## Oakland City Planning Commission

Case File Number PUD02-217

STAFF REPORT **January 16, 2019** 

Siena Hill (off of Keller Avenue, between Greenridge Drive and Location:

Rilea Way)

(APN: 040A-3848-001-00 through 040A-3848-032-00)

Extension of the planning entitlements to allow for the 32 attached, Proposal:

single-family dwellings on 32 lots, 103 off-street parking spaces, and a private road. Phase 1, which includes 10 of the 32 units, the associated parking spaces and the private road, has already been

constructed.

Applicant: Keven Kwok Phone Number:

(510)258-8502 Oakland Siena, LLC Owner:

Case File Number: PUD02-217

Planning Permits Required: Extension of the Planned Unit Development Permit; Minor

Variances for height and minimum separation of retaining walls, maximum percentage of front yard paving, and length of buildings

alongside lot lines; and Design Review.

General Plan: Previously: Detached Unit Residential; Currently: Mixed Housing Type Residential

Previously: R-50 Medium Density Residential Zone Zoning:

Currently: RM-3, Mixed Housing Type -3 Zone

Environmental A Final Environmental Impact Report was certified on March 2,

**Determination:** 2005 (Case File ER02-0012).

**Historic Status:** N/A **Service Delivery District:** 

City Council district

Planning Commission approval on March 2, 2005 (Case Files: **Status:** 

PUD02-217; PUDF05-081; TTM7396). Construction of 10 units,

associated parking and private road in 2009. Entitlements

extended through December 31, 2018. Staff Recommendation Decision based on staff report

**Finality of Decision:** Appealable to City Council within 10 days

For further information:

Contact case planner Heather Klein at 510 238-3659 or by e-mail

at hklein@oaklandnet.com.

#### **SUMMARY**

The applicant for the residential project at Siena Hill has requested an extension (Attachment A) of the entitlements originally approved by the Planning Commission in 2005 (Attachment B). The Project applicant has taken advantage of all ministerial options for extensions; however, Condition of Approval #2 allows the Project applicant to request further entitlement extensions from the Planning Commission if an application is submitted prior to the expiration date. The Project applicant filed for extensions on December 23, 2015 and October 13, 2016 and the Planning Commission approved three, one-year extensions on February 17, 2016, January 11, 2017 and December 20, 2017 (Attachment C). The entitlements will now expire on December 31, 2018. The applicant is requesting that the Planning Commission, again grant a one year extension of the project entitlements per revised Condition of Approval #2a.

With the uncertainty regarding the Oakland Area Geologic Hazard Abatement District (GHAD) acceptance of the Siena Hill project and a reduction in the assessments concluded via City Council resolution, the applicant continues to seek funding from potential investors. In addition, drawings with minor design changes for Phase 2 and 3 were prepared and submitted to the City in 2015 as part of a pre-application. The applicant has hired new architects/designers in 2017 for the project and is considering additional changes to make the project more feasible in today's market. Further complicating the development process is that the design changes are now also being negotiated with the Siena Hill Home Owner's Association since 10 of the 32 lots have already been constructed.

The Project will provide new housing and infill development on vacant parcels. The project is a continuation of a larger phased development which has been partially completed. The project is still in conformance with the City's zoning and General Plan goals and policies and staff recommends that the entitlements be extended for an additional year.

#### **BACKGROUND**

Several actions have been approved for this project including the following:

- Planning Commission approval of a Preliminary Planned Unit Development Permit, a Final Development Permit for Phase 1, and a Vesting Tentative Tract Map for the construction of 32 attached single-family homes on March 2, 2005.
- Planning Commission approval of a two-year extension in 2008 until June 18, 2010.
- Building permits finalized for 10 buildings in 2009.
- Pre-application submittal in October 2015 for the remaining 22 units and minor design changes.
- Planning Commission approval on February 17, 2016 extending the planning entitlements per Condition of Approval #2 until December 31, 2016 and amending Condition of Approval #2 (now #2a) to allow additional extensions from the Planning Commission per the Bureau of Planning's standard extension language.
- City Council approval of a Resolution amending the Oakland Area Plan of Control to include the Siena Hill development and reduce the Geologic Hazard Abatement District (GHAD) assessments on July 19, 2016
- Owners withdraw of the 2013 planning application to amend the Conditions of Approval to remove the Geologic Hazard Abatement District GHAD-related conditions on May 13, 2016.
- Planning Commission approval on January 11, 2017 extending the planning entitlements per Condition of Approval #2 until December 31, 2017.
- Planning Commission approval on December 20, 2017 extending the planning entitlements per Condition of Approval #2 until December 31, 2018.

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#### PROJECT DESCRIPTION

#### **Extension Request**

Condition of Approval #2 does not limit the number of times an applicant may request an extension from the Planning Commission. In conformance with adopted Condition of Approval #2, the applicant applied on October 25, 2018, again, requesting an extension of the entitlements from the Planning Commission. As noted above in the *Background* section, the approved permit for this application is still active. Unless the Planning Commission approves another time extension request, the approved permit will expire, and the Project applicant will need to apply for a new development permit in accordance with the new Planning Code.

#### Approved Project Use and Design

The proposed project consists of 32 attached, single-family townhomes that step down the slope to Keller Avenue (*Attachment D*) 10 of which have been constructed. At the time of the original decision, the Planning Commission supported the proposed residential uses and "Italian hill town" character of the development.

#### **ZONING AND GENERAL PLAN ANALYSIS**

As discussed in the previous Planning Commission staff reports requesting an extension, the project is consistent with the new General Plan land use designation and related zoning district.

#### **DISCUSSION**

On May 3, 2016, the City adopted impact fees for affordable housing, transportation, and capital improvements (Ordinances 13365 and 1366). Development impact fees are a commonly used method of collecting a proportional share of funds from new development for infrastructure improvements and other public facilities to offset the impact of new development. The Planning Commission's previous extension approval required the imposition of impact fees to the project unless a vested right is obtained.

#### CONCLUSION AND RECOMMENDATIONS

As noted above, the Project is still in conformance with the General Plan's goals and policies and Planning Code. Staff believes that a one-year extension would allow the applicant to successfully complete the approved, desirable project. At the same time, an additional year would ensure that the site does not remain underutilized for an excessive amount of time. Condition of Approval #2a permits the applicant to request additional extensions from the Planning Commission if needed to complete the Project.

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Therefore, staff recommends that the Planning Commission:

1. Approve a one-year extension of Project approvals until December 31, 2019, subject to the previously approved Findings and Conditions of Approval, including the additional Condition of Approval regarding the imposition of impact fees per the previous Planning Commission extension.

Prepared by:

Heather Klein, Planner IV

Reviewed by:

Robert Merkamp,

Acting Zoning Manager

Bureau of Planning

Approved for forwarding to the Planning Commission:

Edward Manasse,

Interim Deputy Director

Bureau of Planning

#### ATTACHMENTS:

- A. Applicant's extension letter of request, dated October 25, 2018
- B. Staff Report (Excerpt), dated June 18, 2008
- C. Staff Report (Excerpt), dated December 20, 2017
- D. Project Plans

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#### FINDINGS FOR APPROVAL

See Attachment B

### ADDITIONAL CONDITION OF APPROVAL

See Attachment B and C

#### Oakland Siena LLC 4481 Belmont Way Castro Valley, CA 94546

October 25, 2018

City of Oakland Attn: Heather Klein 250 Frank H Ogawa Plaza, Suite 2114 Oakland, CA 94612

Re: Siena Hill Entitlement Extension

Dear Heather:

This letter is a request for entitlement extension for Phase 2 and 3 of the Siena Hill project.

We are requesting an extension due to the following reasons:

There was uncertainty with the Oakland Area Geological Hazard Abatement District (GHAD) and the assessment on the Siena Hill properties. After years of discussion and negotiations, the assessment was finally lowered at the end of 2016. The uncertainty of the GHAD should be now behind us going forward in our negotiations with investors.

Phases 2 and 3 are currently going through design revisions. There has been a change in designers in 2017. Meetings with the new designer and planning department were held in late 2017 and early 2018. Meetings with the Siena Hill HOA are ongoing to review and agree on the changes in design.

Construction of phases 2 and 3 did not start immediately in 2008, when Oakland Siena LLC purchased the properties, due to financial reasons. Market price did not justify starting construction at the time. The design changes are also driven to increase selling price. Construction costs and fees continue to increase. Ownership is currently working on securing funding for phase 2 and 3 construction activities.

The projected phasing schedule is as follows:

Phase 2 Final Submittal - Q2 2019

Phase 2 Construction - Q4 2019 - 2021

Phase 3 Final Submittal - Q1 2020

Phase 3 Construction - Q3 2020 - 2022

Sincerely,

Keven Kwok President

Oakland Siena LLC

Case File Numbers: PUD02-217, PUDF05-081

June 18, 2008

Siena Hill (off of Keller Avenue, between Greenridge Drive Location:

and Rilea Way)

APN: 040A-3457-033-01

Proposal: The applicant is requesting an additional two year extension from the

City Planning Commission for:

a)The entitlement for the Preliminary Planned Unit Development (PUD) Permit (Case File PUD02-217) to allow construction of 32 attached single-family dwellings on 32 lots, 103 off-street parking

spaces, and a private road; and

b)The expiration requirements for the submittal and approval of a Final Planned Unit Development (FPUD) Permit for the second and third phases of the development of the remaining 22 homes.

Applicant/Phone Number:

Edward Patmont / (925) 946-0583

Owner:

Hillside Homes Group Inc.

Case File Number: Planning Permits Required: PUD02-217, PUDF05-081 Extension of the entitlements for PUD (Case File PUD02-217).

Extension of the expiration requirements for the submittal and approval of a FPUD for the second and third phases.

Per Condition of Approval #2a for Case File PUD02-217, the Zoning Administrator may grant a one-year extension, with additional extensions subject to approval by the City Planning Commission .

Per Condition of Approval #2b, the applicant had two years from the approval date of the PUD to apply for the FPUD for the second phase of the development. Furthermore, the applicant has two years from the issuance of a certificate of occupancy for the second phase to obtain the FPUD approval for the third phase. Upon written request the Zoning Administrator may grant a one year extension of the deadline with additional extensions subject to approval by the City Planning Commission.

Staff granted a one year extension on May 2, 2007.

General Plan:

Detached Unit Residential

Zoning: **Environmental Determination:**  R-50 Medium Density Residential A Final Environmental Impact Report was certified on March 2,

2005. Staff has determined that the no new no substantial changes have occurred and no new impacts that were identified for the project (Case File PUD02-217).

Historic Status:

Non-historic property (NHP); survey rating N/A

Service Delivery District: City Council District: IV-Fruitvale

Action to be Taken:

Decision based on staff report

Finality of Decision:

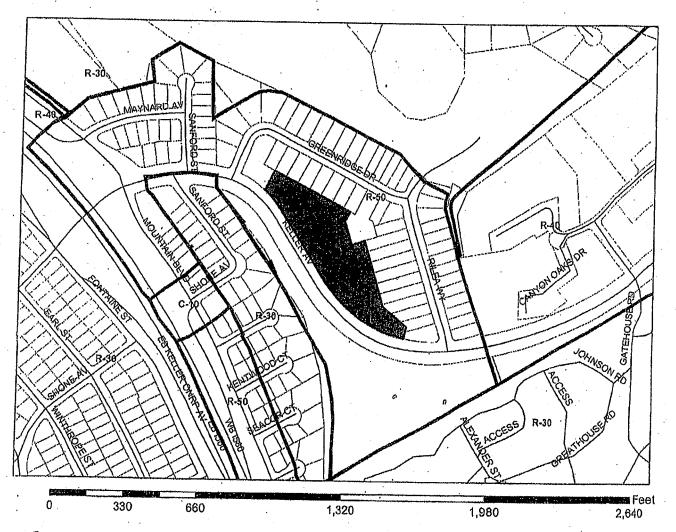
Appealable to City Council within 10 days

For Further Information:

Contact case planner Heather Klein at 510 238-3659 or by e-mail at

hklein@oaklandnet.com.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PUD02-217

Applicant:

**Edward Patmont** 

Address:

Siena Hill (Keller, btwn Greenridge and Rilea)

Zone:

R-50



#### PROJECT DESCRIPTION

On March 2, 2005, the Planning Commission approved a Preliminary Planned Unit Development (Case File PUD02-217) Permit and a Final Planned Unit Development (Case File PUDF05-081) Permit for the first phase of a project proposing to construct 32 attached single-family dwellings on 32 lots, 103 off-street parking spaces, and a private road. At that time a Tentative Tract Map was also approved. See Attachment A for the staff report.

According to Condition #2a, the planning approval is valid for one year (March 2, 2006) unless actual construction of the first phase of the project has begun under necessary permits by this date. However, the Planning Director may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission. The applicant applied for a Building Permit for the first phase within the requisite timeframe and the first phase (10 units) has been completed.

According to Condition #2b, the applicant shall obtain a Final PUD approval for the second phase within two years of the effective date of the PUD approval (March 2, 2005) or the PUD approval shall be invalidated. Failure of the applicant to obtain a Final PUD approval for the third phase within two years of a certificate of occupancy being issued for the second phase shall invalidate the PUD approval. The Planning Director may grant a one year extension of the deadline, with additional extensions subject to approval by the City Planning Commission. The Planning Director granted a one year extension on May 2, 2007 until March 2, 2008.

If the Planning Commission does not approve an extension for the submittal and approval of the FPUDs for the second and third phases, per Condition of Approval 2b, the applicant would need to return to the Planning Commission for a new PUD for the remaining portions of the development.

The applicant submitted a letter requesting a two year extension (see Attachment B) in order to complete the application and submittal process for the second and third phases. Staff believes that a two-year extension is valid due to the overall housing market situation; the number of completed residential units that need to be absorbed; and the cost of construction. In addition, staff believes that an extension is supportable since the land use policies and objectives for the site and the neighborhood have not changed and the project supports these visions and goals. Furthermore, the applicant in filing and recording a parcel map for the whole development, as well as constructing the first phase, has vested his rights to the lots.

## ENVIRONMENTAL DETERMINATION AND ENVIRONMENTAL FINDINGS

As stated above, the Planning Commission certified a final environmental impact report on March 2, 2005. After an EIR has been prepared and certified for a project, later project approvals or changes must be evaluated to determine whether the circumstances requiring preparation of a subsequent or supplemental EIR are present, as specified in Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163. Absent one or more of the circumstances requiring a subsequent or supplemental EIR, no further CEQA actions are required.

## Significant, Unavoidable Impacts Identified in the Previously Certified 2005 EIR:

The project would not result in any significant and unavoidable impacts.

### Significant Impacts Which May be Mitigated to a Less Than Significant Level:

The EIR identified several significant impacts that could be mitigated to less-than-significant levels on air quality, biological resources, cultural resources, hydrology, geology and soils, noise, traffic and transportation, utilities. These are summarized as follows and were included as conditions of approval or incorporated as part of the application that is before the Commission for the extension:

Impact AQ-2 and AQ-5: (page 85 through 88 of the DEIR) Construction activities would contribute to an increase in levels of ROG, NOx and/or PM10 and expose sensitive receptors to increased concentrations of PM10 during construction. (Mitigation: The project sponsor shall be required to implement a dust abatement program in accordance with the Bay Area Air Quality Management District's (BAAQMD) best management practices to reduce construction dust impacts on neighboring residents to less than significant levels.)

Impact BIO-1: (page 102 through 104 of the DEIR) Grading and construction activities on the site would have the potential to harm special status species or habitat for special status species. (Mitigation: The project sponsor shall be required to retain a qualified biologist to conduct pre-construction surveys. These surveys will be conducted between March and May to confirm the absence of the 12 special-status plant species listed in Table 4 of the DEIR. If any special-status plant species are found, a qualified biologist shall develop and implement a Mitigation Plan (MP). The MP will be prepared in consultation with the California Department of Fish and Game and shall be approved by the City prior to any ground disturbing activities. The MP could include the complete or partial avoidance of any special-status plant population and/or options for mitigation.)

