

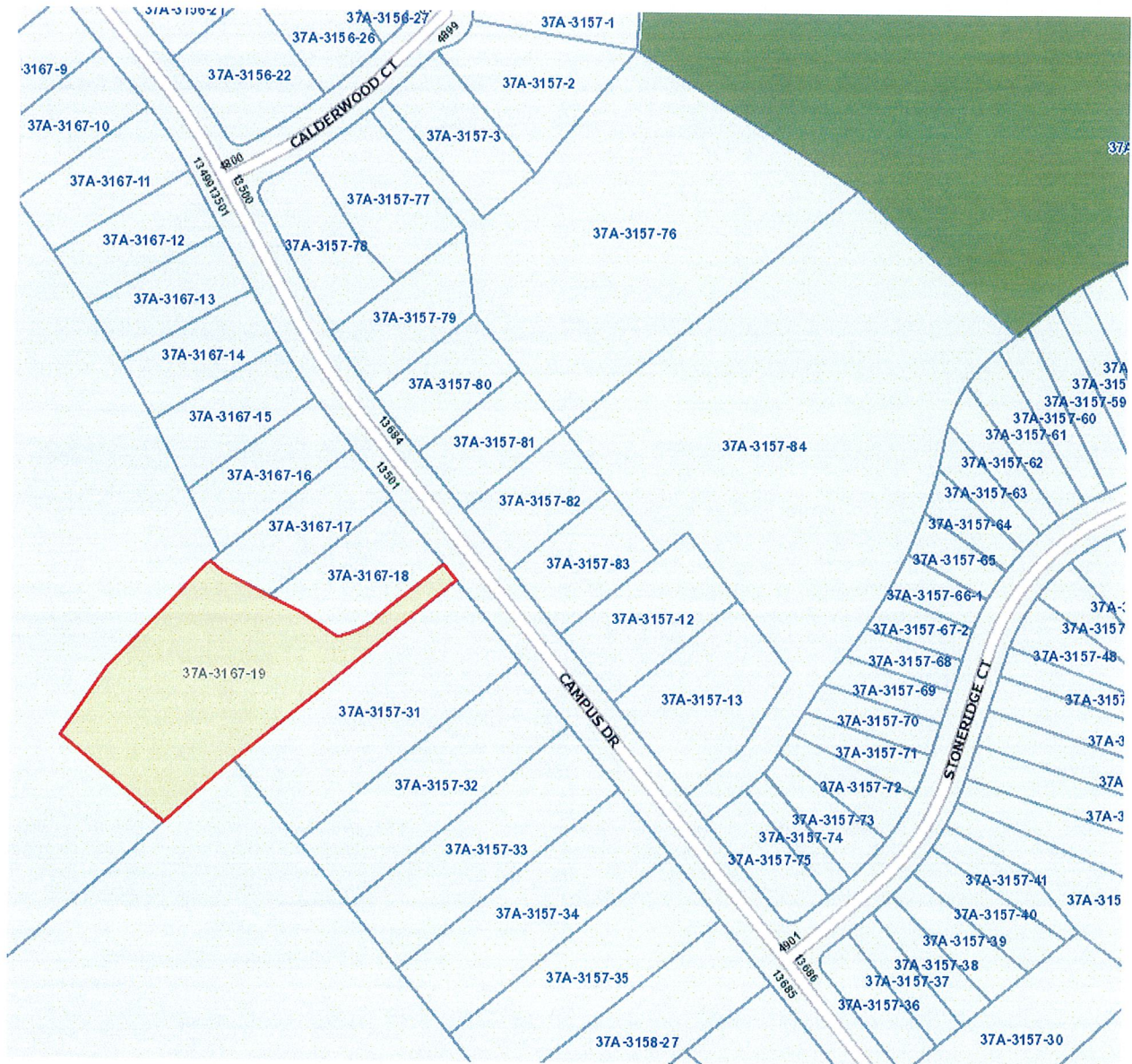
Location:	0 Campus Drive (See map on reverse)
Assessors Parcel Numbers:	037A-3167-019-00
Proposal:	Appeal of Zoning Administrator’s approval of application to construct a new single family dwelling on a vacant lot.
Appellants:	Dan Siroker (650)804-6344, & Sima & Peter Patel (510)301-4887
Owner:	Christine Soufastai & Samir Chugh
Planning Permits Required:	Regular Design Review for new construction; and Minor Variance for a 6-foot side yard setback where 10% of lot width is required.
General Plan:	Hillside Residential
Zoning:	RH-3 Hillside Residential Zone 3
Environmental Determination:	CEQA Section 15303, new construction of small structures; Section 15183, projects consistent with a community plan, general plan or zoning
Historic Status:	Not a Potential Historic Property (PDHP); Survey rating: N/A
City Council District:	6
Status:	Pending
Action to be Taken:	Public Hearing
Staff Recommendation:	Deny the appeal and uphold Zoning Administrator’s approval
Finality of Decision:	Final Decision
For further information:	Contact case planner Maurice Brenyah-Addow at 510-238-6342 or by email: mbrenyah@oaklandnet.com

SUMMARY

On January 31, 2019 the Zoning Administrator approved an application to construct a new single family dwelling proposed for a vacant parcel located off Campus Drive in the Oakland Hills area. The subject site is located within the Hillside Residential General Plan (GP) land-use classification and the RH-3 zone, where detached residential developments in hillside settings are permitted.

The proposed project was subject to the Regular Design Review criteria of the Oakland Municipal Code and substantially 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. The project involved a request for a Minor Variance to allow a reduced side yard setback along the southern property line due to the existence of a diagonal access easement that runs across the site combined with unusual site configuration and topographical constraints at the site that limited the buildable flatter area site (See Exhibit I for details).

On February 8, 2019, Dan Siroker (Appellant #1 and owner and resident of abutting lot located at 13631 Campus Drive) and subsequently on February 11th 2019, Peter and Sima Patel (Appellant #2 and owners and residents of neighboring non-abutting lot located at 13651 Campus Drive),



APN 037A-3167-019-00

0 Campus Drive

separately and respectively appealed the Zoning Administrator's approval of the project, citing various reasons, (See Exhibit III for details) with key points summarized as follows:

Dan Siroker (Appellant #1) – Owner and resident of 13631 Campus Drive

- 1) The decision to grant a Minor Variance to allow a 6-foot side yard setback along the southern property line where approximately 20 feet minimum is required adversely affects abutting properties and the surrounding area, including impacts to views.
- 2) The decision to grant a Minor Variance is inappropriate because a design alternative with single-story components that moves the proposed structure further down the hillside to comply with the required setback is feasible for the site.
- 3) The decision to grant a Minor Variance constitutes a grant of special privilege and benefit to one home owner at the expense of another.

Sima and Peter Patel (Appellant #2) – Owners and residents of 13651 Campus Drive

- 1) The applicant and City Staff failed to consult with the appellant and other neighbors before the applicant submitted the initial project design to the City and during the design review process.
- 2) The impacts of the project are unfair, inequitable, and inconsistent with applicable view protection measures.
- 3) The project fails to comply with Design Review Findings 1 – 3.
- 4) The project fails to comply with the Variance Findings 1, 3, & 6.

Staff believes that the design review and variance findings for approval outlined in the attached January 31, 2019 decision letter (See Exhibit II) explain the reasons why the project complies with the applicable regulations and Design Review criteria and adequately articulate the evidence supporting the Zoning Administrator's approval of the project. Further, the appeal does not list any valid instance of purported error or abuse of discretion by the Zoning Administrator. Staff, therefore recommends that the Residential Appeals Committee deny the appeal and uphold the Zoning Administrator's approval of the project for the proposed new single family development.

BACKGROUND

On April 5, 2018, the applicant submitted an application for Design Review and a Minor Variance to construct a new single family at the subject site (with a reduced side-yard setback). After staff's initial review of the project, Staff worked with the applicant to revise the design to improve the massing one of the building wings.

On June 8, 2018, as part of the project review process, staff sent out a public notice to property owners with properties located within three hundred feet of the subject site to make them aware of the proposed project and invite them to review the plans and submit comments. Following the public notice a number of neighbors to the project expressed concerns about potential negative view impacts the project could have on their homes and requested for story poles to better assess the potential impacts. Staff therefore responded to this request and asked the applicant, who willingly and speedily put up story poles at the site.

