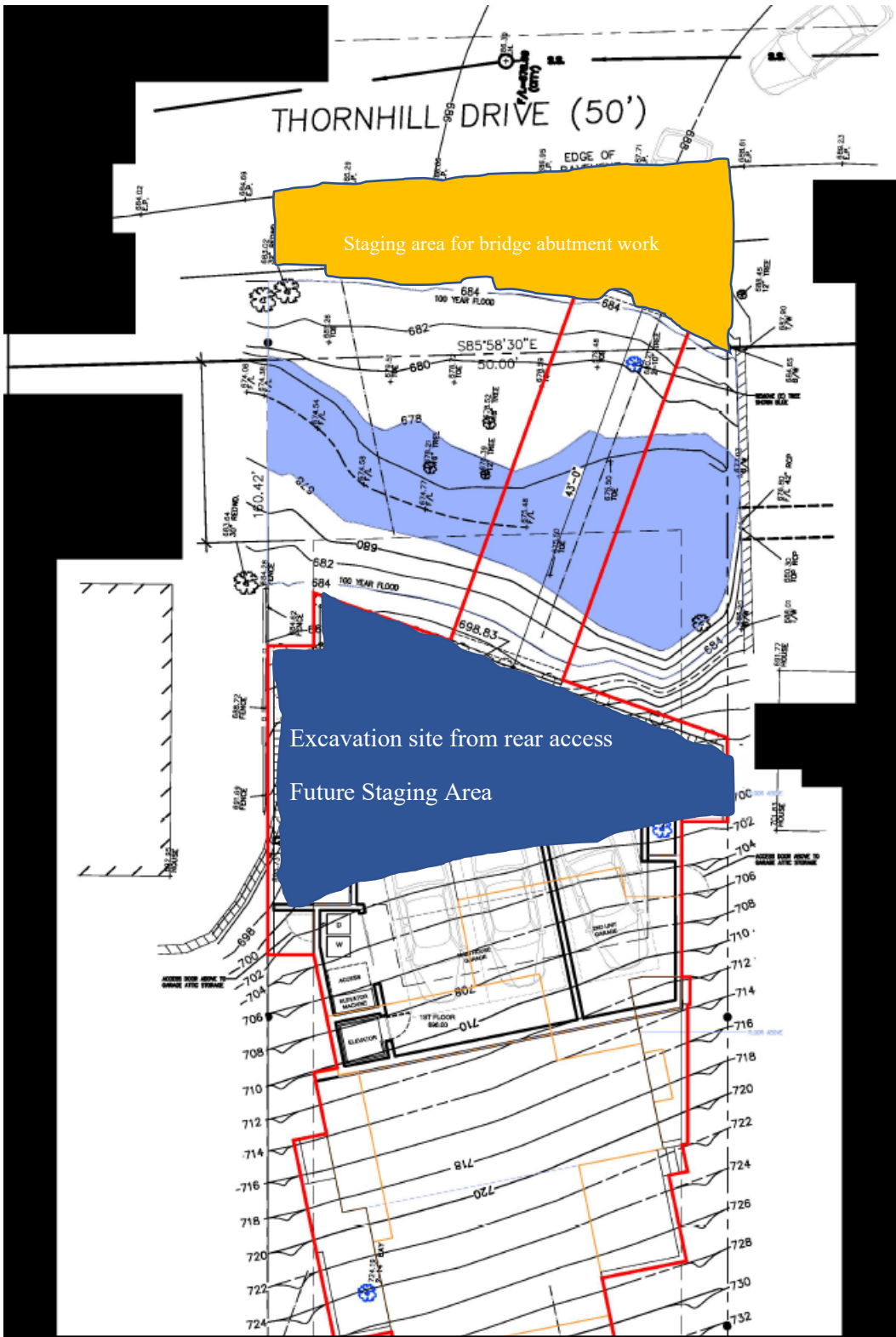


Figure 1. Preparing access to the project site and Thornhill Rd staging site in yellow for bridge abutment. Excavation area in blue from rear path access to build bridge abutment which later becomes the 2nd staging area for house construction after bridge is built.