Impact BIO-3: (page 105 through 106 of the DEIR) Although no native live oak saplings on the site would be removed as part of the project, they could be harmed by construction. (Mitigation: The project sponsor will consult with a qualified arborist and the Public Works Agency, Tree Division to develop and implement a tree protection plan to protect these trees during grading and construction. If mortality is unavoidable the project sponsor shall apply for a tree removal permit.)

Impact BIO-4: (page 106 through 107 of the DEIR) The proposed project would necessitate the removal of one redwood in the median of Keller Avenue which is protected under the City's Tree Protection/Removal Ordinance. (Mitigation: The project applicant shall be required to apply for a tree removal permit for the redwood tree as required by the ordinance. The proposed tree removal permit must be reviewed and approved by the Public Works Agency, Tree Division.)

Impact BIO-5: (page 107 through 109 of the DEIR) Grading activities would create suitable growing conditions for further establishment of invasive French broom on the site, which would limit habitat values unless carefully controlled. (Mitigation: The project sponsor shall be required to retain a qualified landscape architect to develop a final landscape plan. The landscape plan will include a program to eliminate this species and prevent its reestablishment on the site. The landscape plan will also incorporate a native, drought-tolerant, and fire-resistant plant palette.)

Impact CUL-1a, CUL-1b and CUL-1c: (page 116 through 118 of the DEIR) Although no evidence of cultural or human remains has been discovered on the site, it is possible that construction activities could disturb undiscovered buried cultural resources or human remains. (Mitigation: The project sponsor shall be required to halt work immediately if artifacts or fossils are encountered and retain a qualified archeologist or paleontologist. These consultants shall evaluate the find, assess their significance, and offer proposals for further investigation or mitigate any adverse impacts resulting from the proposed project. The project sponsor shall be required to halt work immediately if human remains are found and contact the County Coroner and the appropriate representative of the Native American Heritage Commission.)

Impact GEO-1: (page 126 through 127 of the DEIR) The proposed project site is within a seismically-active region, and the proposed project will likely be subject to strong seismic ground shaking during its design life. (Mitigation: Structures shall be designed in compliance with current building codes related to seismic safety.)

Impact GEO-2: (page 127 through 128 of the DEIR) As soils on the site become saturated in an earthquake event, the slopes become less stable. (Mitigation: The grading plan for the proposed project shall limit slope grades to a maximum of 2 to 1 horizontal to vertical ration with retaining walls to support this slope.)

Impact GEO-3: (page 128 through 129 of the DEIR) Soils on the site above the fill layer are at risk of erosion. (Mitigation: An erosion control plan to minimize wind and water erosion during the construction period shall be prepared, as is standard during the grading and building permit approval process. The erosion control plan shall incorporate appropriate measures in accordance with the mitigation measures outlined in HYDRO-1, HYDRO-2a and HYDRO-2b.)

Impact GEO-4: (page 129 of the DEIR) The proposed project would be placed on slightly to moderately expansive soil and non-expansive bedrock and steep slopes. (Mitigation: Foundations shall be drilled piers and grade beams.)

Impact HYDRO-1: (page 139 through 141 of the DEIR) Increased erosion caused by the grading of the project site during construction could result in degradation of downstream waterways. (Mitigation: The project sponsor shall be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to construction activities, as required by the statewide General Permit for Construction Activities. Implementation of the plan shall start with the commencement of construction and shall continue through the completion of the project. Upon completion of the project, the sponsor must submit a Notice of Termination of the Regional Water Quality Control Board (RWQCB) to indicate construction is complete.)

Impact HYDRO-2: (page 141 through 142 of the DEIR) Increased erosion caused by the increase in impervious surfaces and changes to drainage patterns after construction of the project could result in the degradation of the downstream waterways. (Mitigation: The proposed project must be developed in accordance with the Phase II National Pollutant Discharge Elimination System (NPDES) permit program. Under the program, the applicant shall comply with the Phase II NPDES General Construction Activities Stormwater Permit Regulations established by the CWA.

Impact HYDRO-3: (page 143 through 145 of the DEIR) If storm water from the project site is not adequately contained by the on-site drainage system, and exceeds existing subbasin or conveyance system capacity, a significant impact would result. (Mitigation: Prior to final approval of the project, the applicant shall submit final hydrology/hydraulic calculations based on the final drainage and design plan. These calculations shall be reviewed and approved by the City Engineer. These calculations shall demonstrate that the existing drainage infrastructure along Keller Avenue and Greenridge Drive are capable of handling the flows from the proposed development.)

Impact HYDRO-4: (page 146 through 147 of the DEIR) The proposed project could result in water-quality impacts including an increase in NPS pollutants and on- or off-site erosion and/or siltation. (Mitigation: Filter mechanisms shall be installed at all drop inlets receiving run-off from the project site.)

Impact NOISE-3: (page 169 through 173 of the DEIR) Construction noise would impact nearby existing residential land uses. It is likely that construction noise would exceed the City's quantitative standards for long-term construction noise at nearby residences during most phases of construction. (Mitigation: The project sponsor shall require its construction contractor to limit the time of construction activities, to implement noise control techniques as required by the City Council, to prepare site-specific noise attenuation measures, and to submit measures to respond to and track complaints about construction noise.)

Impact NOISE-4: (page 174 through 175 of the DEIR) Future noise from 1-580 and Keller Ave will exceed the State's "normally acceptable" noise level goal of CNEL of 60dBA at the residential buildings along these roadways. The noise level will also exceed the State Building Code threshold of DNL of 60 dBA for new construction. (Mitigation: The project shall be constructed using sound-rated building techniques and materials in order to achieve an acceptable indoor noise level.)

Impact TRAF-1: (page 174 through 175 of the DEIR) With the addition of project-related traffic, the Keller Avenue/Mountain Boulevard intersection, currently controlled by four-stop-way signs, would operate at LOS E. (Mitigation: The project applicant shall pay a proportional share towards installation of the previously approved set of improvements at the intersection of Mountain Boulevard and Keller Avenue to improve the level of service ration to the City of Oakland standard of LOS D. Such payment shall be based on the approved cost estimate and a formula as derived from the Leona Quarry Traffic Improvement Program and Traffic Improvement Fee (TIP/TIF).)

Impact TRAF-2: (page 204 through 206 of the DEIR) Truck traffic during construction of the proposed project could have a significant impact on local roadways. (Mitigation: Prior to construction activity, the project applicant shall submit a construction management plan for review and approval by the City's Traffic Engineering Division.)

Impact UTIL-2: (page 212 through 213 of the DEIR) Existing inlets at Keller Avenue and Greenridge Drive may not have adequate capacity to accommodate runoff from the proposed project site from a 100-year storm event. This could create localized flooding in the area immediately surrounding the existing inlets. (Mitigation: The proposed project shall provide additional drop inlets along the new Siena Drive.)

Impact UTIL-3: (page 212 through 213 of the DEIR) The existing pipe capacity in subbasin 1 would be inadequate to convey flows from the 100-year storm event under both existing and proposed conditions. (Mitigation: Potential impacts to subbasin 1 would be mitigated to a less-than-significant level by the implementation of Mitigation Measure HYDRO-3.)

Staff has reviewed the project and found that that the findings pursuant to CEQA Section 15162 and 15163 can also made for the discretionary decision approving the extension. These findings are located at the end of the report.

#### CONCLUSION AND RECOMMENDATIONS

In summary, the project developed an underutilized parcel and first phase (10 units) of a three phase project has been built. The intent is to complete an attractive residential community that will enhance the surrounding residential neighborhood. Staff believes that the project is still appropriate for the site and for the neighborhood and still meets the primary goal of providing new high quality housing units on an infill site. Furthermore, the project is clearly in conformance with many General Plan goals and policies including orienting units toward the street, providing adequate parking, and creating an attractive streetscape.

Staff recommends that the Planning Commission:

- .1. Adopt Environmental Determination Findings pursuant to CEQA Section 21166 and CEQA Guidelines Section 15162 and 15163 that none of the circumstances requiring preparation of a subsequent or supplemental EIR are present and that no further environmental review is required; and,
- Approve the extension of the project approvals until March 2, 2010 for Case File PUD02-217, PUDF05-081 subject to the previously approved conditions with amendments to the scope of the approval and the expiration date.

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Prepared by

Heather Klein

Planner III, Major Projects

Approved for forwarding to the City Planning Commission:

Dan Lindheim

Director

Community and Economic Development Agency

Gary Patton

Major Projects Manager

Deputy Director of Development

#### ATTACHMENTS:

A. March 2, 2005 Staff Report for the project.

B. Letter from the applicant requesting the extension.

The certified 2005 EIR (both draft and final) have been separately provided to the Planning Commission and are available at City of Oakland, Community and Economic Development Agency, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA 94612.

## Findings pursuant to CEOA Section 21166 and CEOA Guidelines Sections 15162 and 15163

The Final EIR for Siena Hill Project was properly certified by the City of Oakland as the Lead Agency on March 2, 2005. The previously certified EIR is available to the public at the Planning and Zoning Division office.

The current proposal for an extension has been reviewed in light of certified EIR. The Planning Commission hereby finds that none of the circumstances requiring preparation of a subsequent or supplemental EIR (as specified in CEQA Section 21166 and CEQA Guidelines 15162 and 15163) are present. Specifically, the Planning Commission finds:

I and 2) An extension of the approved project would not require any revisions to the previously certified FEIR. The 2005 EIR did not identify any significant and unavoidable impacts on the environment. The EIR did identify several impacts and mitigation measures, which can be incorporated to lessen or eliminate impacts from the project. These impacts included special status plant habitat; removal of trees; establishment of French broom (an invasive species); disturbance of archeological, paleontological, and human remains; building construction, ground shaking slope stability, maximum slopes, and drilled pier and beam foundations; erosion and water quality; containment of on-site drainage; air quality during construction, temporary construction noise; interior noise; intersection level of service; traffic during construction; and capacity of drain inlets and pipes from storms. The EIR identified less than significant impacts related to aesthetics, air quality, biology, land use, noise, and utilities,

No new significant impacts will result from the project and no impacts previously identified as significant will be made more severe. The applicant has already completed the first phase of a project meant to be constructed in multiple phases. Many of the mitigation measures listed above have been completed and do not apply to the second and third phases. Of those that still apply, the same mitigation measures are applicable and are assumed to mitigate the same effects for the first phase for the construction as for the implementation of the second and third phases. The City and the applicant have not uncovered any evidence at the contrary. Furthermore, the proposed project is exactly the same as the project approved pursuant to adopted Environmental Determination Findings back in 2005.

There have been no substantial changes that have occurred with respect to the circumstances under which the project is undertaken that will require major revisions to the EIR. The EIR analyzed a 32 lot subdivision in three phases and was approved pursuant to adopted Environmental Determination Findings in 2005. Therefore, it can be determined that the BIR analyzed the same project as what is proposed to be extended. The project was found not to have an impact on aesthetics before and none of the circumstances have changed. The project completed the biological surveys and no special status plants were found. In addition, the applicant has already received approval of the tree permits to remove the redwood tree and retain the oaks. Since major grading is complete for the project as whole, staff would not expect any additional biological impacts, archeological, paleontological, and human remains, and hydrological impacts. The project implemented the Geologic Hazard Abatement District and the property owners of the first phases are currently paying into the fund. The buildings were constructed according to code and with drilled piers and beams. Staff would expect the same level of construction for the second and third phases with the City Building officials inspecting the work. There would be temporary construction impacts on air quality but this would be less than significant with continuation of the dust abatement program. Construction of phase one was closer to the existing uphill residents than phases two and three. Staff would expect the specific noise study to

**Findings** 

- apply to the other phases. The City Council has passed the South Hills TIP/TIF. The applicant would be required to pay into this fund at the completion of the later phases. Construction traffic could still be an impact but the major grading and road is finished and staging could take place on site. The applicant has completed the hydrological calculations. Additional upgrades to the utility system is not required. The land use, public service, and population setting have not changed.
- 4. No new information of substantial importance (as specified in the CBQA Guidelines section 15162 (a) (3)) that was not known or could not reasonably have been known at the time the EIR was certified shows any evidence that (1) the project will have one or more significant effects not discussed in the EIR; (b) significant effects previously examined will be substantially more severe than shown in the EIR;(c) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project but are declined by the project proponent; or (d) mitigation measures or alternatives that are considerably different from those analyzed in the EIR would substantially reduce one or more significant effects of the project but are declined by the project proponent. No new information has been presented that would require a subsequent EIR to be prepared.

#### CUSTODIAN OF RECORDS

Pursuant to Section (e) the agency shall specify the location and custodian of the documents. Pursuant to Public Resources Code §15091, the Oakland Community and Economic Development Agency, Planning Division, is the custodian of the documents and other material which constitute the record of proceedings upon which this decision is based, and such documents and other material are located at 250 Frank Ogawa Plaza, Oakland, CA.

**Findings** 

#### CONDITIONS OF APPROVAL

## 1. Extension of previous conditions of approval and mitigation.

a. Ongoing,

The project shall meet all the conditions, mitigation measures, and any other requirements that accompanied the March 2, 2005 project approval and the June 1, 2005 Tentative Parcel Map approval by the Planning Commission.

#### 2. Effective Date, Expiration, and Extensions

a. Ongoing.

This extension shall expire on June 18, 2010, unless actual construction or alteration, or actual commencement of the authorized activities (phases 2 and 3) in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees submitted no later than the expiration date, the City Planning Commission may grant an additional one-year extension of this date.

Conditions of Approval

Case File Numbers: PUD02-217, PUDF05-081, ER02-0012, TTM7396

March 2, 2005

Location: Siena Hill (off of Keller Avenue, between Greenridge Drive

and Rilea Way); APN: 040A-3457-033-01

(See Map on the reverse)

Proposal: The applicant proposes construction of 32 attached single-family

dwellings on 32 lots, 103 off-street parking spaces, and a private road. The project would also include the removal of a portion of the

median strip on Keller in order to create a left turn lane onto

proposed Siena Drive.

Project Sponsor: Edward Patmont / (925) 946-0583

Owners: Hillside Homes Group Inc.

Planning Permits Required: Planned Unit Development (Preliminary Development Plan and Final

Development Plan); Minor Variances for height and minimum separation of retaining walls, maximum percentage of front yard paving, and length of building along side lot lines; Design Review;

and a Subdivision Map.

General Plan: Detached Unit Residential

Zoning: R-50 Medium Density Residential

Environmental Determination: Final EIR published on February 18, 2005

Historic Status: The project site is vacant.

Service Delivery District: IV-Fruitvale

City Council District: 6

Date Filed: May 24, 2002

Staff Recommendation Decision based on staff report

Finality of Decision: Appealable to City Council within 10 days

For further information: Contact case planner Heather Klein at 510 238-3659 or by e-mail at

hklein@oaklandnet.com.

#### SUMMARY

The purpose of this report is to provide a summary of the potential environmental impacts of the proposed project, as identified in the Environmental Impact Report, provide analysis of the project and recommend approval. The project site is located on a vacant parcel off of Keller Avenue, between Greenridge Drive and Rilea Way. The applicant proposes the construction of 32 attached single-family dwellings on 32 lots, 103 off-street parking spaces, and a private road. The project would also include the removal of a portion of the median strip on Keller Avenue in order to create a left turn lane onto proposed Siena Drive.

A Draft EIR was published on November 22, 2004 and the public review and comment period ended on January 5, 2005. A Final EIR, responding to the comments received on the Draft EIR, was published on February 18, 2005.

Staff recommends approval of the project subject to the conditions, requirements, and findings contained in this staff report.