Following installation of the story poles, Staff and the applicant visited the homes of three of the neighbors to assess any potential impacts. At that visit although views from the ground floor of some of the adjacent properties were blocked (and there were some partial obstructions to some upper floor views of Appellant #2), the view protection criteria stated in the Interim Design Review Manual for One- and Two-Unit Residences were not applicable for the reasons outlined in the Regular Design Review Findings #2 of the approval letter (See Exhibit II) and re-stated below:

Following that assessment, the applicant initially lowered the height of the proposed new building by one foot and later lowered it by an additional three feet for a total of four feet below the originally proposed height. The applicant also adjusted the location of the building footprint to improve minimize view impacts. After those changes, the applicant agreed with the neighbors to put up a second story pole to assess the revisions. For the second time, staff and this time, the applicant's representative, visited 13651 Campus Drive, the house of Sima and Peter Patel to evaluate the result of the revisions. At that visit it was clear that the changes had resulted in significant view improvement for Appellant #2 and, as stated before, none of the view protection criteria stated in the Interim Design Review Manual for One- and Two-Unit Residences was applicable.

At that meeting, all parties agreed that the applicant would prepare a photo simulation that depicted the proposed revisions. After the applicant provided the photo simulation, Appellant #2 requested to have elevations to the finished floor provided on the rendering to ensure the story poles were aligned with the rendering. After all these extra efforts to address neighbors' concerns, staff concluded that the project complied with the applicable criteria and approved the project.

Appellants' Bases for Appeal

As detailed in supporting Attachments included as part of this Appeal. (See Exhibit III for details) Below are the key points of the appeal followed by staff's responses.

Dan Siroker (Appellant #1) – Owner and resident of 13631 Campus Drive

- 1) *The decision to grant a Minor Variance to allow a 6-foot side yard setback along the southern property line where approximately 20 feet minimum is required adversely affects abutting properties and the surrounding area, including impacts to views.*

Staff's Response: The subject site has several challenges as follows: 1) It is a flag lot with a long and narrow 25-foot-wide panhandle that fronts on Campus Drive; 2) It has a 25-foot-wide diagonal access and utility easement that cuts through it; 3) It has a limited flat terrain where homes can be conveniently sited; and 4) it has a precipitous clifflike drop on the back half of the site that presents several challenges for constructing a new structure and complying with height limits and other development standards. The slope on the back half of the site is so steep that every one foot of horizontal extension results in an exponential vertical drop in height, making it virtually impractical for construction. Already a significant portion of the rear and side of the building footprint are located on sloped areas of the site. The minimum setback for the zone is six (6) feet. The required 10% side setback for a 200-foot wide lot would be approximately 20 feet. Constrained by the afore-mentioned factors above,

especially the diagonal access easement that runs through the site, compliance with the 20-foot side yard setback leaves a relatively smaller area of approximately 3,000 square feet of the flatter buildable area for construction (as opposed to approximately 4,000 square feet with the granted variance). The 6-foot setback actually occurs along the other interior side property line that is not adjacent to Appellant #1's house located at 13631 Campus Drive and therefore does not pose any negative impacts on his property. Instead, the reduced setback allows more room to distribute the building floors more horizontally resulting in proposed height varying from 21 feet at the flatter portion up to 32 feet at the steeper portions of the site and eliminates the need to stack on an additional floor vertically to the maximum 32-foot height limit permitted by the Planning Code.

- 2) *The decision to grant a Minor Variance is inappropriate because a design alternative with single-story components that moves the proposed structure further down the hillside to comply with the required setback is feasible for the site.*

Staff's Response: The subject site has a limited flat terrain where homes can be conveniently sited; and it has a precipitous slope down at the rear that presents several challenges for constructing a new structure and complying with height limits and other development standards. The slope at the rear of the site is so steep that every one-foot of horizontal extension causes an exponential vertical drop in height, making it impractical for construction. Already a significant portion of the rear and side of the building footprint are located at the less steep slopes of the site. The development standards and applicable Design Review criteria does not limit site development to a single-story structure. Instead, it prescribes height limits, building envelopes and techniques to manage bulk and massing as well as protect significant views by a set criteria. The view protection criteria stated in the Interim Design Review Manual for One- and Two-Unit Residences specifically were not applicable for the reasons outlined in the Regular Design Review Findings #2 of the approval letter (See Exhibit II).

- 3) *The decision to grant a Minor Variance constitutes a grant of special privilege and benefit to one home owner at the expense of another.*

Staff's Response: Staff has granted similar side yard variances for similarly constrained lots in hillside settings. A few such examples include:

Case No.: DV11-029

Project Address: Vacant upslope lot approximately 200 feet northeast of 6040 Girvin Drive (APN: 048D-7281-052-00)

Minor Variance to allow a 6'-5" side-yard setback where 13 feet minimum is required.

Case No.: DV10-219

Project Address: 6016 Chelton Drive (APN: 048D-7280-048-00)

Minor Variance to allow a 4'-2" side yard setback where 10 feet minimum

Case No.: CDV05-348;

Project Address: 4975 Grizzly Peak Boulevard (APN: 048H-7514-006-03)

Minor Variances to allow portions of the remodeled building to be 35 feet tall where 30 feet maximum is allowed, and to maintain a 1'-8" side yard setback where 8 feet minimum is required;

Case No.: DV11-138 / CP08-067

Project Address: 6028 Merriewood Drive (APN: 048G-7436-048-00)

Minor Variance to allow a 5-foot setback where 18 feet minimum is required.

Sima and Peter Patel (Appellant #2) – Owners and residents of 13651 Campus Drive

1) *The applicant and City Staff failed to consult with the appellant and other neighbors before the applicant submitted the initial project design to the City and during the design review process.*

Staff's Response: After the applicant submitted a complete application, Staff followed the project review procedures and sent the public notice to all property owners within a 300-foot radius from the subject property (See Exhibit V) which included Appellant #2. Staff's account provided in the "Background" section of this report details some of staff's engagement with all the interested parties including Appellant #2 which resulted in in changes to the project design. Staff is also aware (as copied on email communications) that the applicant and their architects reached out several times to the Patels.

2) *The impacts of the project are unfair, inequitable, and inconsistent with applicable view protection measures.*

Staff's Response: As specifically stated in the Design Review Manual for One- and Two-Unit Residences, view protection measures are not applicable in four specific scenarios. Those scenarios include where view protection techniques would result in lesser or lower quality views for the project than neighboring properties; would result in a house significantly smaller in floor area or height than neighboring residences or similar lots, or a house less than two stories in height (except for small portions that may need to be limited to one story to preserve a view); and would require reducing the project's height more than 20 percent below the zoning regulations maximum height limit (without a variance or conditional use permit) and/or reducing the buildable area by more than 20 percent. These scenarios apply to the project for the reasons outlined in the Regular Design Review Findings #2 of the approval letter (See Exhibit II).

3) *The project fails to comply with Design Review Findings 1 – 3.*

Staff's Response: See Staff's Regular Design Review Findings stated in the project approval letter (See Exhibit II).

4) *The project fails to comply with the Variance Findings 1, 3, & 6.*

Staff's Response: See Staff's responses to Appellant #1 above and the Minor Variance Findings stated in the project approval letter (See Exhibit II).

CONCLUSION

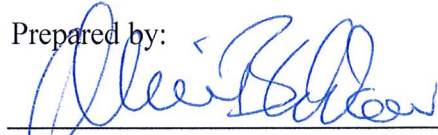
The appeal fails to substantiate instances of purported error or abuse of discretion by the Zoning Administrator. Staff finds that the proposed new single family dwelling will improve a currently vacant hillside site and contribute to the City's goal of increasing the housing stock in Oakland. The proposed development will provide a convenient and functional living space for future residents. The new investment is expected to contribute to high-quality buildings in the area.

RECOMMENDATIONS:

Staff recommends that the Planning Commission:

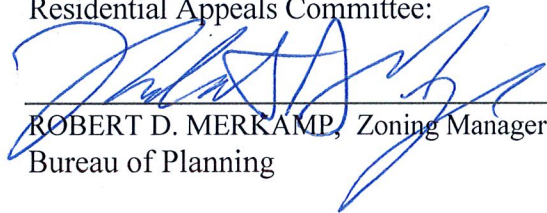
1. Deny the Appeal; and
2. Uphold the Zoning Administrator's approval of the Design Review and Minor Variance for a new single family dwelling subject to the attached Zoning Administrators' Decision Letter with Findings dated January 31, 2019 (Exhibit II).