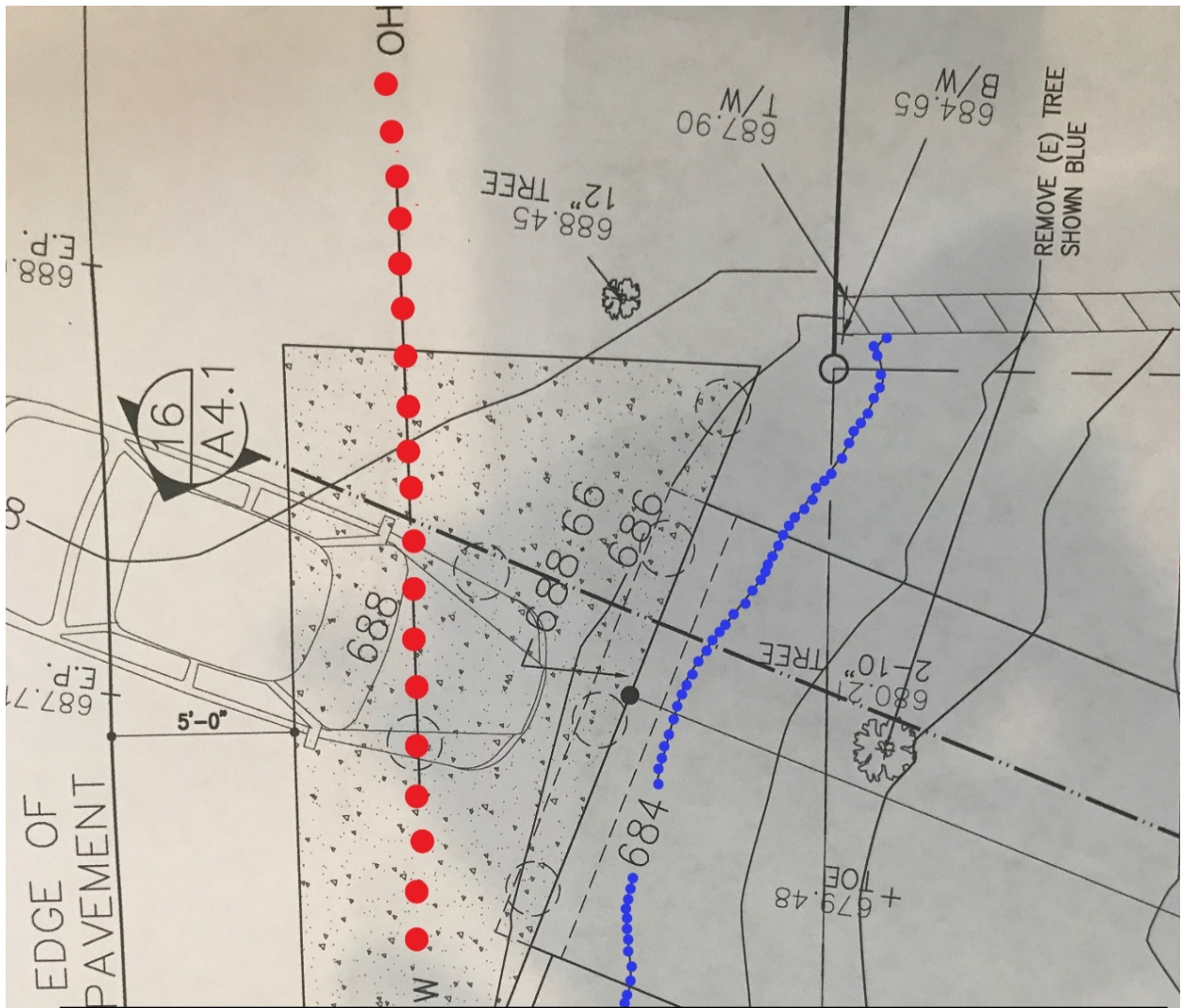
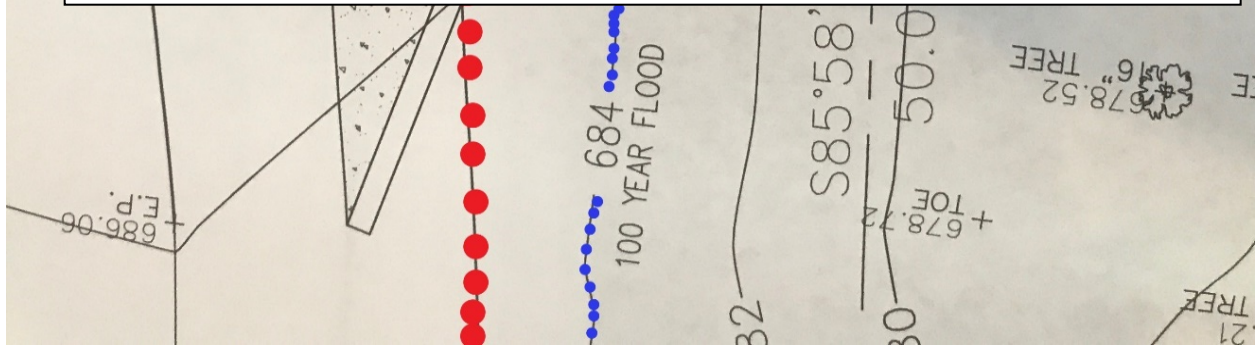


Figure 3. Sectional portion of Boundary and Topographical Survey showing overhead electrical wires approximately 15 feet above grade on red dotted line and North end of Creek Bank designated in blue dotted line at 683.9.