Case-File-Number-PUD02-217-

December 20, 2017

Location: Siena Hill (off of Keller Avenue, between Greenridge Drive and

Rilea Way)

(APN: 040A-3848-001-00 through 040A-3848-032-00)

**Proposal:** Extension of the planning entitlements to allow for the 32 attached,

single-family dwellings on 32 lots, 103 off-street parking spaces, and a private road. Phase 1, which includes 10 of the 32 units, the associated parking spaces and the private road, has already been

constructed.

Applicant: Keven Kwok Phone Number: (510)258-8502

Owner: Oakland Siena, LLC

Case File Number: PUD02-217

Planning Permits Required: Extension of the Planned Unit Development Permit; Minor

Variances for height and minimum separation of retaining walls, maximum percentage of front yard paving, and length of buildings

alongside lot lines; and Design Review.

General Plan: Previously: Detached Unit Residential;

Currently: Mixed Housing Type Residential **Zoning:** Previously: R-50 Medium Density Residential Zone

Currently: RM-3, Mixed Housing Type -3 Zone

Environmental A Final Environmental Impact Report was certified on March 2,

**Determination:** 2005 (Case File ER02-0012).

Historic Status: N/A

Service Delivery District: 4
City Council district 6

Status: Planning Commission approval on March 2, 2005 (Case Files:

PUD02-217; PUDF05-081; TTM7396). Construction of 10 units,

associated parking and private road in 2009. Entitlements

extended through December 31, 2017.

Staff Recommendation Decision based on staff report

Finality of Decision: Appealable to City Council within 10 days

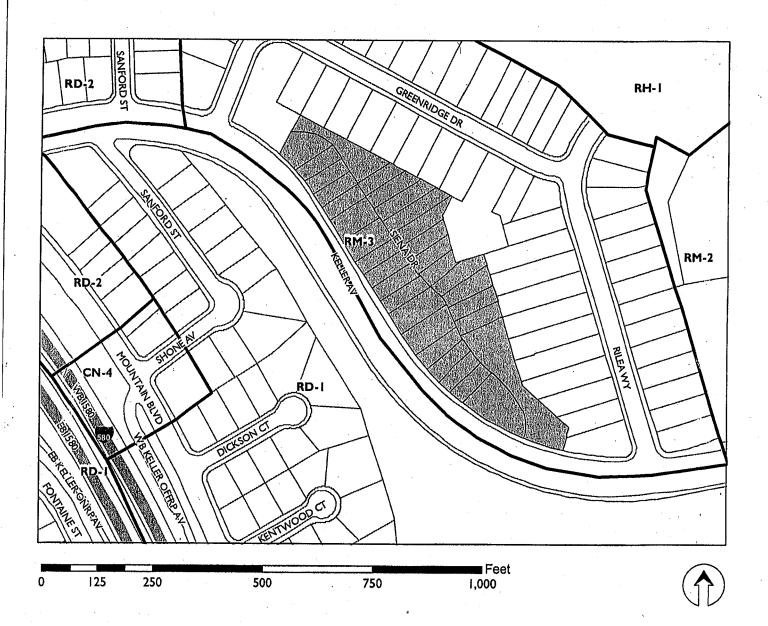
For further information: Contact case planner Heather Klein at 510 238-3659 or by e-mail

at hklein@oaklandnet.com.

#### **SUMMARY**

The applicant for the residential project at Siena Hill has requested an extension (Attachment A) of the entitlements originally approved by the Planning Commission in 2005 (Attachment B). The Project applicant has taken advantage of all ministerial options for extensions; however, Condition of Approval #2 allows the Project applicant to request further entitlement extensions from the Planning Commission if an application is submitted prior to the expiration date. The Project applicant filed for extensions on December 23, 2015 and October 13, 2016 and the Planning Commission approved two, one-year extensions on February 17, 2016 and January 11, 2017 (Attachment C). The entitlements will now expire on December 31, 2017. The applicant is requesting that the Planning Commission, again grant a one year extension of the project entitlements per revised Condition of Approval #2a.

## CITY OF OAKLAND PLANNING COMMISSION



Case File: PUD02217
Applicant: Keven Kwok

Address: Siena Hill (off of Keller Ave between

Greenridge Drive and Rilea Way)

Zone: Previously R-50; currently RM-3

Case File Number: PUD02-217

Page - 2 -

With the uncertainty regarding the Oakland Area Geologic Hazard Abatement District (GHAD) acceptance of the Siena Hill project and a reduction in the assessments concluded via City Council resolution, the applicant continues to seek funding from potential investors. In addition, drawings with minor design changes for Phase 2 and 3 were prepared and submitted to the City in 2015 as part of a pre-application. The applicant has more recently hired new architects/designers for the project and is considering additional changes to make the project more feasible in today's market.

The Project will provide new housing and infill development on vacant parcels. The project is a continuation of a larger phased development which has been partially completed. The project is still in conformance with the City's zoning and General Plan goals and policies and staff recommends that the entitlements be extended for an additional year.

#### **BACKGROUND**

Several actions have been approved for this project including the following:

- Planning Commission approval of a Preliminary Planned Unit Development Permit, a Final Development Permit for Phase 1, and a Vesting Tentative Tract Map for the construction of 32 attached single-family homes on March 2, 2005.
- Planning Commission approval of a two-year extension in 2008 until June 18, 2010.
- Building permits finalized for 10 buildings in 2009.
- Pre-application submittal in October 2015 for the remaining 22 units and minor design changes.
- Planning Commission approval on February 17, 2016 extending the planning entitlements per Condition of Approval #2 until December 31, 2016 and amending Condition of Approval #2 (now #2a) to allow additional extensions from the Planning Commission per the Bureau of Planning's standard extension language.
- City Council approval of a Resolution amending the Oakland Area Plan of Control to include the Siena Hill development and reduce the Geologic Hazard Abatement District (GHAD) assessments on July 19, 2016
- Owners withdraw of the 2013 planning application to amend the Conditions of Approval to remove the Geologic Hazard Abatement District GHAD-related conditions on May 13, 2016.
- Planning Commission approval on January 11, 2017 extending the planning entitlements per Condition of Approval #2 until December 31, 2017.

#### PROJECT DESCRIPTION

#### **Extension Request**

Condition of Approval #2 does not limit the number of times an applicant may request an extension from the Planning Commission. In conformance with adopted Condition of Approval

#2, the applicant submitted an application on October 24, 2017, again, requesting an extension of the entitlements from the Planning Commission. As noted above in the *Background* section, the approved permit for this application is still active. Unless the Planning Commission approves another time extension request, the approved permit will expire, and the Project applicant will need to apply for a new development permit in accordance with the new Planning Code.

#### Approved Project Use and Design

The proposed project consists of 32 attached, single-family townhomes that step down the slope to Keller Avenue (Attachment D) 10 of which have been constructed. At the time of the original decision, the Planning Commission supported the proposed residential uses and "Italian hill town" character of the development.

#### **ZONING AND GENERAL PLAN ANALYSIS**

As discussed in the previous Planning Commission staff report requesting an extension, the project is consistent with the new General Plan land use designation and related zoning district.

#### DISCUSSION

On May 3, 2016, the City adopted impact fees for affordable housing, transportation, and capital improvements (Ordinances 13365 and 1366). Development impact fees are a commonly used method of collecting a proportional share of funds from new development for infrastructure improvements and other public facilities to offset the impact of new development. The Planning Commission's previous extension approval required the imposition of impact fees to the project unless a vested right is obtained.

#### CONCLUSION AND RECOMMENDATIONS

As noted above, the Project is still in conformance with the General Plan's goals and policies and Planning Code. Staff believes that a one-year extension would allow the applicant to successfully complete the approved, desirable project. At the same time, an additional year would ensure that the site does not remain underutilized for an excessive amount of time. Condition of Approval #2a permits the applicant to request additional extensions from the Planning Commission if needed to complete the Project.

## Therefore, staff recommends that the Planning Commission:

1. Approve a one-year extension of Project approvals until December 31, 2018, subject to the previously approved Findings and Conditions of Approval, including the additional Condition of Approval regarding the imposition of impact fees per the previous Planning Commission extension.

Prepared by:

Heather Klein, Planner IV

Reviewed by:

Robert Merkamp, Development Planning Manager

Bureau of Planning

Approved for forwarding to the Planning Commission:

Darin Ranelletti, Deputy Director

Bureau of Planning

#### ATTACHMENTS:

- A. Applicant's extension letter of request, dated October 24, 2017
- B. Staff Report (Excerpt), dated June 18, 2008
- C. Staff Report (Excerpt), dated January 11, 2017
- D. Project Plans

Page - 5

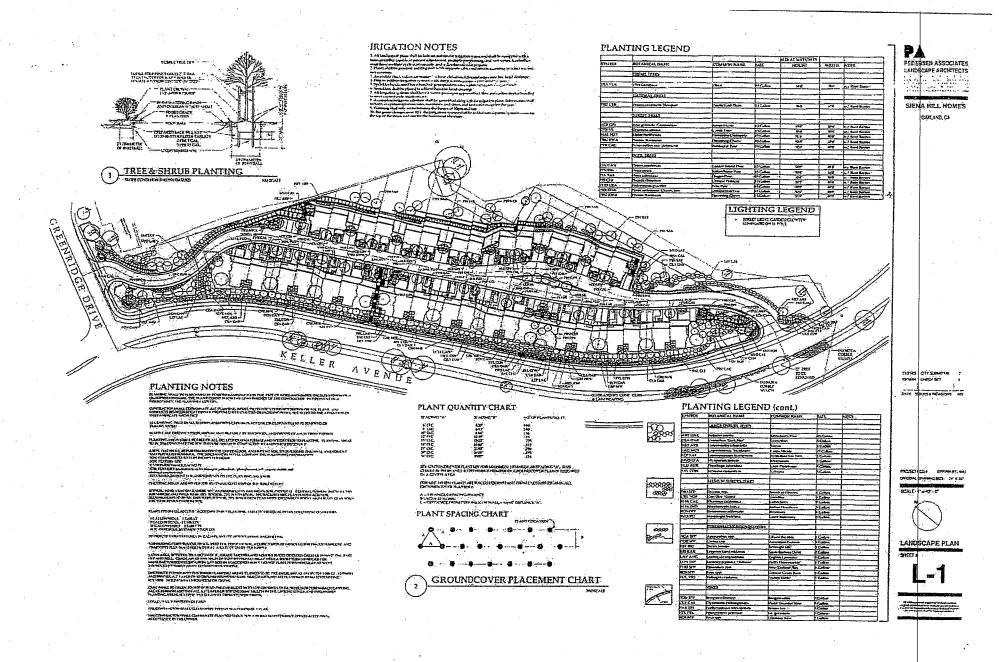
#### FINDINGS FOR APPROVAL

See Attachment B

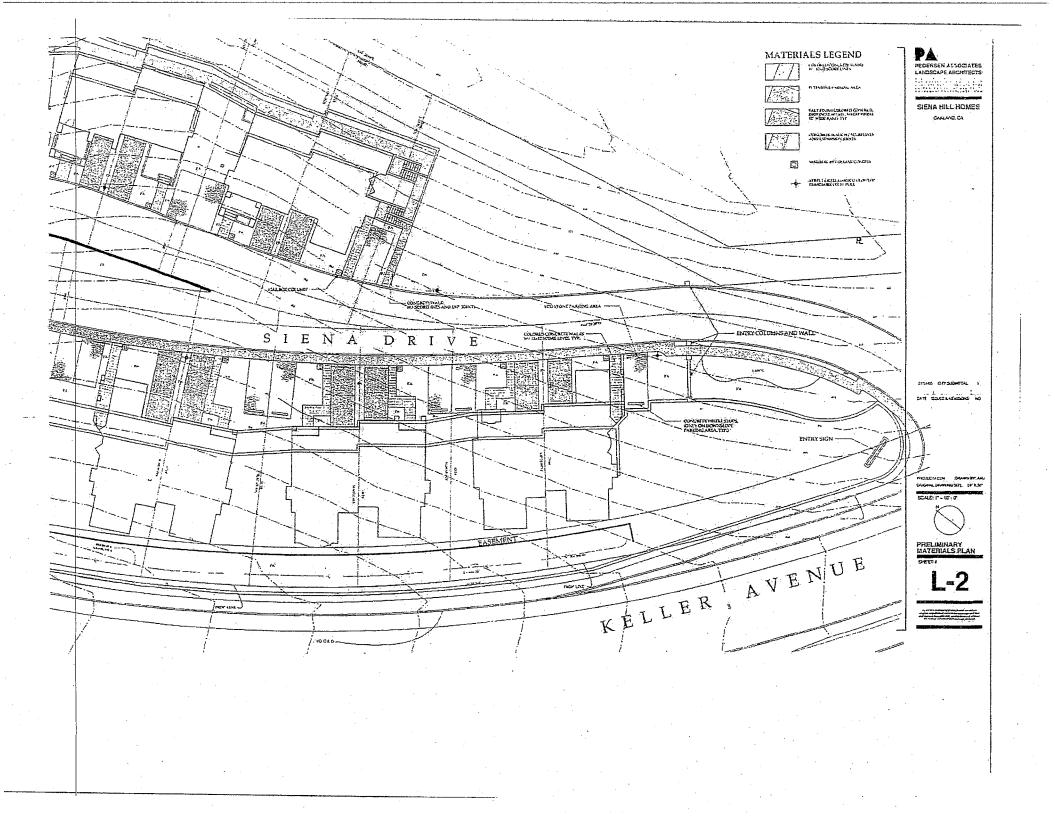
### ADDITIONAL CONDITION OF APPROVAL

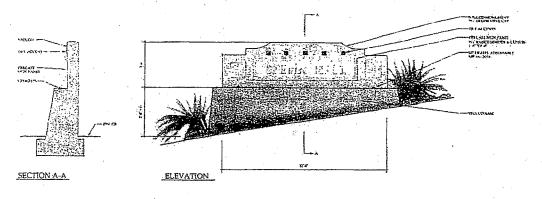
See Attachment B and C

Findings and Additional Condition of Approval



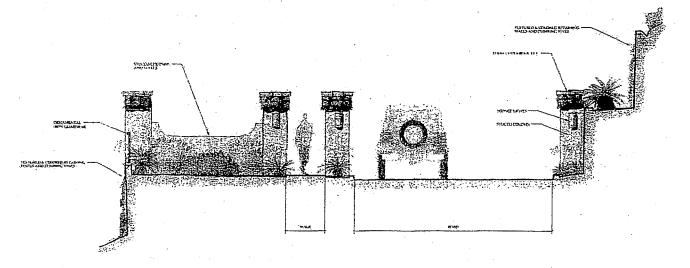
ATTACHMENT D





#### ENTRY SIGN ELEVATION/ SECTION

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ENTRANCE WALLS & COLUMNS- ELEVATION