Prepared by:



MAURICE BRENYAH-ADDOW
Planner IV

Approved for forwarding to the
Residential Appeals Committee:


ROBERT D. MERKAMP, Zoning Manager
Bureau of Planning

Attachments:

- A. Approved Plans submitted October 29, 2018
- B. January 31, 2019 Approval Letter
- C. Two Appeal Documents filed on February 8, 2019 and February 11, 2019 respectively
- D. Original Plans submitted April 5, 2018
- E. Public Notice and List of recipients

**PROPOSED NEW
SINGLE FAMILY
DWELLING**

**OWNER
MR. & MRS. CHUGH**

13639 CAMPUS DR.
OAKLAND, CA-94605

RECEIVED

OCT 29 2018

**CITY OF OAKLAND
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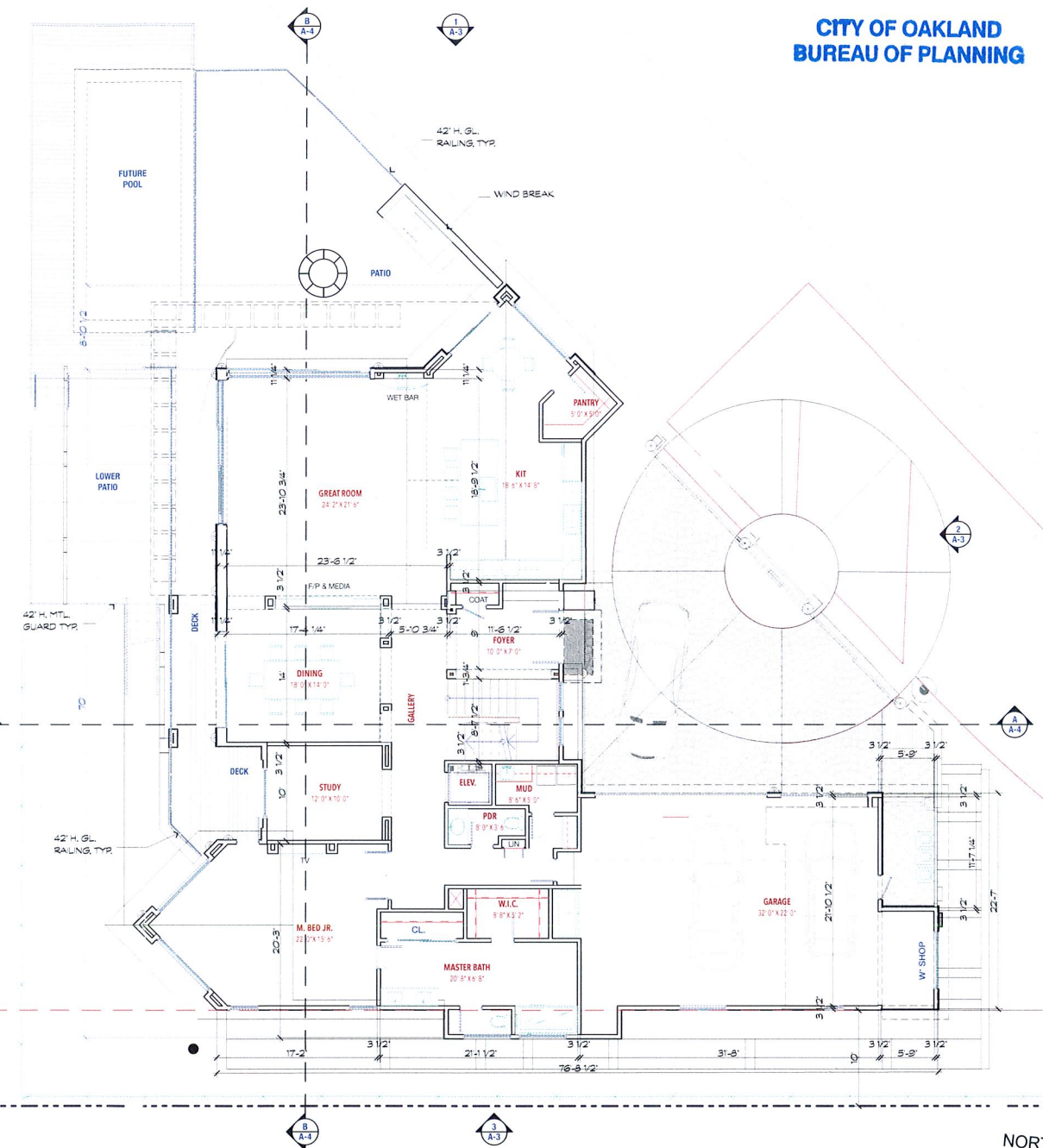
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1 BASEMENT PLAN
SCALE: 1/8" = 1'-0"
0 4' 8' 16'

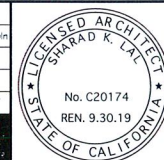


2 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"
0 4' 8' 16'



MARK	DATE	DESCRIPTION

PROJECT NO: 17005
MODEL FILE: CHUGH 12.plt
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SHEET TITLE
**BASEMENT & FIRST FLOOR
PLANS**

Attachment A

A-1
SHEET 4 OF 3

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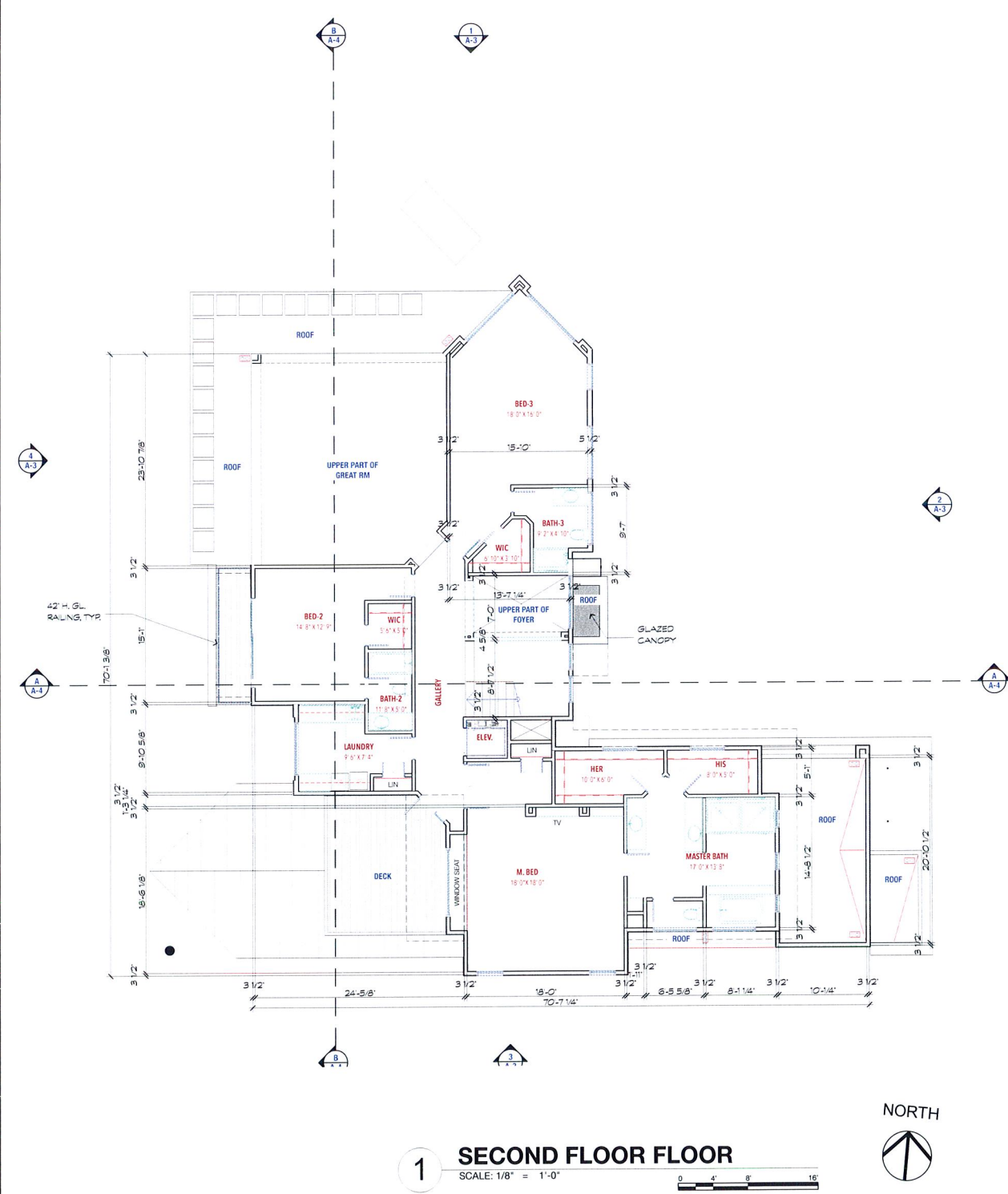
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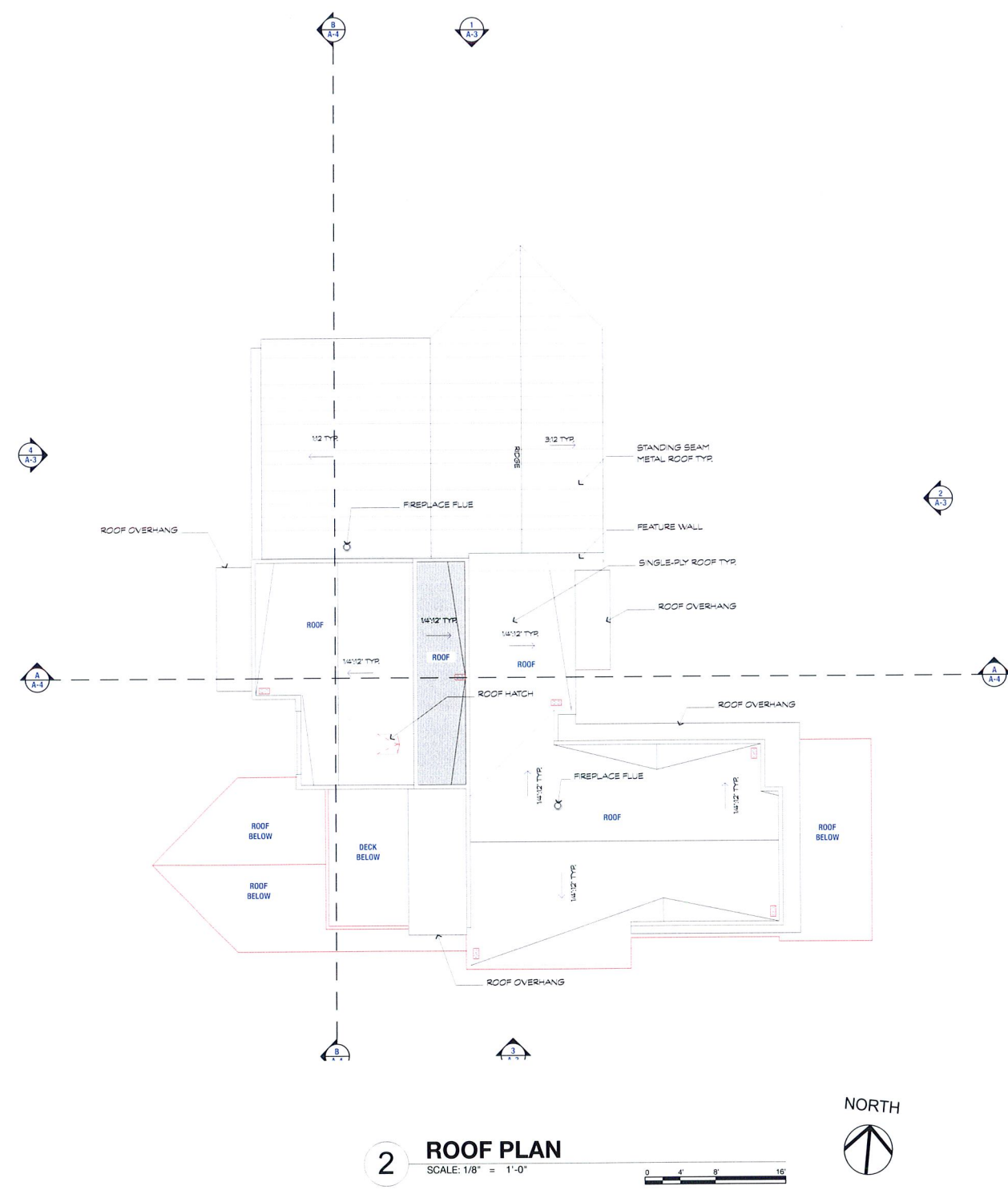
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1 SECOND FLOOR FLOOR
SCALE: 1/8" = 1'-0"