APN 49

Figure 4. Route to rear access of lot using the eastern end of 12-foot-wide path off Woodhaven Way. Western end of path is currently being used by 1700 Woodhaven Way and 1690 Woodhaven Way (Lot 62 & 61) as a paved driveway access. Eastern end of path is open access with no traffic.

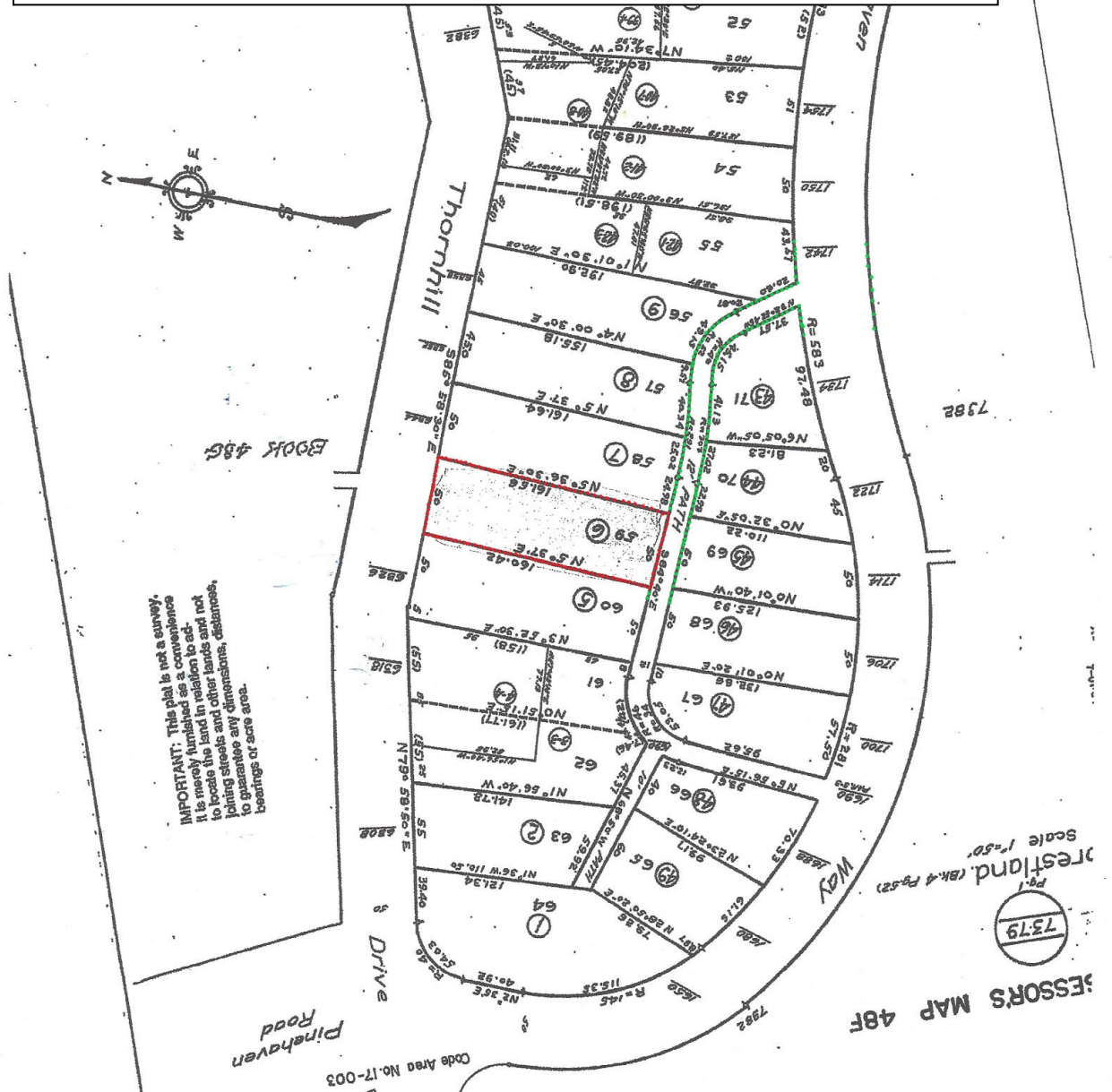


Table CP-1. Phased BMP Installation for Construction Projects

<p><i>Prepare 1st Site Access Staging & Permitting</i></p>	<p><i>Figure 1.</i> Preparing access to the project site, site staging in yellow</p> <p>1) <u>Staging Access before Excavation Permits</u></p> <p>a) limit the staging on Thornhill to only the site frontage and not the adjacent neighbors unless clearance is obtained by the DOT</p> <p>b) Rear Path access to site subject to EBMUD and Fire Prevention approval for relocation of hydrant, Tree Permit for tree trimming and or removal, and DOT approval for clearing and staging within PROW</p> <p>Figure 2. Preparing access to the project site from Rear Path off Woodhaven way, site staging yellow</p> <p>Figure 4. Assessor’s map for 12’ Path</p>
<p>Pre- disturbance, Site Access</p>	<ul style="list-style-type: none"> • Install sediment controls downgradient of access point (on paved streets this may consist of inlet protection). • Installing silt-fencing on both sides of the creek banks at the 683.9 level and on both sides of rear path • Establish vehicle tracking control at entrances to paved streets. Fence as needed. • Use construction fencing to define the boundaries of the project and limit access to areas of the site that are not to be disturbed including a 9-foot-wide rear access along path. <p>Note: it may be necessary to protect inlets in the general vicinity of the site including Woodhaven Way, even if not downgradient, if there is a possibility that sediment tracked from the site could contribute to the inlets.</p>

<p>Site Clearing and Grubbing</p>	<ul style="list-style-type: none"> ▪ Install perimeter controls as needed on downgradient perimeter of site and rear path access (silt fence, wattles, etc.). ▪ Limit disturbance to those areas planned for disturbance and protect undisturbed areas within the site (construction fence, flagging, etc.). ▪ Preserve vegetative buffer at site perimeter. ▪ Create stabilized staging areas in solid yellow ▪ Locate portable toilets on flat surfaces away from drainage paths. Stake in areas susceptible to high winds. ▪ Construct concrete washout area and provide signage. ▪ Establish waste disposal areas. ▪ Install sediment basins. ▪ Create dirt perimeter berms and/or brush barriers during grubbing and clearing. ▪ Separate and stockpile topsoil, leave roughened and/or cover. ▪ Protect stockpiles with perimeter control BMPs. Stockpiles should be located away