SCALE UT - I.F

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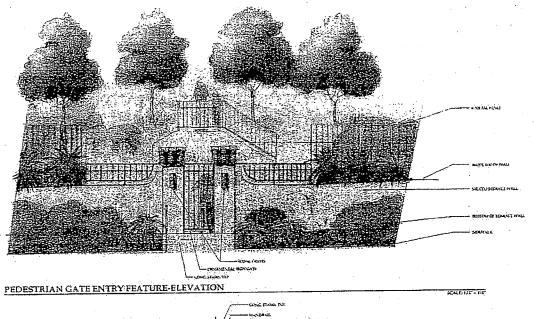
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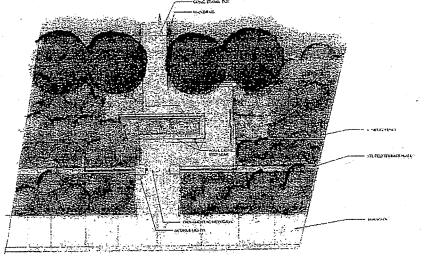
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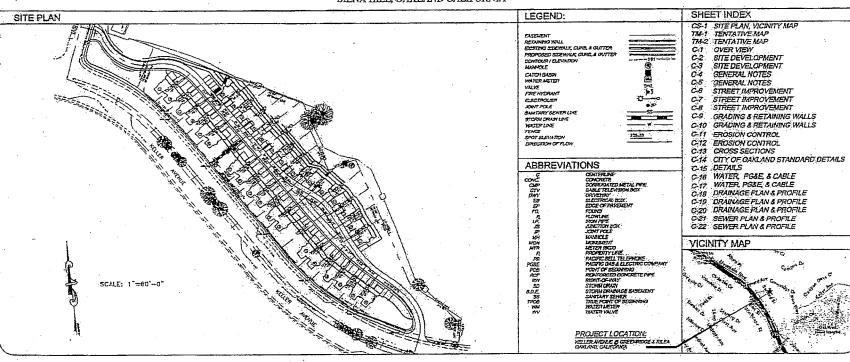
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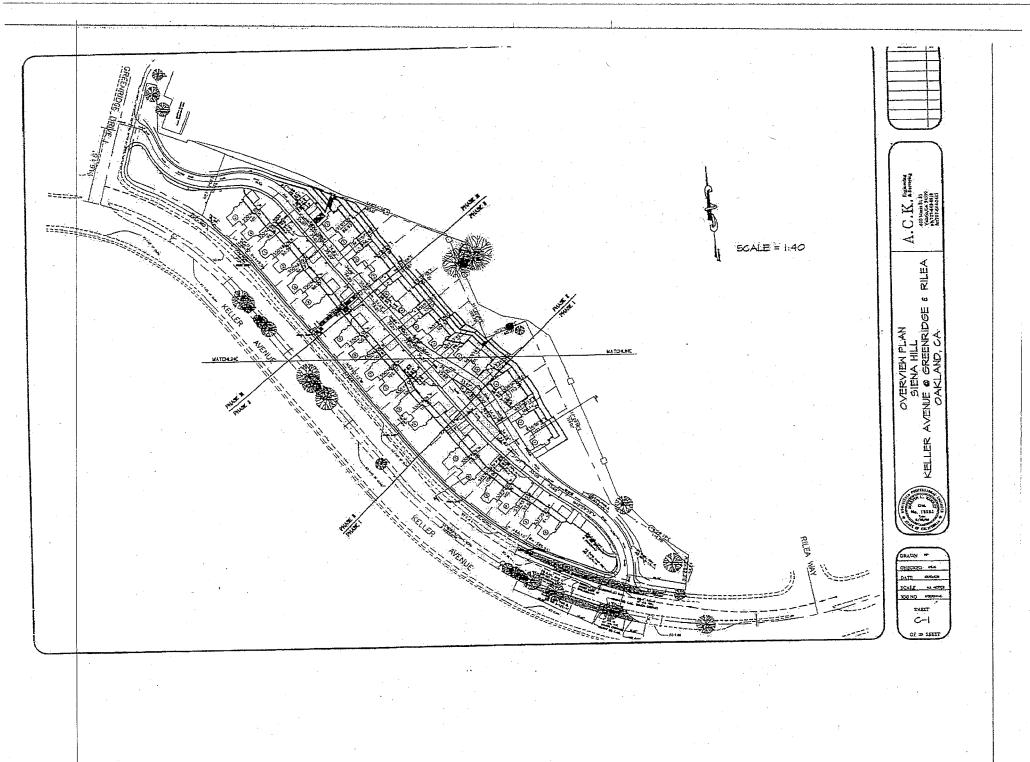
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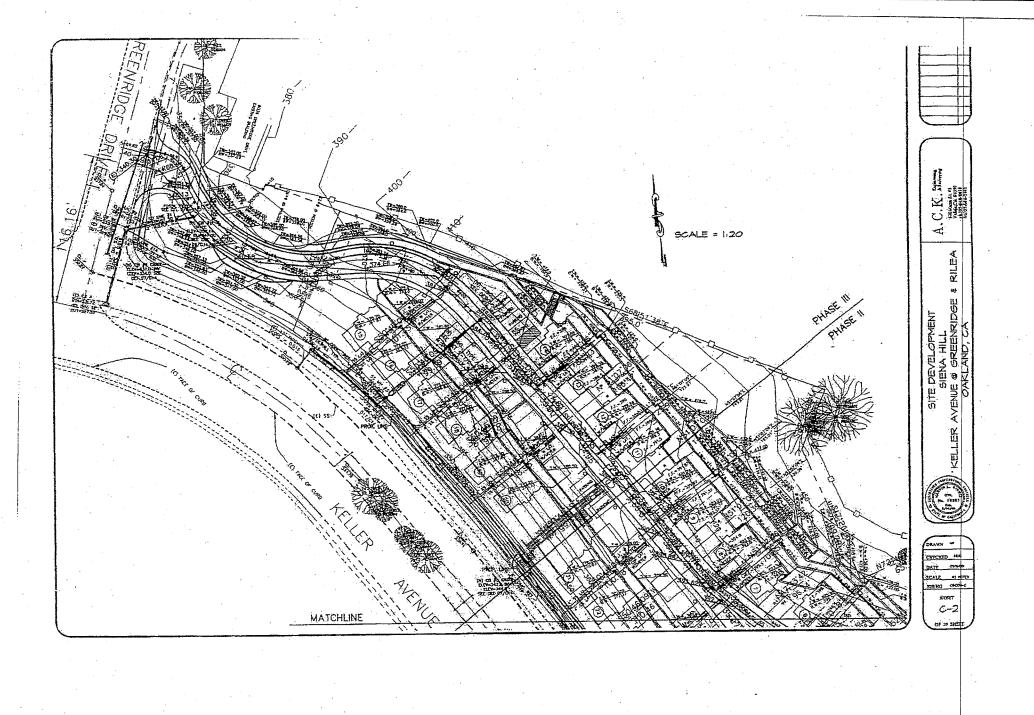
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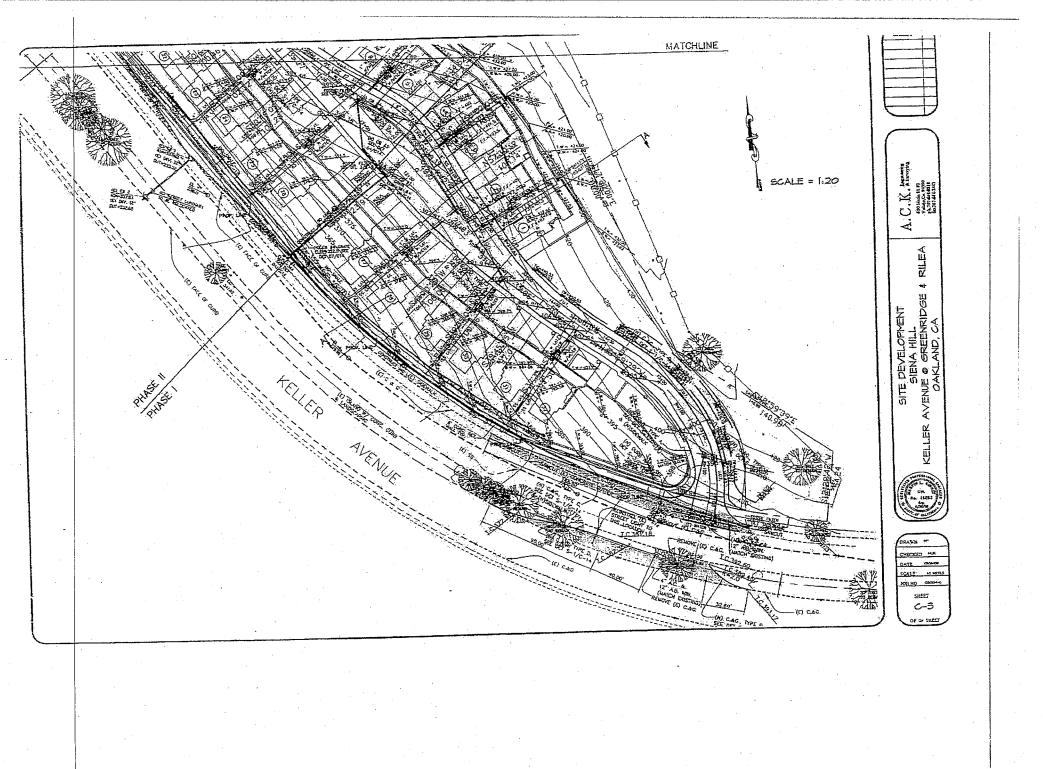
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#### GENERAL NOTES

#### KELLER AVENUE @ GREENRIDGE & RILEA, CA.

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### GENERAL NOTES

## KELLER AVENUE @ GREENRIDGE & RILEA, CA.

#### GENERAL NOTES FOR PIPES

I. HENDOSTY POLY ETHEL PIPE

#### RETAINING WALL NOTES

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#### STORM DRAIN NOTES

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- MANDES SHILL HAVE 247XIO' CORES 24" REDES AND STANDARD SAY HANDLES CAST BOX BRANES AND COASES FOR FINANCES SHILL HAVE SAY DEATH AND SHALLES, WHICHES SHILL HAVE SAY DEATH SAY DEATH SAY DEATH SHILL HAVE SAY THAN SAY CHARLES CAST DOWNERS AND STANDARD SAY WHICH CAST DOWNERS.
- ALL INTERPORALL BE TYPE TO UNLESS STRESSES NOTES ON THE
- STORM HATER POLLUTION PREVIOUGH PLAN (SMPTP) SHALL BE, PROMISED TO THE OBSTRUCT PRIOR TO THE START OF CONSTRUCTION POR XL PHASES.
- RETALL THEROCETATIC STORY DRAIN HARDLESS FOR CALLING SANTATION AND PLOCOS CONTROL RECORDINGS ON ALL STORY DRAIN DELTAD!

#### SANITARY SEWER NOTES

- MATURAL AND CONSTRUCTION OF SANTARY SEVERS SHALL CONTORN TO CALLING SANTATION AND PLOOD CONTROL DESTRICT STANDARD SPECIFICATIONS AND DRANGES.
- SHER MAIG AND LATERAS SHALL BE CITIER YIRDRED CLAY PIEC OR FOLLYAM, OCCORDE COMPOSITE SEMER FIFE LATERALS SHALL BE OF THE SAME HATERAL AS THAT OF THE MARLING.
- COMERCIAL INCIDES OTHERWISE SHOWN ON PLANT, SHALL BE RETAILED AS SHOWN DET THE THEALT STANDARD DETAILS AND CONSTRUCTED NORMAL TO THE SOMERHAM.
- BACK FELL FOR SAFTARY SIDER AND STORM ORAIR STALL BE FER DANNED SWITTEN AND FLOOD CONTROL DISTRICT STANDARD
- 5. THE ENTIRE SANTARY STOTION SHALL SLEAK ALL OTHER UTLITES BY THE LAY (12) WHEN
- HAVEOUT SHALL HAVE 34 WHO COMES 34" FISHED, AND STANDARD 24" MANDELLE CAST IRON FRANCES AND COMES.
- ALL ANUTARY SOUR MARCLES SALL DE ROTALIES HETH TOP FAMILIES.
- ALL EXCITAC SANTURY SEASON WHICH ES IN THE PROSE AREA SANTURES SEASON AT ALL OF THE LOWING BETTHEON PRE-CAST SECTIONS WITH THE CAST SEAL THE CAST SEAL

#### CONCRETE

- LCONCRETE SHALL DEVELOP HOLLONDIS MISHAN COMPRESSIVE STRENGTH AT 20 DATS: PIERS, GRADE BEING, BITERIOR SLADS ON GRADE NO FOOTINGS. TO: 3500 PS
- 2. Concrete symile to thace of continous operation into the section is configured between properties of contribution joints, concrete symiles of a construction joints, concrete symiles of a construction to provide the symiles and a construction of the symiles o
- D. EXPOSED SUPPLIES OF CONCRETE SHALL BE KEPT HOST OR CARED BY PROTECTIVE CONTRIBOS AS HOTELY IN SPECIFICATIONS.
- 4 FORMS SHALL BE TIGHT AND CLEAN BEFORE PLACES CONCRETE.
- S. CHANESE EDGES OF CONCRETE EXPOSED SHIP, LIKE ESS OTHERWISE NOTED.

#### REINFORCEMENT

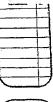
- I. RESPONDENT SHALL BE IN ACCORDANCE WITH RECUSED FOR SHE ASTA ASIS GRADE 60' FOR SE BARS, MO LARSER, GRADE 40 FOR SHE BARS, MO LARSER, GRADE 40 FOR SHE BARS, MO LARSER, GRADE 40 FOR SHE BARS.
- 2. REDPORTED BARS SHALL BE FREE FROM LOSSE RIST, NO. OF ANY CHER COATING HICK YELL DESTROY OR REDPOR BOND.
- S. REMORGING DARS SHALL NOT BE BOTH OR STRAIGHTDED DIA MANCE HECH HELL BLASS THE MATERIAL AND SHALL BE ACCURATELY FLACED AND FOSTIVELY SECURED.
- 4. THE CLEAR DISTANCE BETWEEN PARALLEL BARS IN A LAYER SHALL NOT BE LESS THAN I ME THIS THE ACCRUENCE PLANETIES OF THE BARS OR I US THESE THE HANDLES HE ACCRUENTED NOR LESS THAN 14/27.

#### PAVING

- LPAYANCE TO BE ASSIMULTIC COMMERTE THESE IS FOR SECTION 2005-OF OF SECTION 2005 SECTION SECTION FOR PUBLIC HORSES CONSTRUCTION 2005 ENTIRE TRANSPORT TO SECCIOSTRUCTION OF 2 LIFTS OF 2 THICK.
  ASSIMULTIC CONFERENCE.
- ACTIVATION CONSTRUCTION CLASS B. 8° THOSE PROPERTY PER SECTION 20042 OF THE VERSION STANDARD SPECIFICATIONS FOR PUBLIC NORTH CONSTRUCTION 2005 EDITION.

#### CONSTRUCTION TRAFFIC CONTROL

- L. CITY HILL REPORT ALL CITY -CHEST SIGHS HOTHY, THE TRAFFIC EMBORDS THO CHI HOSOMIC DAYS BY MOVIMED OF REPORTAL THE CONTRACTOR CHILD REPORT AND AMOND SIGHS, FOSTS, ETC., IN EXD TO DAYAGED THOSE HIS RECURSORS.
- NO CONSTRUCTION HORK HELL CONSTRUCTION ALL CONSTRUCTION SIGNS IS BY PLACE.
- CONSTRUCTION SIGNING CHAIL BY IN ACCORDANCE MITH THE STATE OF CALLFORNIA PARKELL OF MARGOS SIGNEL LIGHT, MOD PERVICES, THE CITY SHALL DESIGNATE THE LECATION OF PALL CONSTRUCTION SIGNS AND DEVICES TO BE USED BY THIS TRADECT.
- ALL CONTROLLED SIGNS AND DEVICES SHALL BE REPLECTORISED AND RESPONDED BY THE CONTRACTOR CONTRACTOR SHALL DREST AND HANDLESS AND SERVICE AND THE LESSON OF BE LESSON OF BE ADDED AND SHALL BE ADDED AND SHALL BE ADDED AND SHALL BOTTOR OF SUCK DEVICES AND SHALL BOTTOR OF SUCK SHALL BE THE ADDED AND SHALL BOTTOR OF SUCK SHALL BE THE ADDED AND SHALL BOTTOR OF SUCK SHALL BE THE ADDED AND SHALL BOTTOR OF SUCK SHALL BE ADDED AND SHALL BE THE ADDED AND SHALL BOTTOR OF SUCK SHALL BE THE ADDED AND SHALL BE THE AD
- S. COMPETENT PLASTER AND RECESSARY SIGNED SHALL THE USED HIGH
  - A THO-HAT TRAFFIC MUST BELIEF A SHOLE LAND OR
- B. ECTIPAINT IS MORKERS ON OR INVOLUTELY ADJUCTING TO
- 6. AT LEAST ONE-HAT TRAFFIC HIST BE MUNITARED OUTING ALL NO-H-CORENS HOURS, PROPER SIGNIO SHALL BE PLACED TO ACCOMPLISH THIS
- THE HOTHICATION TO LOCAL AGENCES SHALL INCLIDE THE PROPOSED TRAINE CONTROL PLANS.
- I. ALL STRIPTOS SHALL CONFORM TO STATE STANDARDS AS SHOWN IN THE TRAPPIC MANUAL.