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

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LICENSED ARCHITECT
SARAD K. LAL
No. C20174
REN. 9.30.19

SHEET TITLE
**SECOND FLOOR AND
ROOF PLAN**

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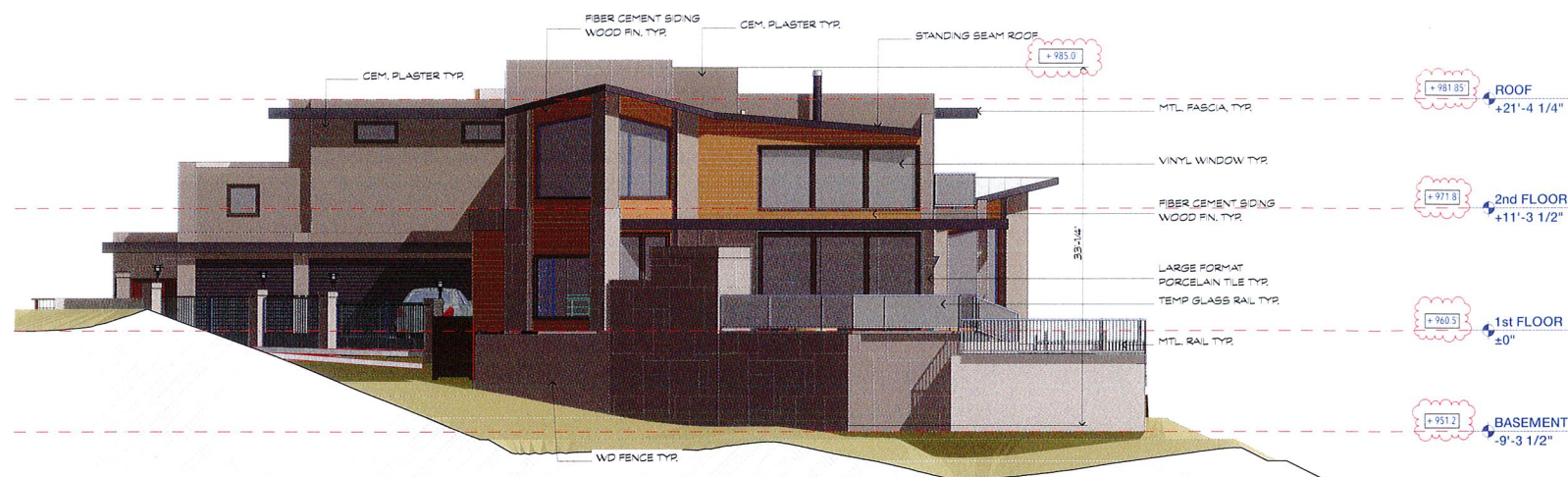
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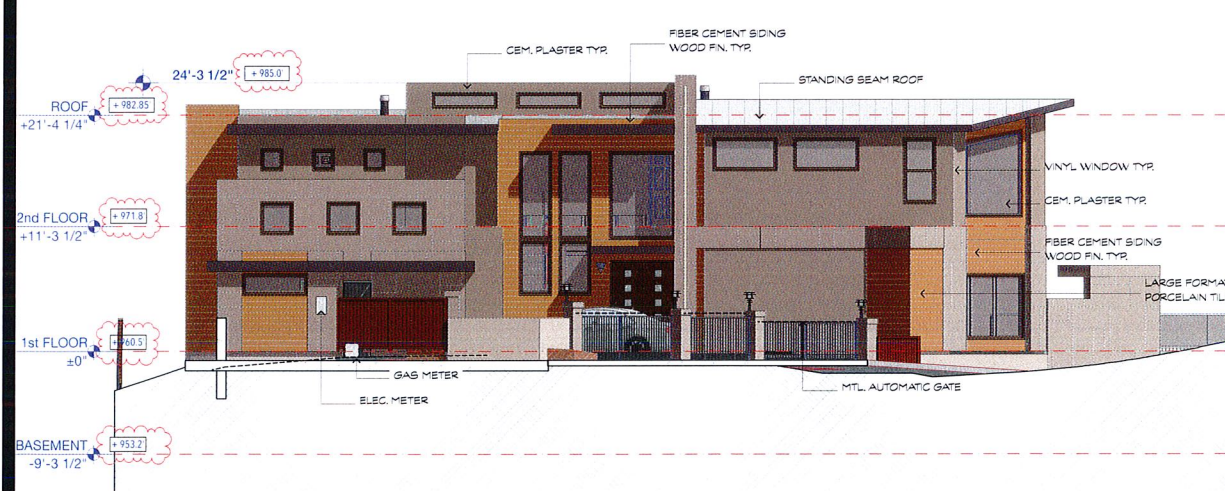