from drainage paths and should be accessed from the upgradient side so that perimeter controls can remain in place on the downgradient side. Use erosion control blankets, temporary seeding, and/or mulch for stockpiles that will be inactive for an extended period. ▪ Leave disturbed area of site in a roughened condition to limit erosion. Consider temporary revegetation for areas of the site that have been disturbed but that will be inactive for an extended period. ▪ Water to minimize dust but not to the point that watering creates runoff.
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<p>Bridge And Infrastructure Installation</p>	<p>In Addition to the Above BMPs:</p> <ul style="list-style-type: none"> ▪ Close trench for Bridge Abutment work, Thornhill Drive side, as soon as possible (generally at the end of the day). ▪ Use rough-cut street control or apply road base for streets that will not be promptly paved. ▪ Provide inlet protection to creek side as streets are paved and inlets are constructed. ▪ Protect and repair BMPs, as necessary. ▪ Perform street sweeping as needed.
<p>Building Bridge Construction</p>	<p>In Addition to the Above BMPs:</p> <ul style="list-style-type: none"> ▪ Implement Creek Protection Measures Underneath Bridge Beams while bridge is being constructed ▪ Use perimeter controls for temporary stockpiles from foundation excavations and pier drilling.
<p>Pier Drilling Overhead Wires</p>	<p>In Addition to the Above BMPs:</p> <ul style="list-style-type: none"> ▪ Figure 3. Sectional portion of Boundary and Topographical Survey Overhead Electrical wires: Thornhill Drive Bridge Abutment Pier Drilling and <i>answer</i> to recommendations that the following construction-specific issues be addressed before approval of the project: <u>Technical Peer Review page 26; C)</u> <p>Use equipment with a telescoping extension that allows to drill up to 30 ft. in depth with as little as a 7 ft. overhead height constraint. The drill rig is also on rubber tracks to allow for tracking on surfaces with no damage</p>

<p>Additional Excavation and House Construction</p>	<p>In Addition to the Above BMPs:</p> <ul style="list-style-type: none"> • Prepare additional staging area south-side of creek Figure 3. • Protect and repair BMPs, as necessary. • Perform street sweeping as needed.
<p>Final Grading</p>	<p>In Addition to the Above BMPs:</p> <ul style="list-style-type: none"> ▪ Remove excess or waste materials. ▪ Prepare erosion control, stormwater, and landscape according to plans ▪ Remove rear equipment ▪ Repair rear Alley/Path and entrance to Woodhaven Way. ▪ Consult with the local neighborhood group on suggestions for improvements while repairing the alley/path back to original condition (within reason) <p>Remove stored materials.</p>