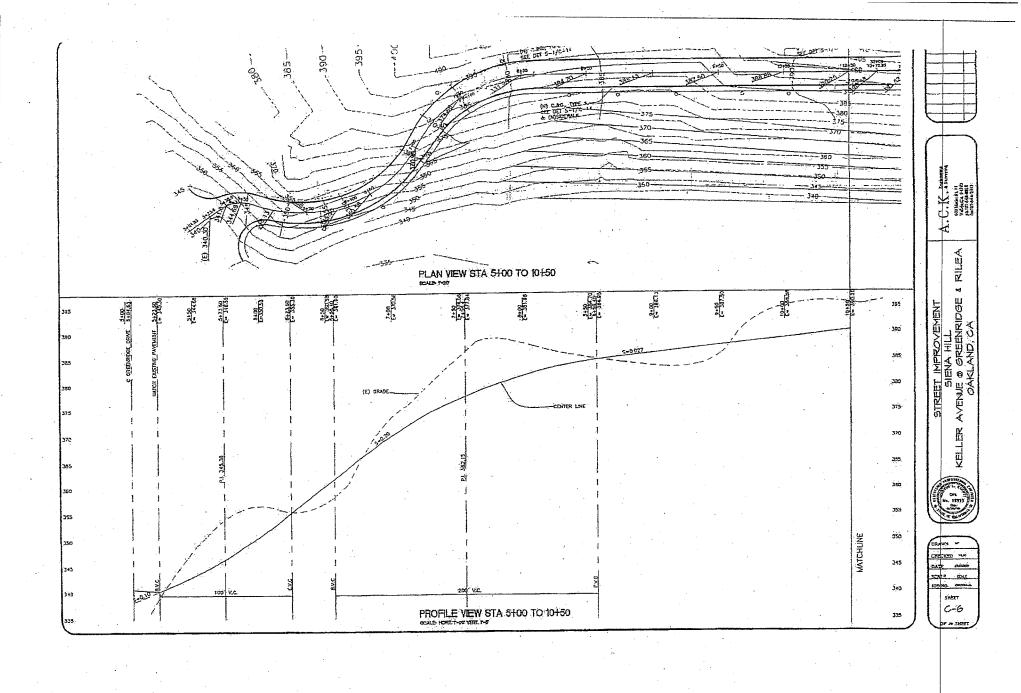


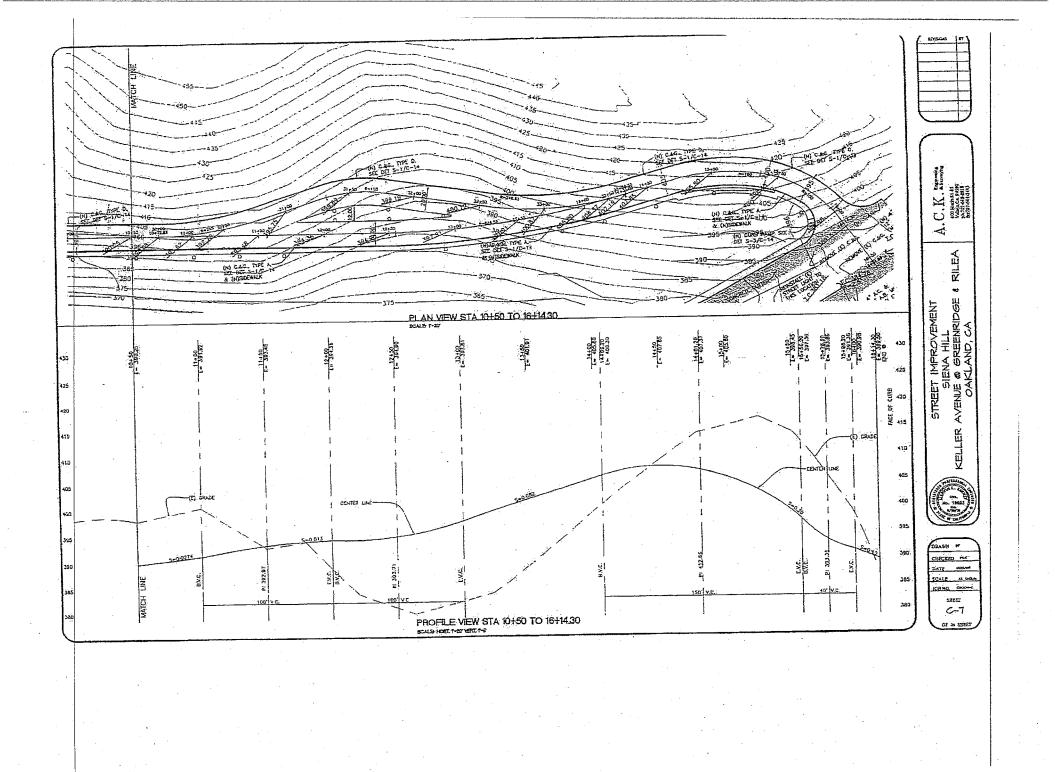
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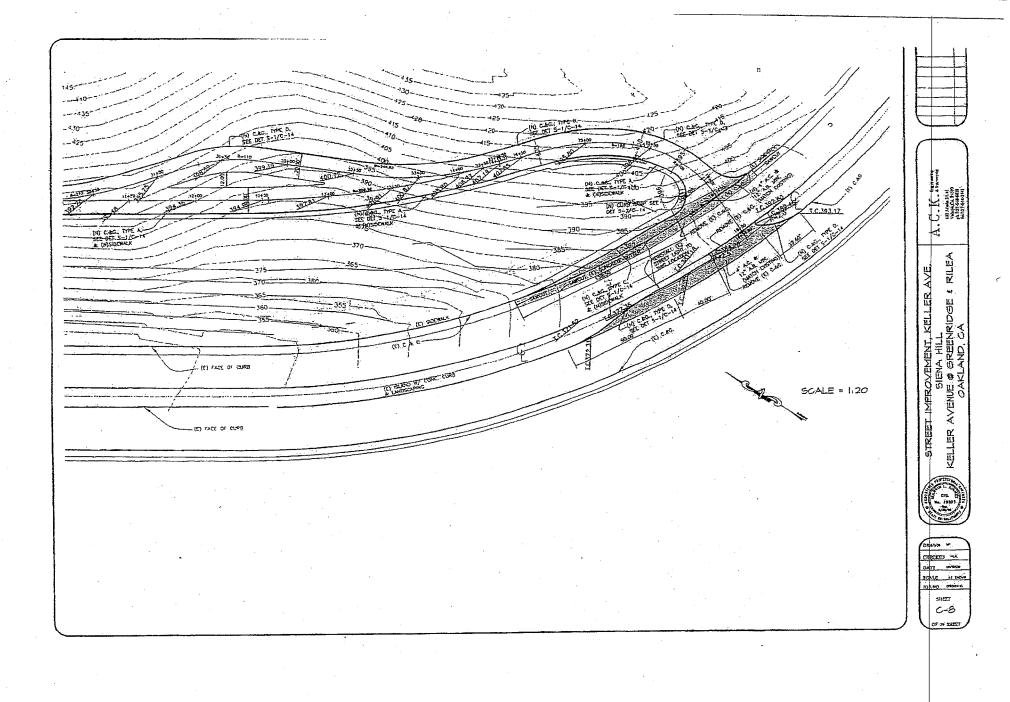
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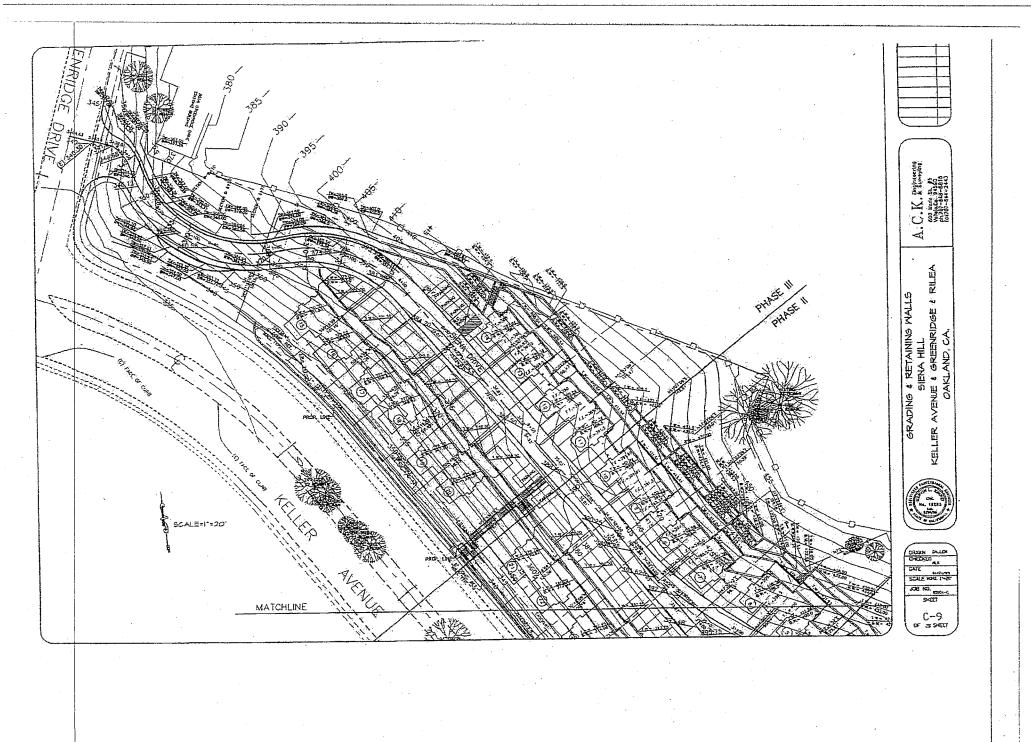


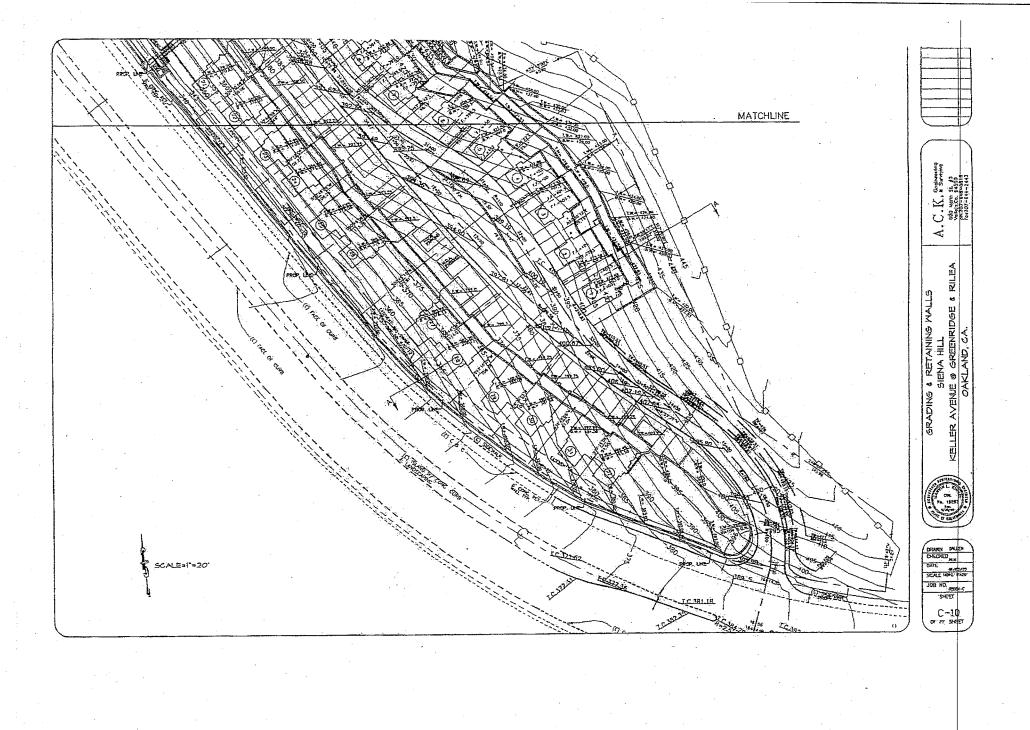
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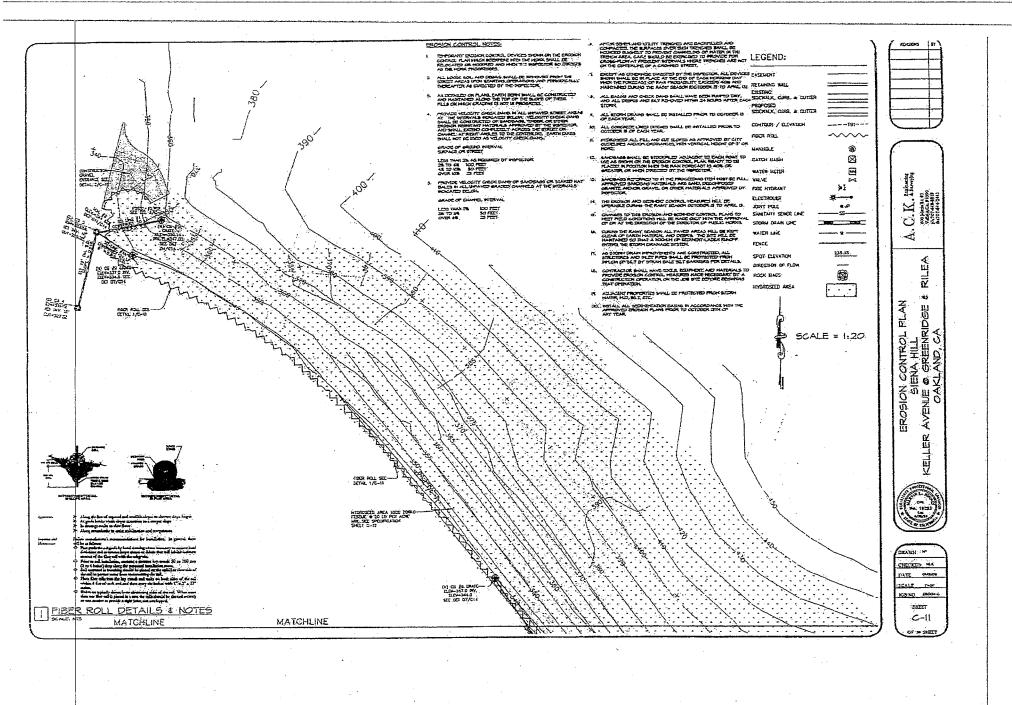