1 NORTH ELEVATION

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

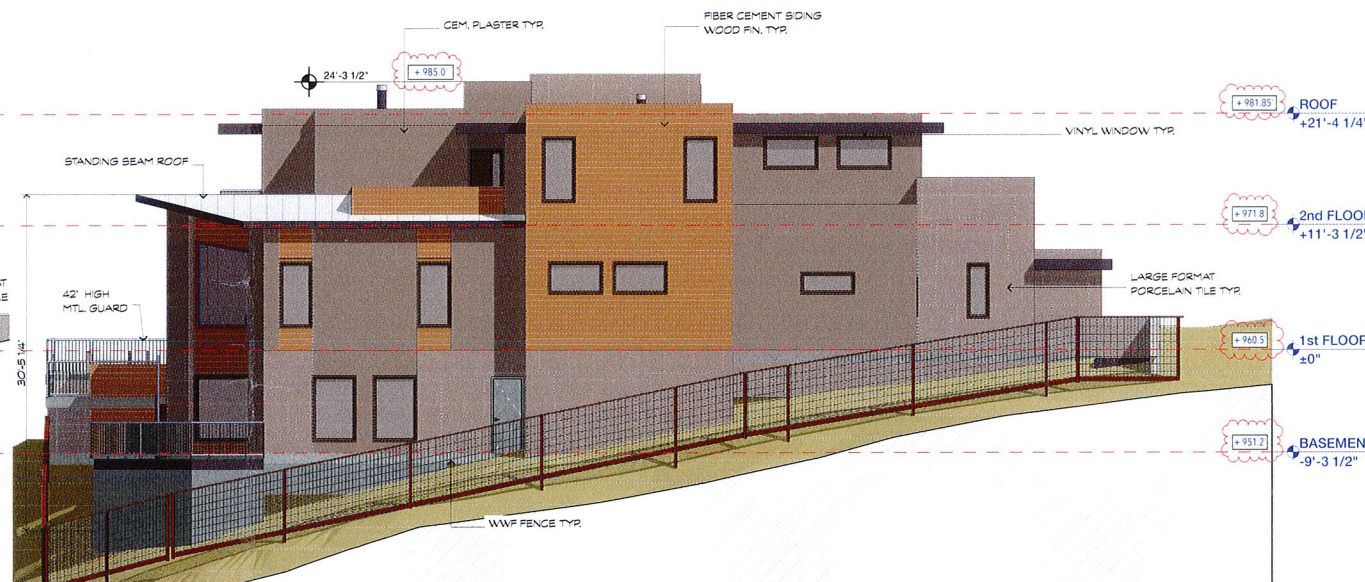


COLOR PALETTE



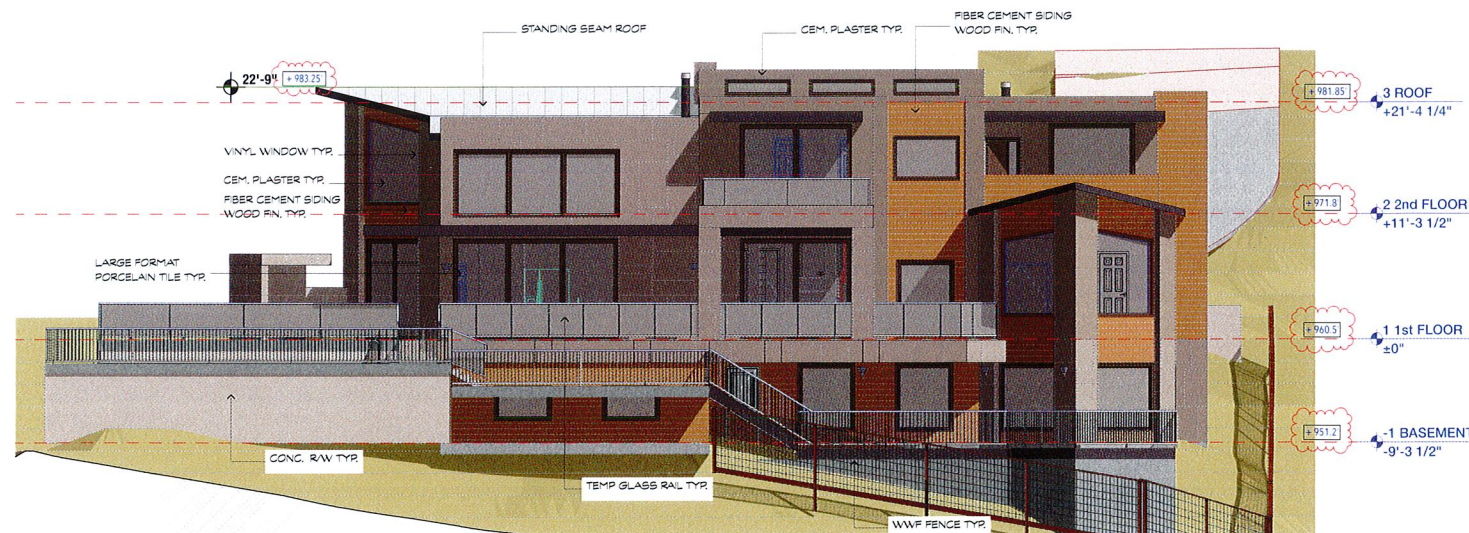
2 EAST ELEVATION

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



3 SOUTH ELEVATION

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



4 WEST ELEVATION

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

EXTERIOR COLOR SCHEDULE

MATERIAL	COLOR
LARGE FORMAT PORCELAIN TILE "COTTO D'ESTE" KERLITE	NORDIC FIAMMATA
STANDING BEAM ROOFING "RHINEZIK"	PATINA BLUE GREY
WD FENCE	DARK STAIN
CEM. PLASTER "SHERWIN WILLIAMS"	INTELLECTUAL GREY - SW 7045
FIBER CEMENT SIDING "NICHHA"	VINTAGE WOOD - CEDAR
FIBER CEMENT SOFFIT	VINTAGE WOOD - CEDAR
GARAGE DOORS	TO MATCH SIDING
MAIN ENTRY DOOR "NATURAL TEAK"	TEAK FINE MEDIUM STAIN
SIDE DOOR "SHERWIN WILLIAMS"	SNOWBOUND - SW 7004
VINYL WINDOW / PATIO DOORS "REHAU"	WHITE
GLAZING	CLEAR LOW-E
LOUVERS & VENTS	TO MATCH EXT. FINISH
FLASHING	TO MATCH ADJ.

NOTE: COLORS PRINTED ON DRAWINGS VARY WITH DIFFERENT EXPOSURE AND SHADE CONDITIONS AS WELL AS THE PRINTER USED FOR OUTPUT.

REFER TO MANUFACTURER COLOR CHIPS FOR MORE ACCURATE COLOR REPRESENTATION.

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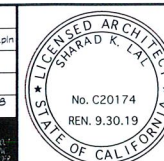
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SHEET TITLE