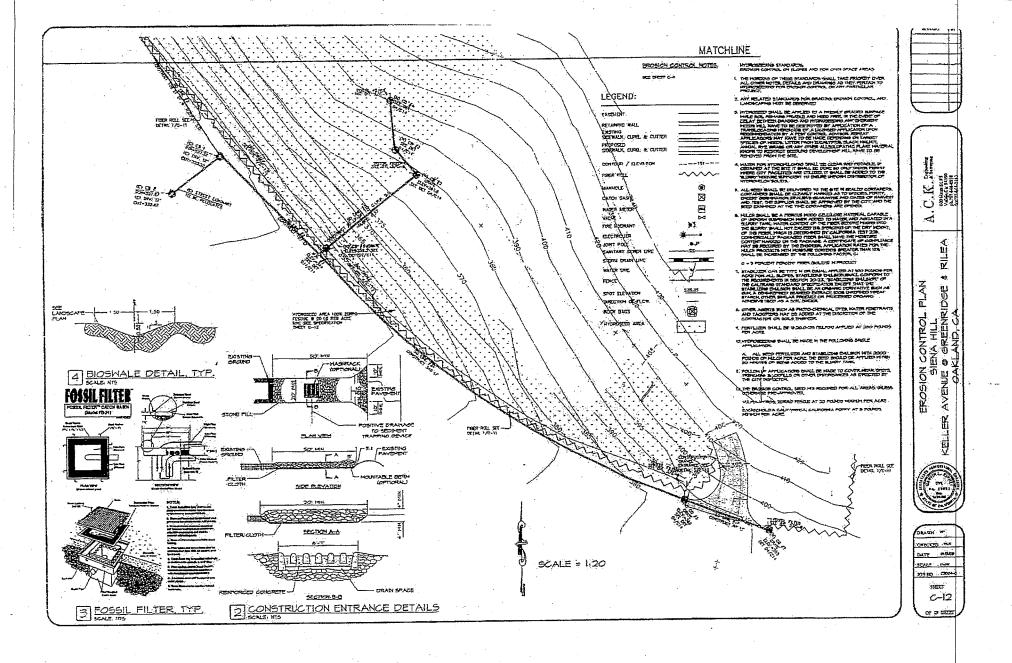


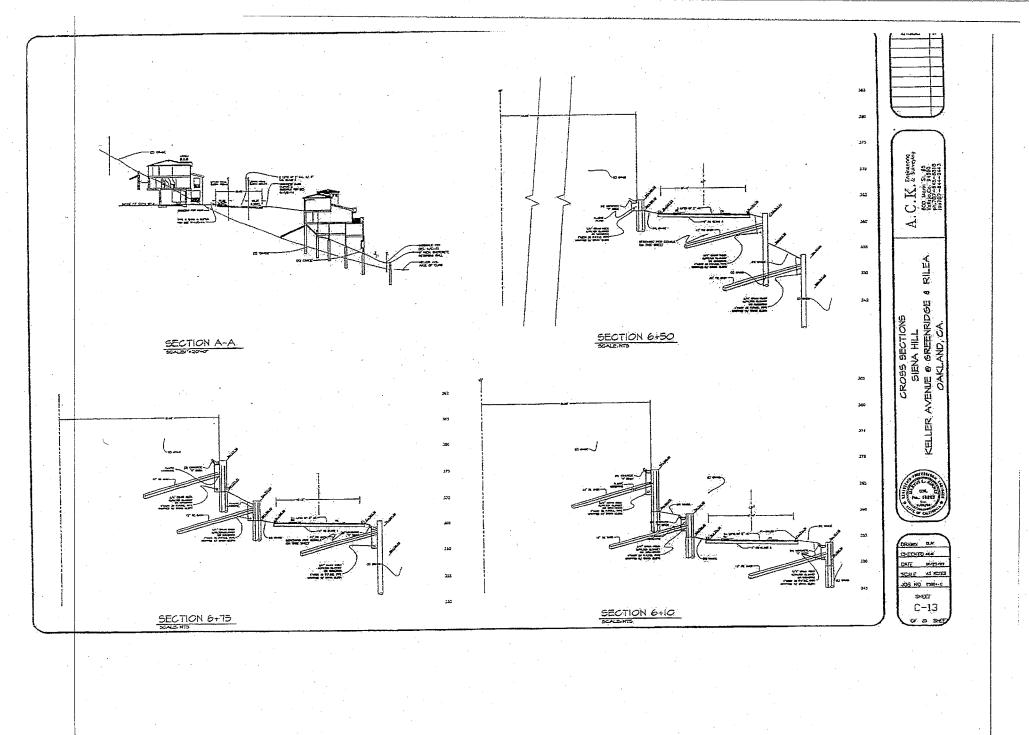


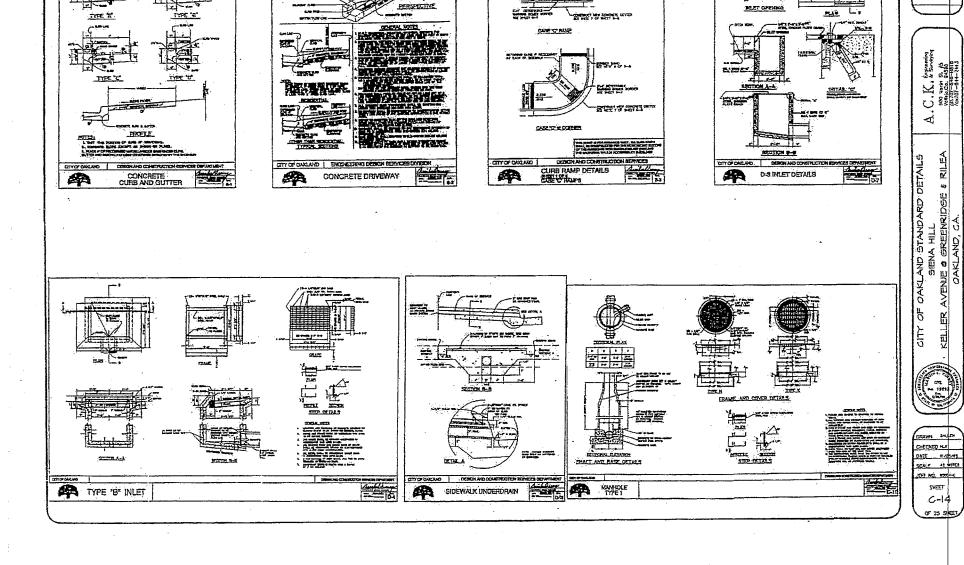








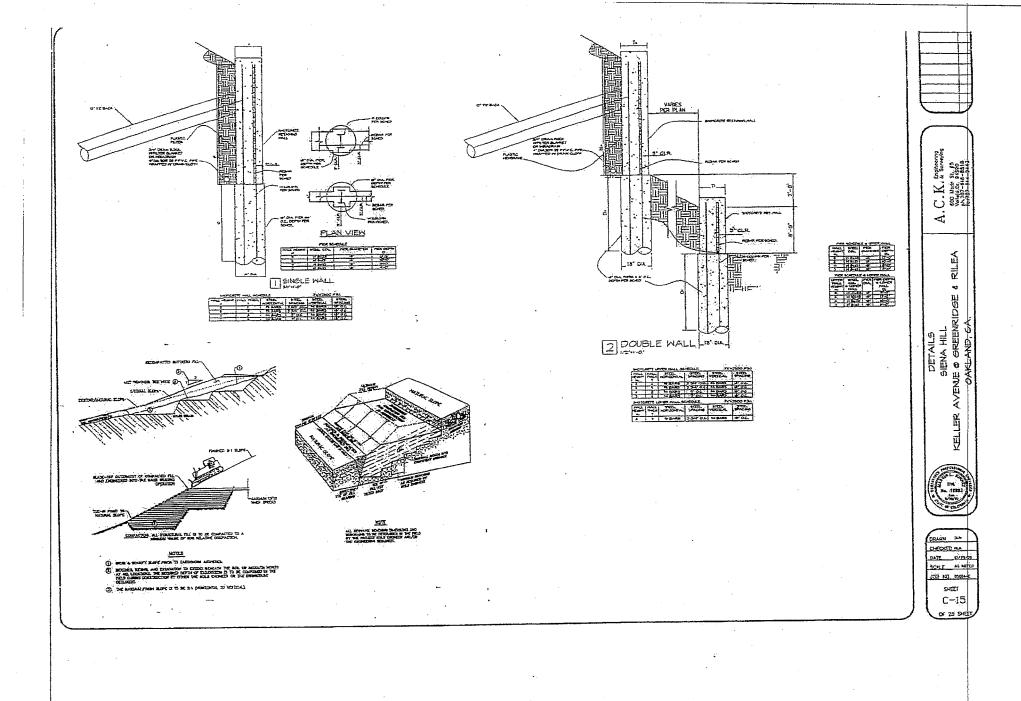


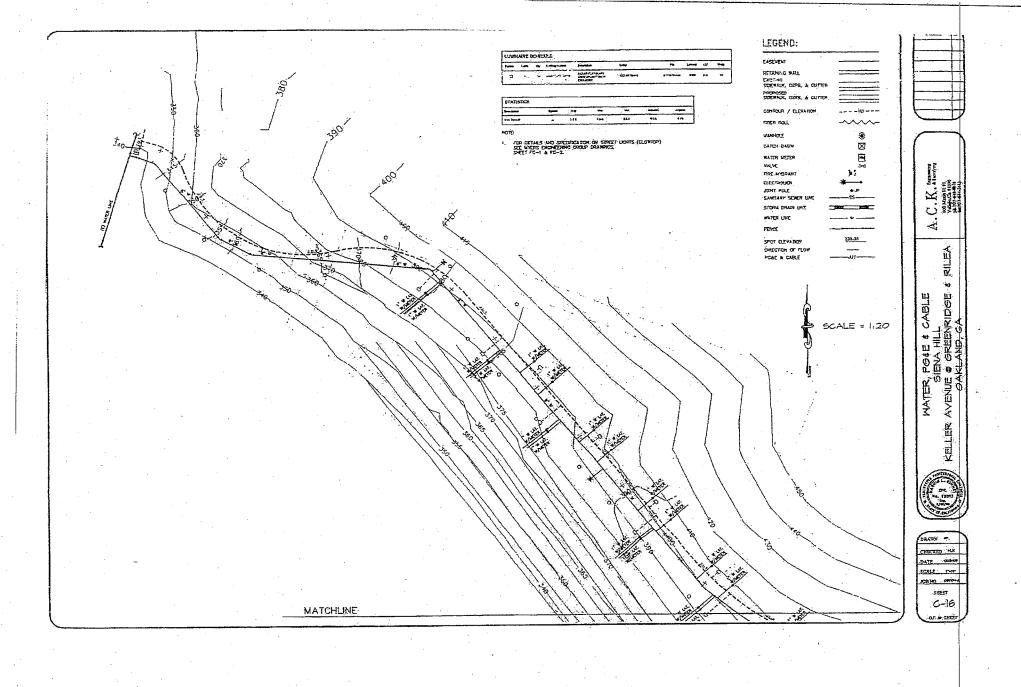


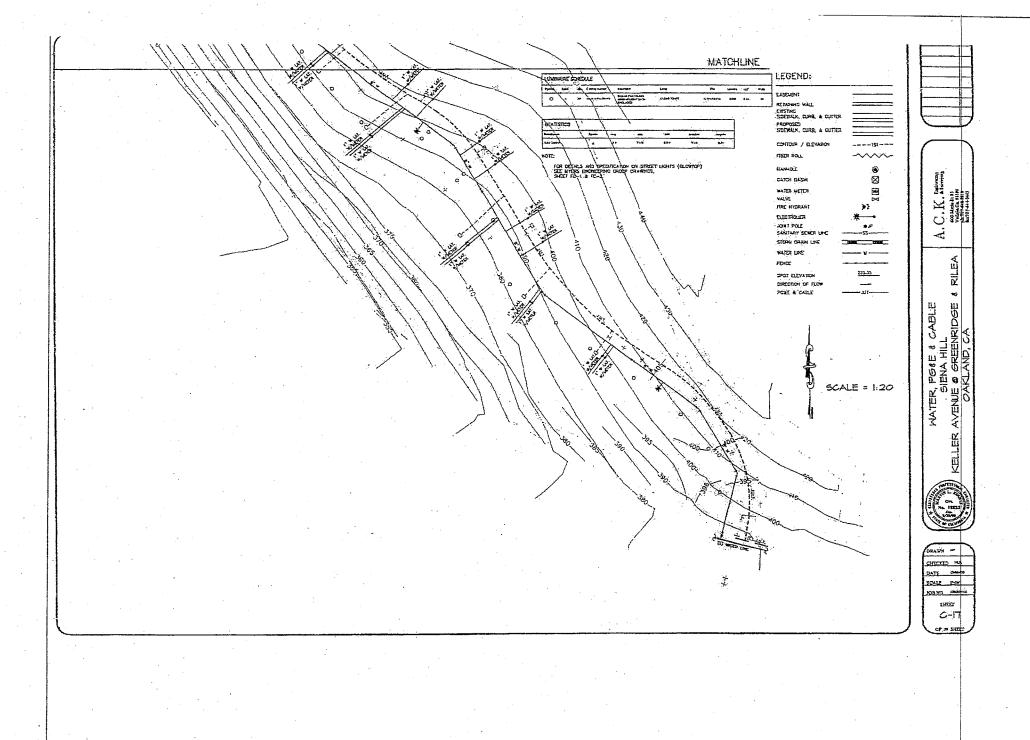
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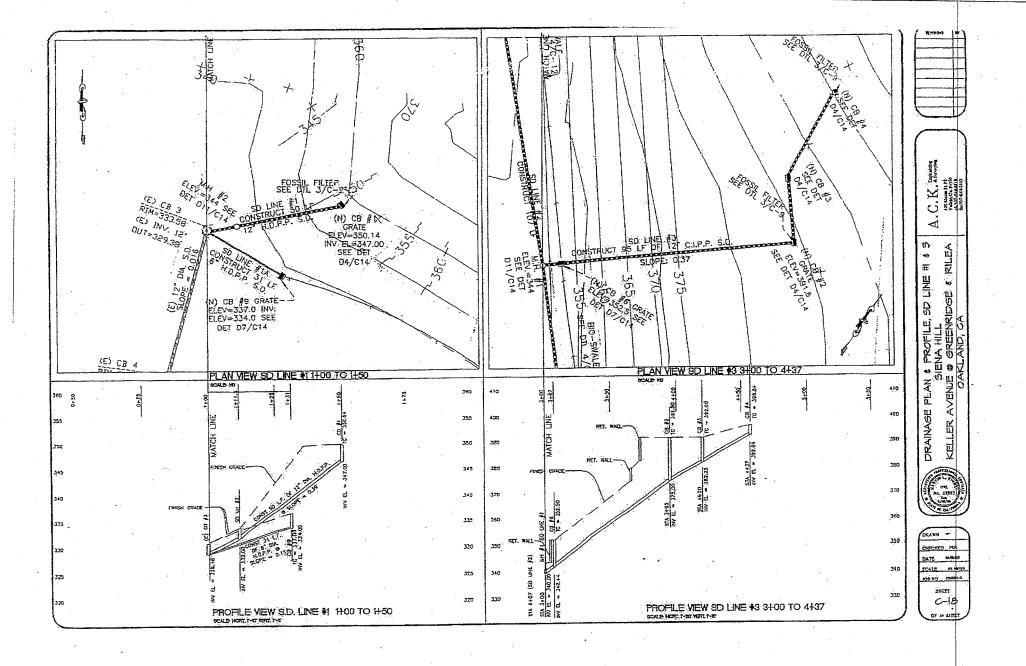
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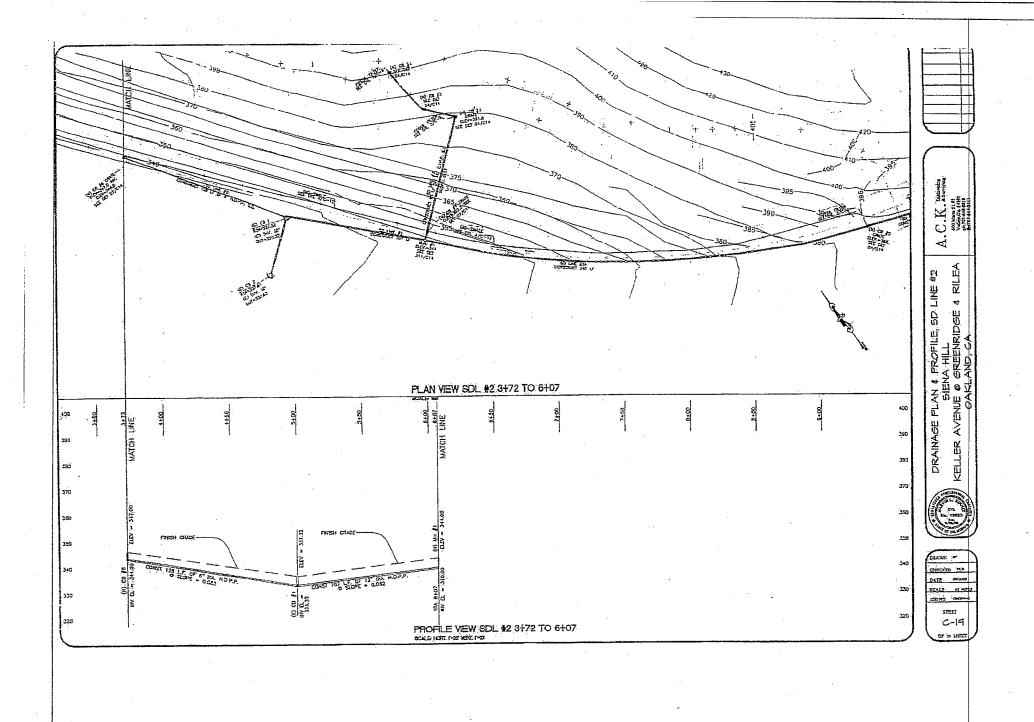
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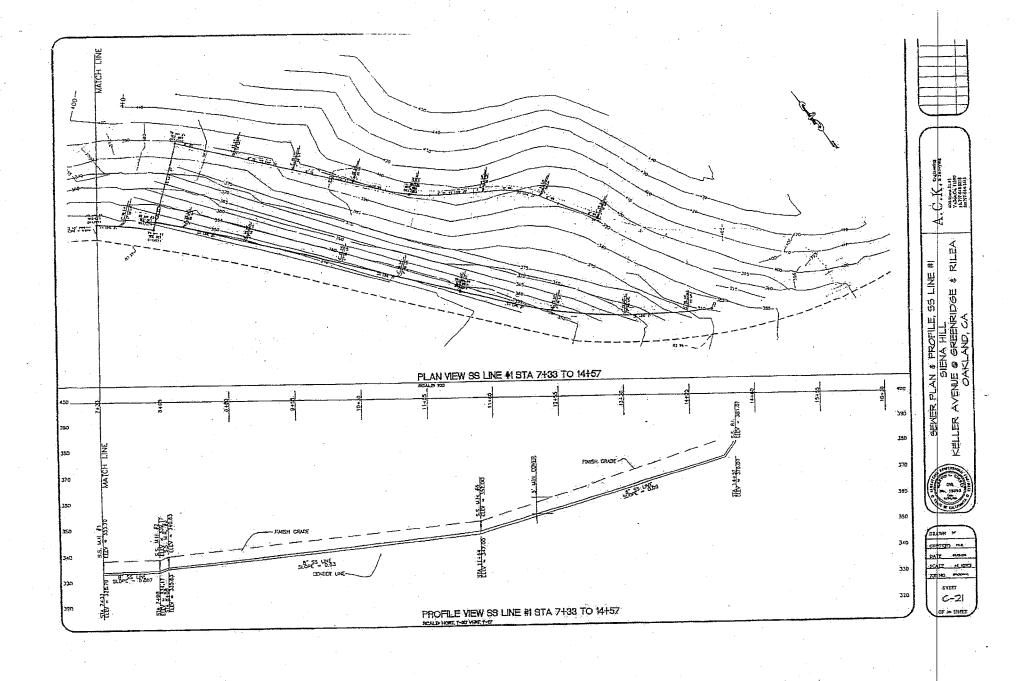


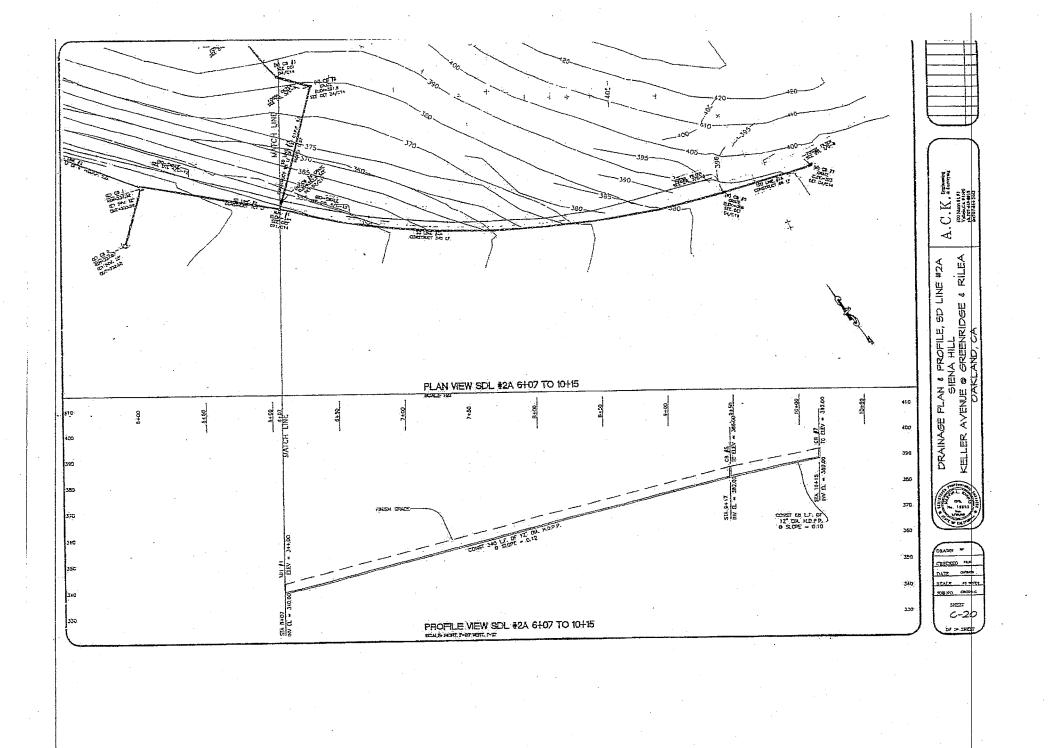


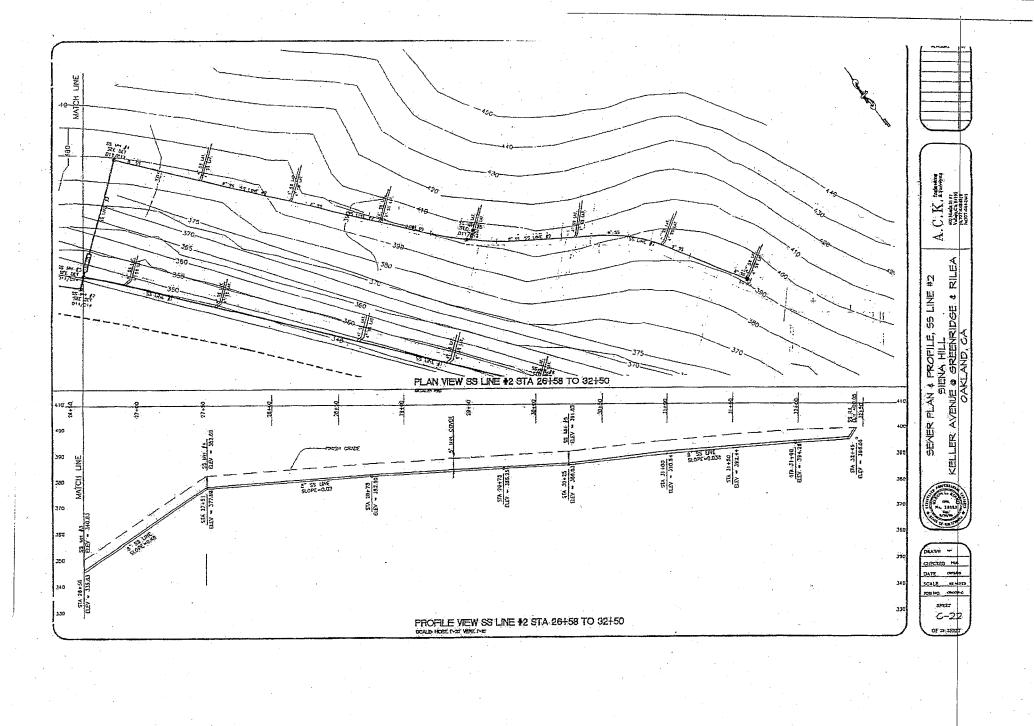


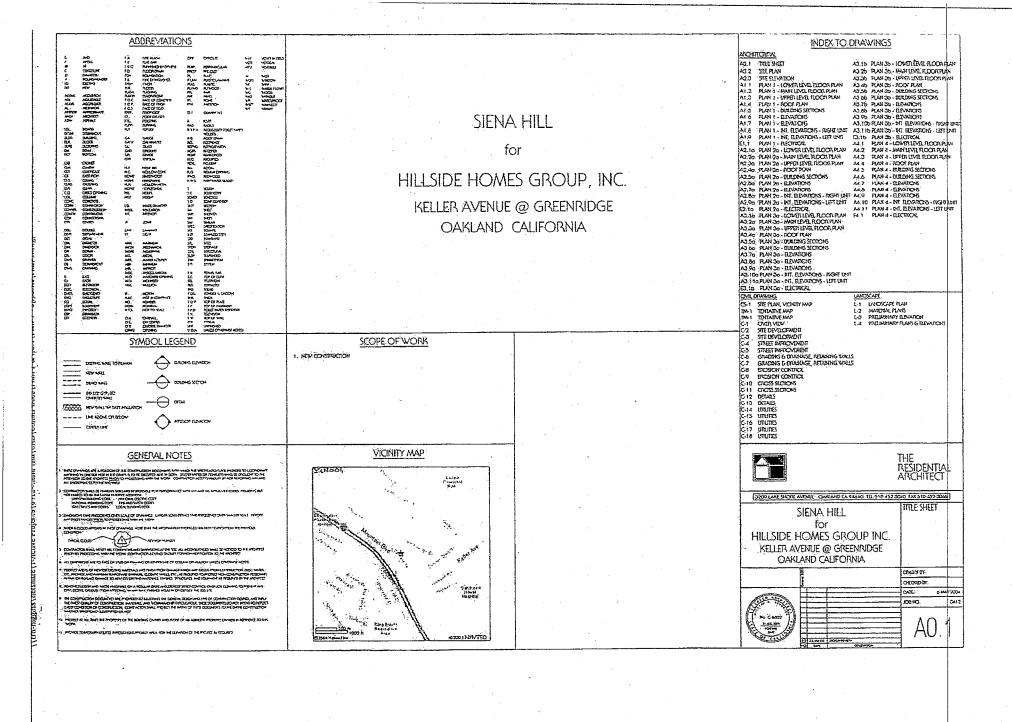


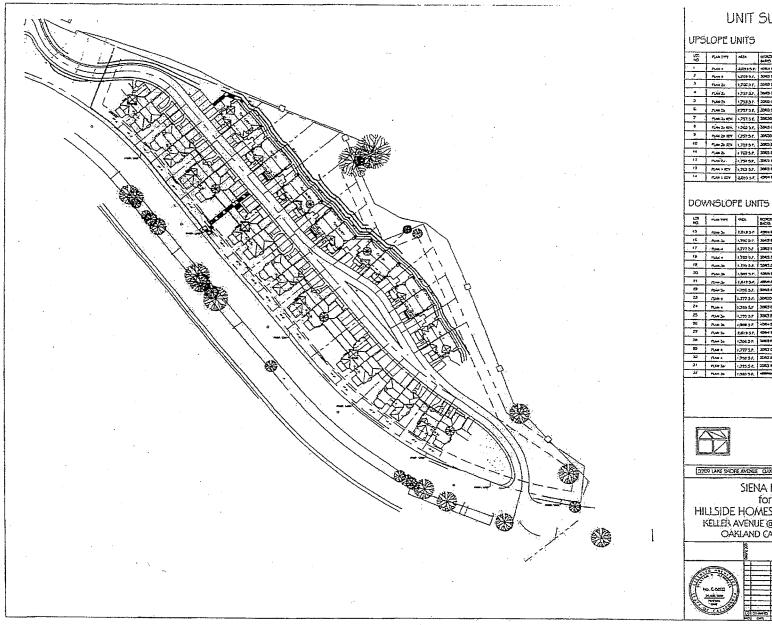












## UNIT SUMMARIES

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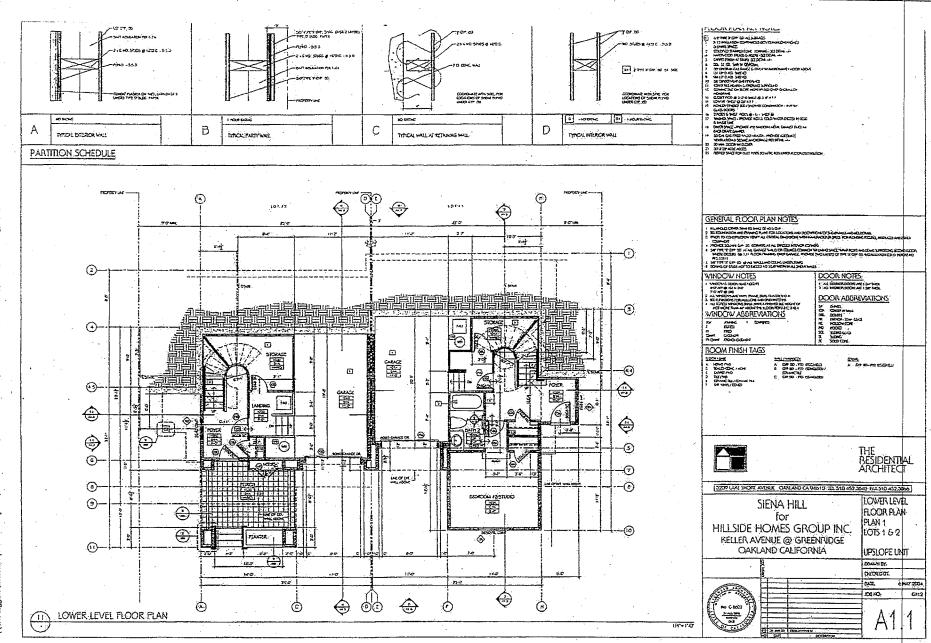
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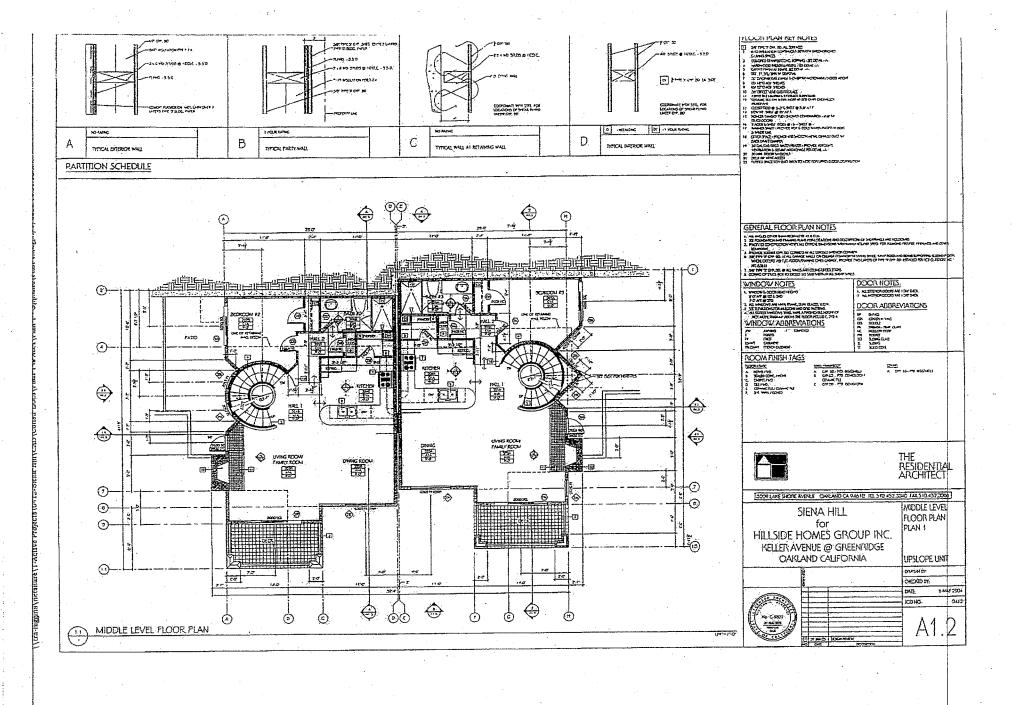
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KELLER AVENUE @ GREENRIDGE
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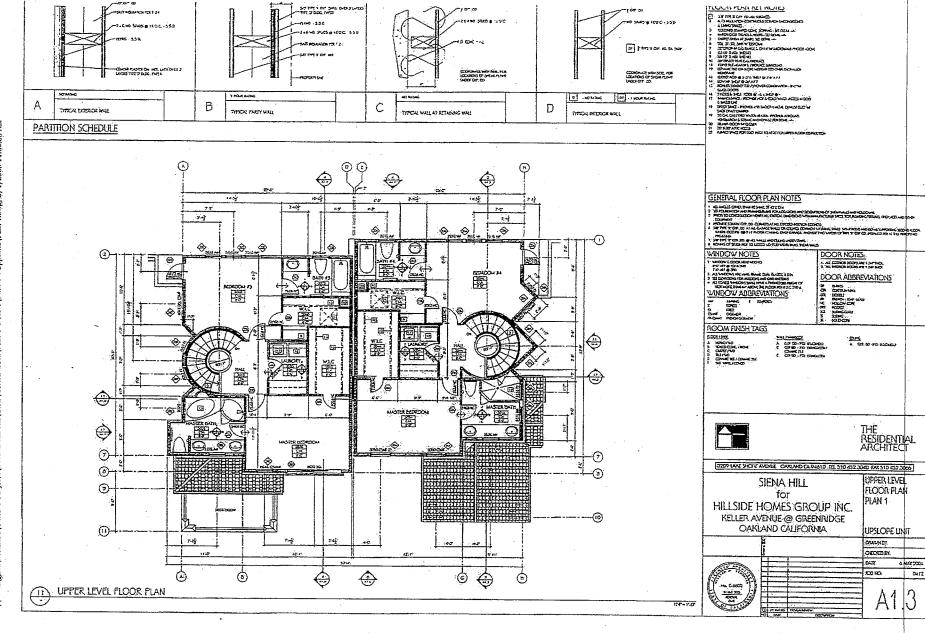