ELEVATIONS

A-3

SHEET 7

OF 3

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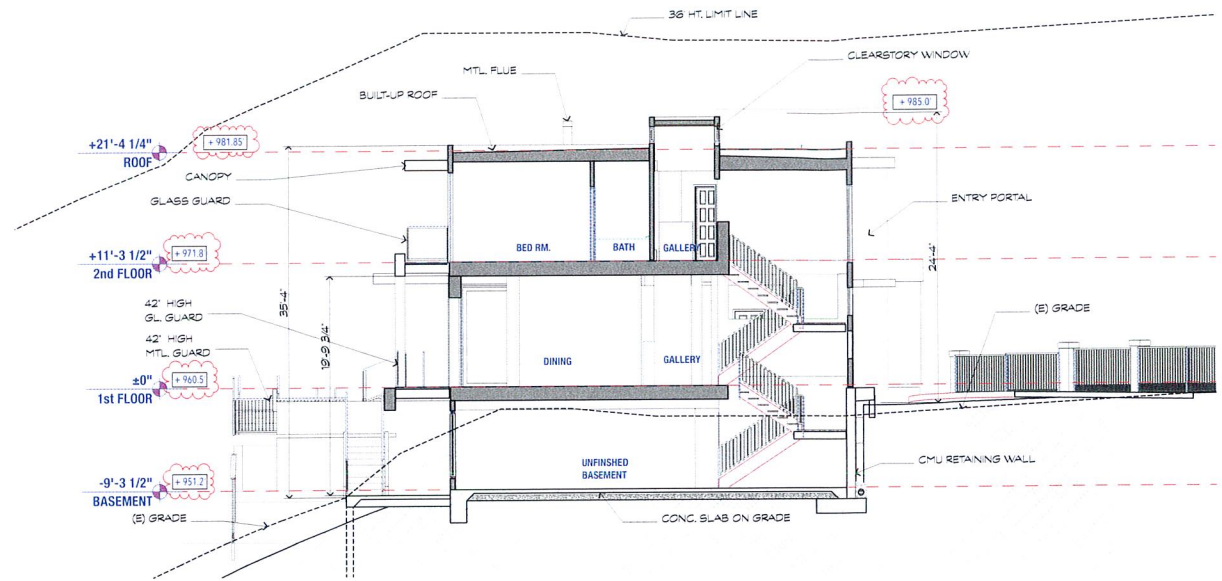
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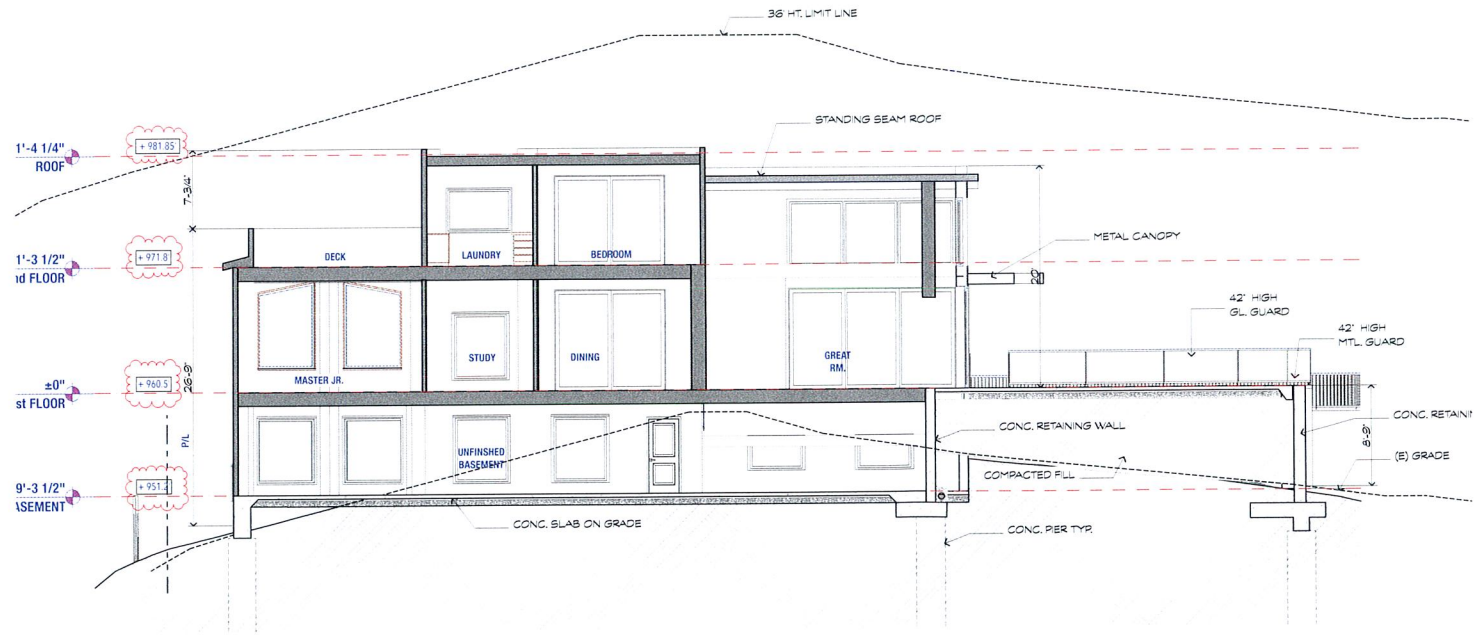
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1 SECTION A-A
SCALE: 1/8" = 1'-0"
0 4 8 16



2 SECTION B-B
SCALE: 1/8" = 1'-0"
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MARK	DATE	DESCRIPTION

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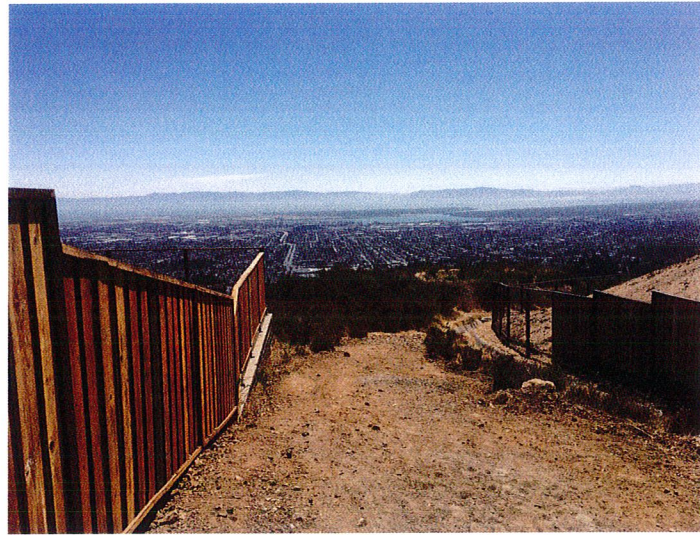
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SHEET TITLE

SECTIONS

A-4

SHEET 11 OF 3



VIEW LOOKING WEST FROM STREET APPROACH



VIEW LOOKING EAST FROM PROJECT SITE



VIEW LOOKING SOUTH EAST FROM PROJECT SITE



PRELIM VIEW FROM EAST



PRELIM VIEW FROM WEST

PROPOSED NEW SINGLE FAMILY DWELLING

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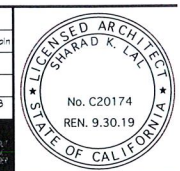
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SHEET TITLE
EXISTING CONDITIONS & PRELIM VIEWS

A-5
SHEET 12 OF 3

**PROPOSED NEW
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**OWNER
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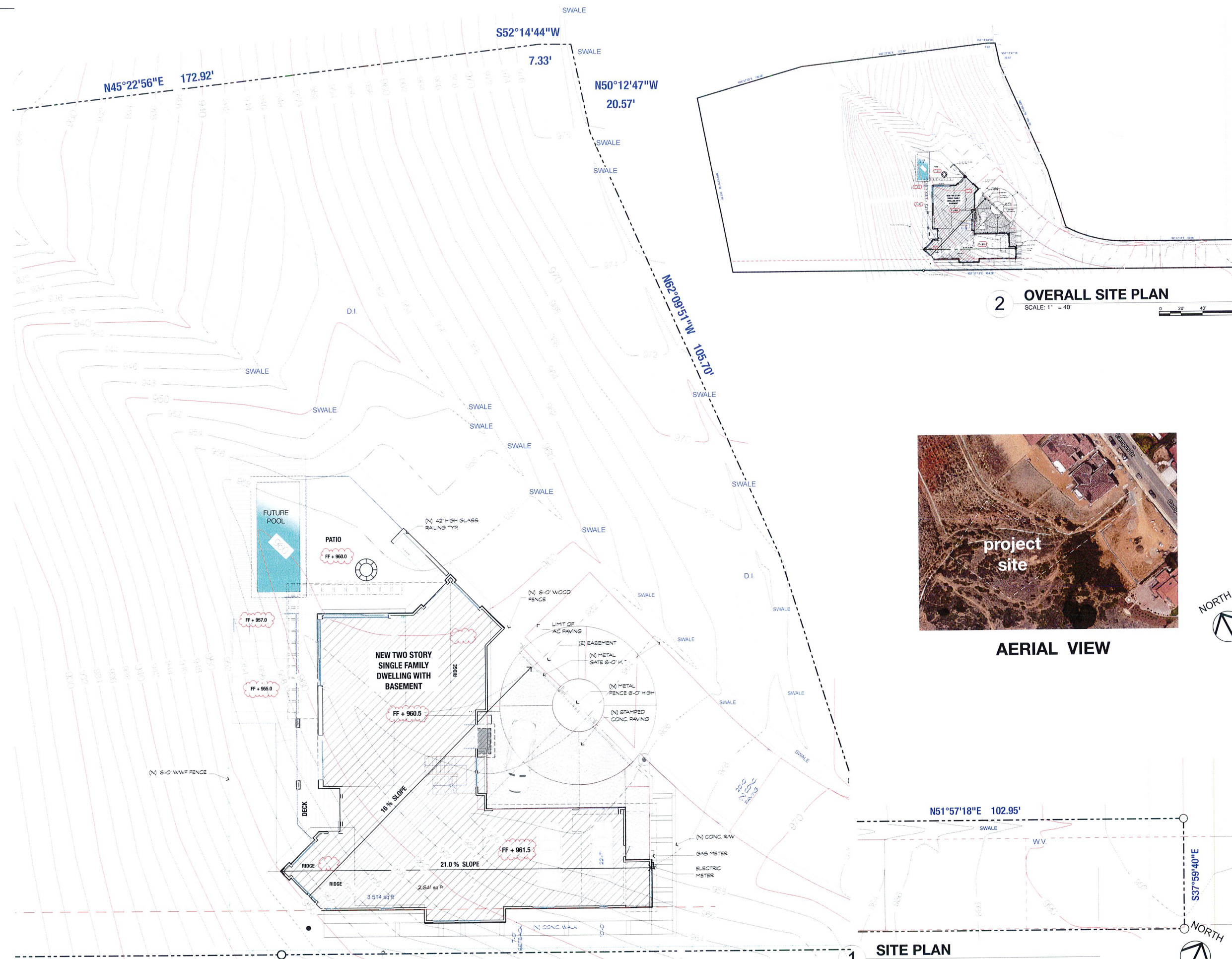
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PROJECT SUMMARY

APN 037A-3167-019
ZONING PUD / RH
LOT AREA 61,524 S.F.