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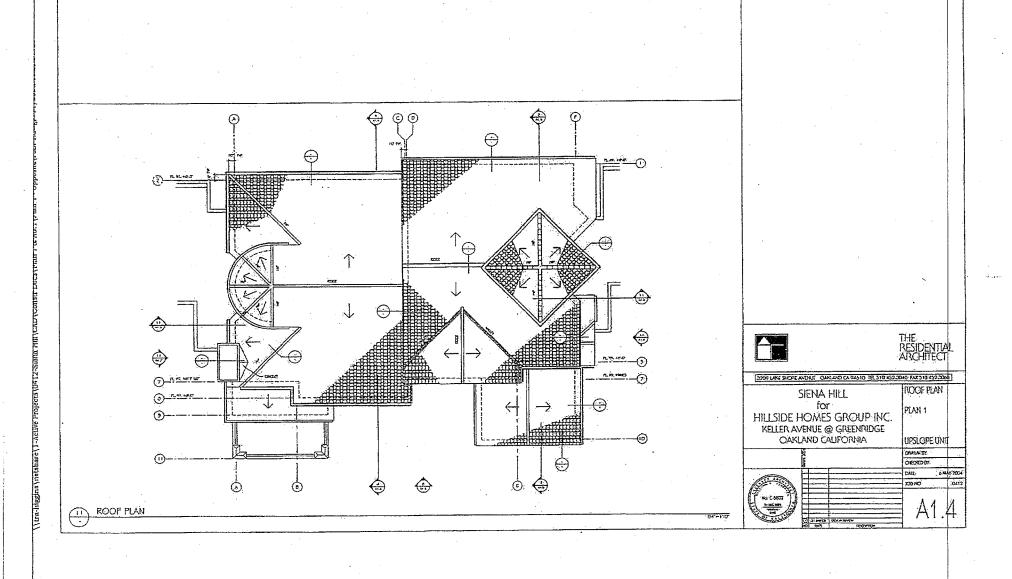


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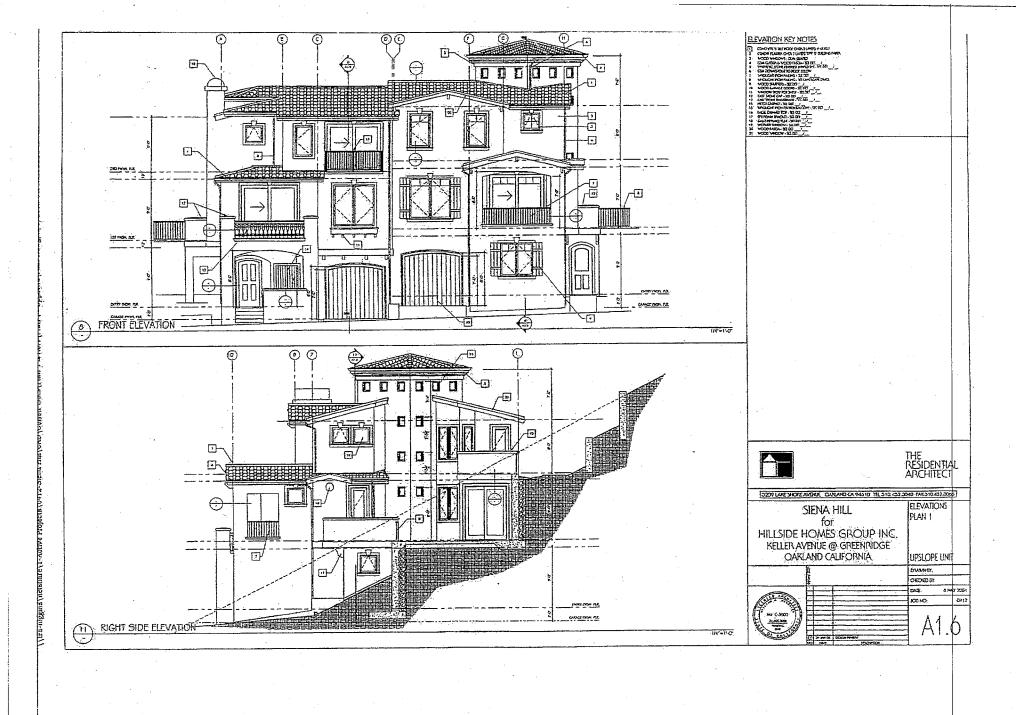




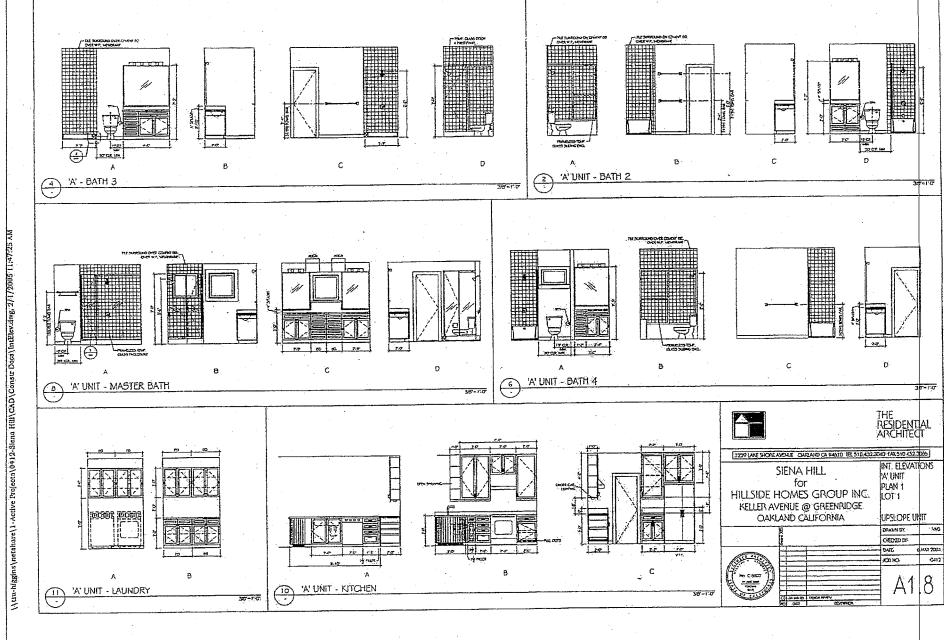
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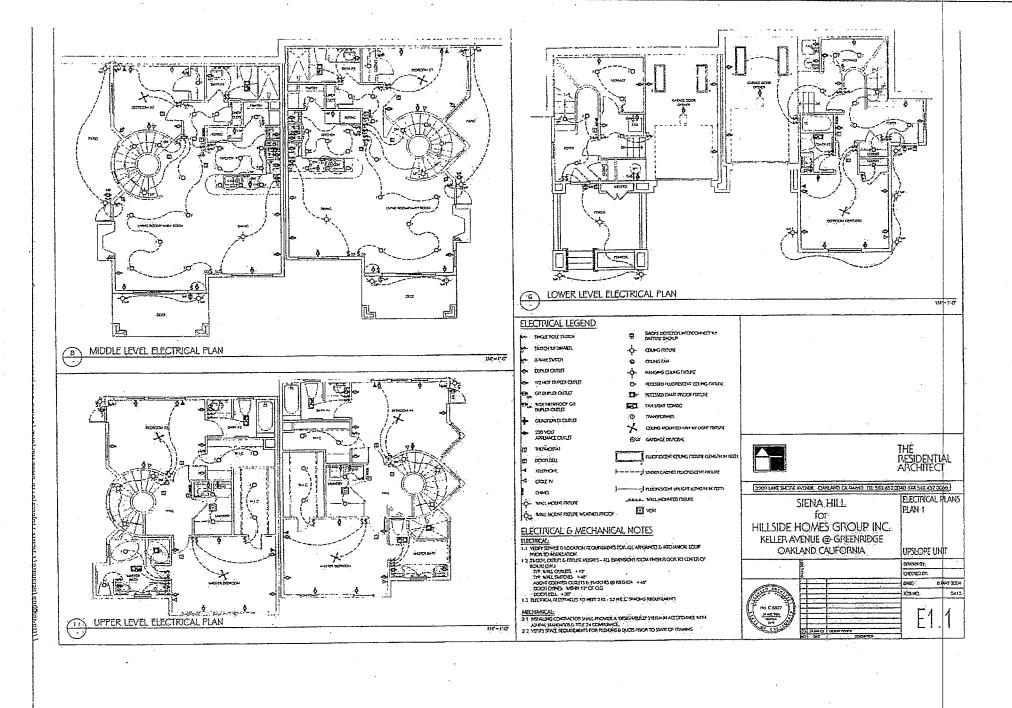
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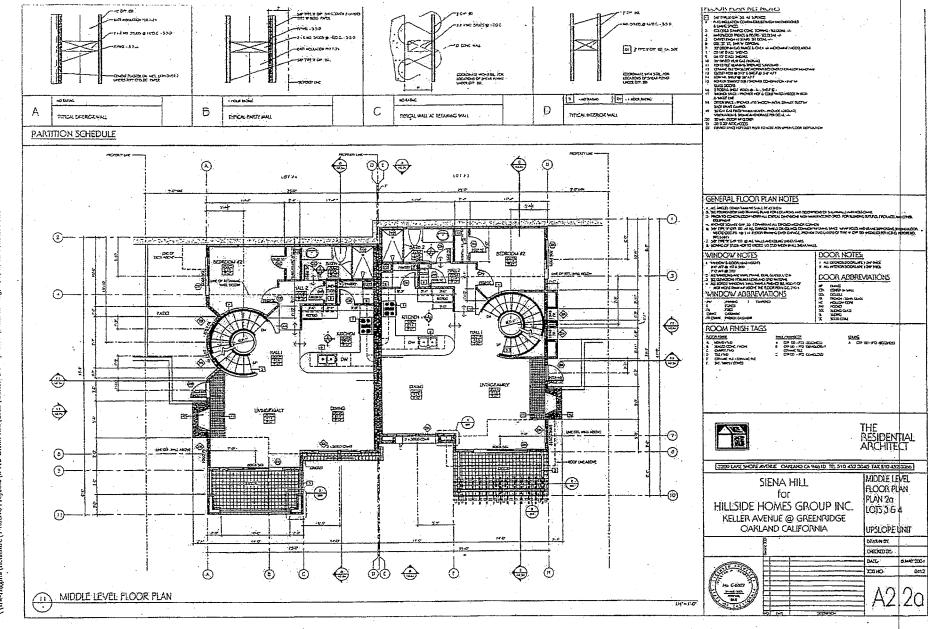


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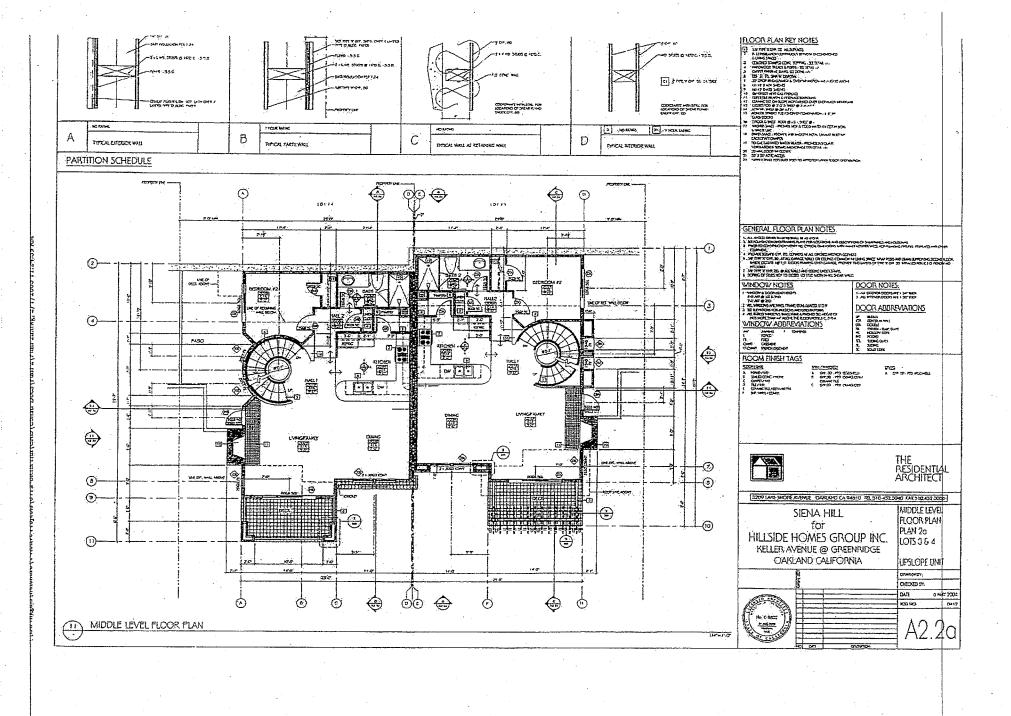


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