ZONING REGULATIONS	REQUIRED	PROVIDED
SLOPE OF LOT (E)	27 %	
COVERED AREA	- S.F.	3,514 S.F.
F.A.R.	0.20	0.07
MAX. COVERAGE	15%	6 %
GARAGE AREA		795 S.F.
BASEMENT AREA (UNFINISHED)		3,056 S.F.
HOUSE FIRST FLOOR AREA		2,654 S.F.
SECOND FLOOR AREA		1,970 S.F.
TOTAL AREA	N/A	4,624 S.F.

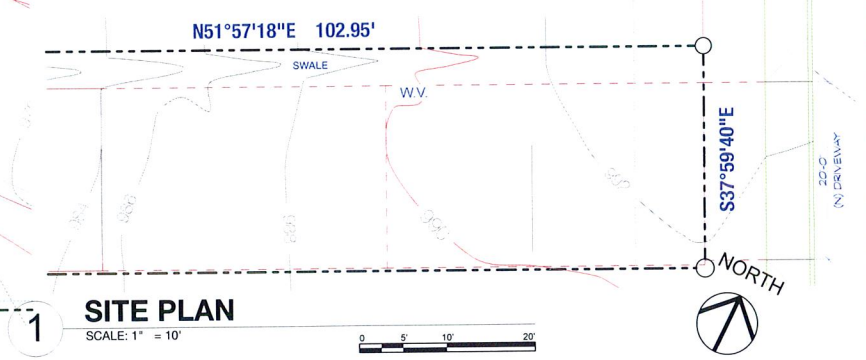
FRONT SETBACK	25	150
REAR	35	120
SIDE	6	10
MAX. WALL HEIGHT (FT.)	32	32
MAX. ROOF HEIGHT (FT.)	34	27
MAX. NO. OF STORIES	2.0	2.0
PARKING	3	3



2 OVERALL SITE PLAN
SCALE: 1" = 40'



AERIAL VIEW



1 SITE PLAN
SCALE: 1" = 10'

MARK	DATE	DESCRIPTION

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SHEET TITLE
SITE PLAN
AS-1
SHEET 2 OF 3

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PROPOSED NEW SINGLE FAMILY DWELLING

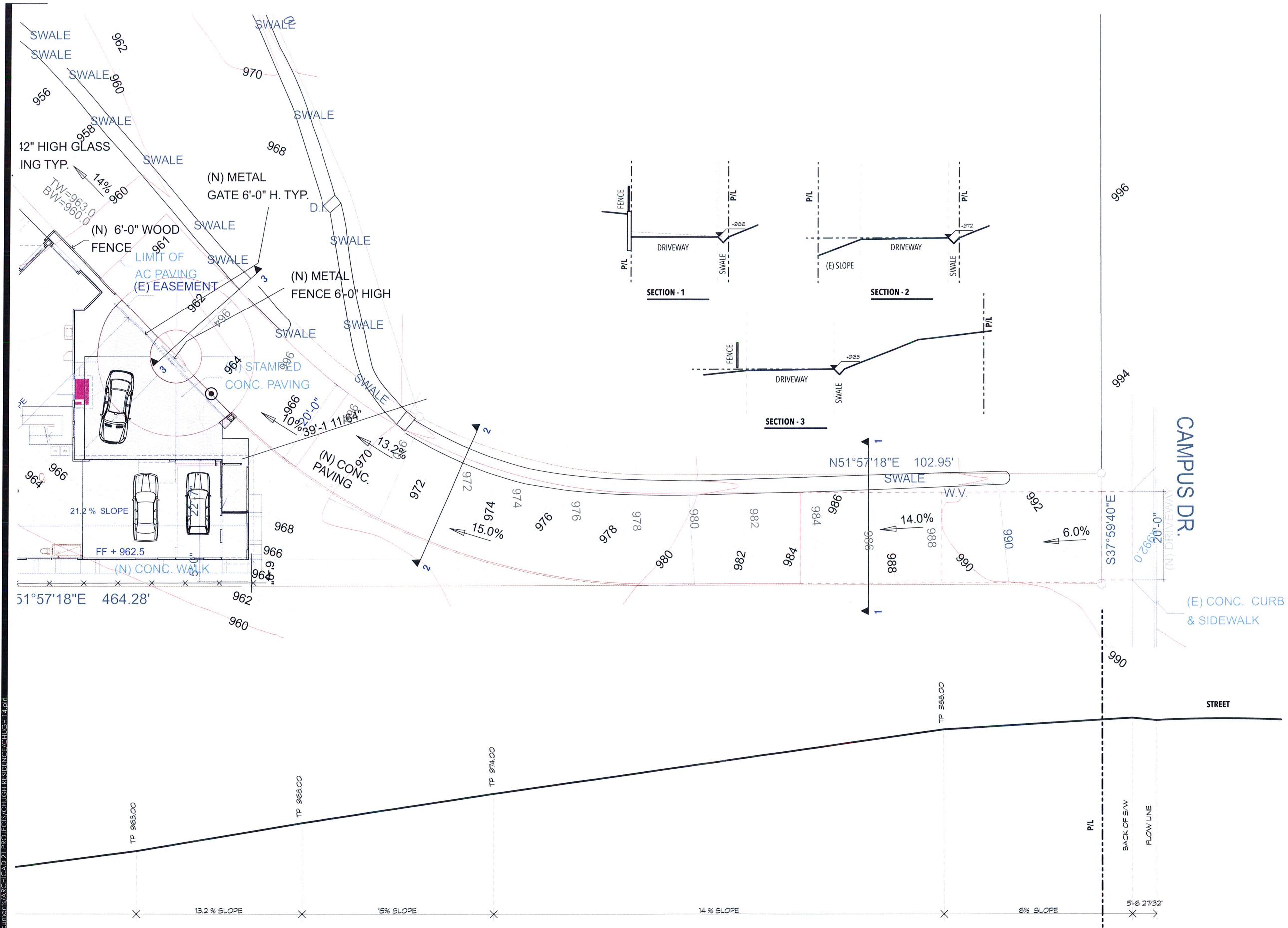
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DATE: 10-28-2018



DRIVEWAY PROFILE

AS-2
SHEET 3 OF 3

1 DRIVEWAY PROFILE
SCALE: 1" = 10'



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

January 31, 2019

Christine Soufastai & Samir Chugh
713 Boar Circle
Fremont, CA 94539

RE: Case File No. PLN18163; 0 Campus Drive; (APN:037A-3167-019-00)

Dear Ms. Soufastai & Mr. Chugh

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 on a vacant down-sloping lot.
Planning Permits Required:	Regular Design Review for new construction; and Minor Variance for a 6-foot side yard setback where 10% of lot width is required.
General Plan:	Hillside Residential
Zoning:	RH-3
Environmental Determination:	CEQA Section 15303, new construction of small structures; and Section 15183, projects consistent with a community plan, general plan, or zoning
Historic Status:	Non-Historic Property
City Council District:	6

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the date of this letter, by **4:00 pm on February 11, 2019**. An appeal shall be on a form provided by the Bureau of Planning of the Planning and Building Department, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Maurice Brenyah-Addow, Planner IV**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or wherein his/her decision is not supported by substantial evidence and must include payment of **\$1,622.57** in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. 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.

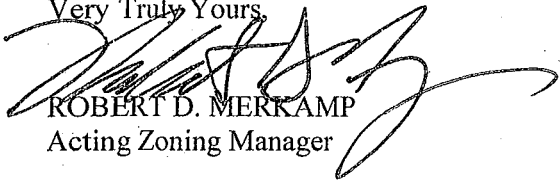
A signed Notice of Exemption (NOE) is enclosed certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$50.00 made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the

Attachment B

Bureau of Planning, to the attention of **Maurice Brenyah-Addow, Planner IV** Pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines, recordation of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA.

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. MERRKAMP
Acting Zoning Manager

cc: Maxwell Beaumont, 4050 Harlan Street, Emeryville, CA 94608
David Stein, Donahue Fitzgerald LLP, 1999 Harrison Street 25th Floor, Oakland, CA 94612
Heather Sanders-Jacob AIA, LEED AP, 409 13th Street, Suite 2000, Oakland, CA 94612
Sharad Lal AIA, SKL Associates, Inc., P.O. Box 31561, Walnut Creek, CA-94598
Marianne Jackson, 13619 Campus Drive, Oakland, CA 94605
Peter and Sima Patel, 13651 Campus Drive Campus Drive, Oakland, CA 94605
Dan and Hannah Siroker, 13631 Campus Drive, Campus Drive, Oakland, CA 94605
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Heather Sanders-Jacob: heather@shelterwerk.com

Attachments:

- A. Findings
- B. Conditions of Approval, including Standard Conditions of Approvals

ATTACHMENT A: FINDINGS

This proposal meets all the required findings under the Regular Design Review criteria found in Section 17.136.050A and Minor Variance criteria found in Section 17.148.050 of the Oakland Planning Code (OMC Title 17) as set forth below and which are required to approve your application. Required findings are shown in normal type; reasons your proposal satisfies them are shown in **bold type**.

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

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures. **The proposed project is designed to harmonize with the adjacent properties and surroundings in its hillside setting, scale, bulk, height, exterior materials and treatments. The building is composed of moderately scaled geometric volumes that step down with the slopes of the down-sloping hillside. The project incorporates decks and other outdoor spaces and facilities including a swimming pool that enhance the project. In response to view impact concerns expressed by some neighbors, the applicant has relocated the building on the lot by approximately 7 feet further down the existing slope and lowered the overall building height by approximately four (4) feet below the original proposed height (from elevation 989 to elevation 985). The resulting design complies with the applicable design review view protection criteria prescribed by the "Interim Design Review Manual for One- and Two-Unit Residences", relates well to the surrounding area in their setting, scale, bulk, height, materials and textures, and consistent with single family designs typical of Oakland hills developments.**

2. That the proposed design will protect, preserve or enhance desirable neighborhood characteristics. **The project maintains the residential character of the hillside residential neighborhood and does not propose any prohibited activity at the site. The project is subject to the "Interim Design Review Manual for One- and Two-Unit Residences" which establishes criteria for assessing "View Impacts on Neighboring Properties" and outlines methods of addressing potential impacts. The view protection criteria states under "View Protection Limitations-Reasonable Efforts" section that, view protection techniques as describes in Guidelines 1.4 are typically not required if any of four specific scenarios apply. Three such scenarios of the four that apply to this project are as follows:**
 - B. **View protection techniques would result in lesser or lower quality views for the project than neighboring properties;**

Finding: Due to the irregular and steep terrain at the subject site, view protection techniques such as limiting the building to a single-story structure would lower the vantage point of sightlines and therefore the quality of views for the project than neighboring properties.

 - C. **View protection techniques would result in a house significantly smaller in floor area or height than neighboring residences or similar lots, or a house less than two stories in height (except for small portions that may need to be limited to one story to preserve a view)**

Finding: Neighboring residences are approximately 30 feet in height. The proposal is two stories at the flatter portion of the site (approximately 25 feet at the critical points) which is equal to or

lower than the prevailing building heights in the hillside neighborhood. Limitation of entire building one story in order to protect views is inconsistent with this view protection criterion (C).

- D. View protection techniques would require reducing the project's height more than 20 percent below the zoning regulations maximum height limits (without a variance or conditional use permit) and/or reducing the buildable area as defined by the minimum front, side or rear setbacks more than 20 percent.

Finding: The height limit for the subject site is 34 feet. A 20% height reduction brings it down to approx. 27 feet. The proposed building is approximately 25 feet tall at the critical areas which is already below the 27-foot height reduction threshold for view protection. Any further reduction in height would not be in keeping with this criterion. The project does not involve any height variance.

In spite of the above, the applicant has responded to the view impact concerns expressed by neighbors and lowered the building floor plates and overall height by approximately four (4) feet to minimize view impacts on adjacent properties. The project will complement neighborhood characteristics such as detached single family homes in hillside settings with useable outdoor spaces, off-street parking, and landscaping. The proposed improvements to the existing vacant site will provide a high quality and functional living space for the residents and improve property values in the area. It will contribute to the City's goal of increasing the housing stock in Oakland.

3. That the proposed design will be sensitive to the topography and landscape. **The project will involve some grading to sink the building down into the hillside to minimize visual impacts and keep the living spaces as close to grade as possible. The building volumes have been designed to step down and align with the site contours to minimize grading.**
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 that gradually step with the slopes of the hillside.**
5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City council. **The project is a single-family residence proposed on a vacant down-sloping site within the Hillside Residential General Plan classification. The project therefore conforms in all significant respects to the General Plan which encourages development of single family developments in hillside settings.**

SECTION 17.148.050

MINOR VARIANCE FINDINGS:

- 1) That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the Zoning Regulations, due to unique physical or topographical circumstances or conditions of design; or, as an alternative in the case of a Minor Variance, that such strict compliance would preclude an effective design solution improving the livability, operational efficiency, or appearance.

The proposed Minor Variance is to allow a 6-foot side yard setback for the proposed new development (where 10% of the lot width is required). The subject site is an irregularly-shaped steep lot with a fire access easement running diagonally through it. The easement limits the flatter portion of the site that is more suitable as a building pad in such a way that providing the required 10% lot width setback leaves little or no buildable area for development. Granting the variance allows an effective design solution that effectively addresses the site constraints.

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

The variance procedure in the Planning Code allows for exceptions to be made where appropriate. Where it has been determined that any particular design solution would be beneficial to the community, variances have been considered as avenues of achieving such greater goals of the community. Strictly requiring the 10% side-yard setback could result in a narrow a but taller structure that would pose greater view impacts on neighboring structures. Staff believes that strict compliance with the 10% setback would preclude a superior design solution fulfilling the basic intent of the applicable regulation.

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

The variance is not expected to adversely affect the character, livability, or appropriate development of abutting properties in any significant way. The irregular and steep nature of the terrain combines with the existing diagonal fire access easement to constrain the site for development.

- 4) That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the Zoning Regulations. **The variance will not constitute a grant of special privilege. After compliance with the conditions of approval, the site will be required to be improved in accordance with the purposes of the Zoning Regulations. Lots with similar constraints have been granted similar setback variances.**

- 5) That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc) conform to the Regular Design Review criteria set forth in the design review procedure at Section 17.136.050. **See design review criteria findings above.**

- 6) For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:

- a. The proposal, when viewed in its entirety will not adversely impact abutting residences to the side, rear or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing articulation or other design treatments that mitigate any bulk created but the additional height;

Granting the setback variance allows a design that is not forced to be narrow and taller to the full height limit of 34 feet. Instead, it allows the floor area to be distributed horizontally so that the height at the flatter section is not more than two stories. The proposed setback variance will not adversely impact abutting residences to the side, rear or directly across the street with respect to solar access, view blockage and privacy to a greater degree than that which would be possible if the residence were built according to the applicable side-yard setback regulation.

- b. Or, over 60 percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by that additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street; however the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance. N/A.

ATTACHMENT B: CONDITIONS OF APPROVAL

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

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved revised plans **dated October 29, 2018 and submitted October 29, 2018 and the renderings submitted on January 17, 2019**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

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

4. Minor and Major Changes

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

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of

Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant's expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

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

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

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

11. Public Improvements

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

12. 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

13. 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

14. 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

15. 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

16. **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

17. **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

18. 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

19. 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

20. 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

21. **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

22. 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

23. 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

24. Seismic Hazards Zone (Landslide/Liquefaction)

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

25. 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

26. Wildfire Prevention Assessment District – 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 dead vegetation overhanging roof and chimney areas;
- ii. Removal of leaves and needles from roofs;
- iii. Planting and placement of fire-resistant plants around the house and phasing out flammable vegetation;
- iv. Trimming back vegetation around windows;
- v. Removal of flammable vegetation on hillside slopes greater than 20%;
- vi. Pruning the lower branches of tall trees;
- vii. Clearing out ground-level brush and debris; and
- viii. Stacking woodpiles away from structures.

When Required: Prior to approval of construction-related permit

Initial Approval: Oakland Fire Department

Monitoring/Inspection: Oakland Fire Department

b. *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.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

27. Erosion and Sedimentation Control Measures for Construction

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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. 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

34. 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

35. 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

36. 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

37. 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

38. 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

39. 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

40. 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

41. 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

42. 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

43. 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

44. **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 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 documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance (see website below starting on page 23):

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

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. 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, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

45. Verifiable Building Height

Requirement: The project applicant shall submit for review and approval by the Bureau of Planning, a survey prepared and stamped by a licensed land surveyor, certifying in writing, the location and finished floor heights of the proposed dwelling through grade elevation points on the site survey. The building permit set shall include this survey and the plans shall indicate the height of the relative floor elevations. During construction and prior to foundation and framing inspections, the surveyor shall certify in writing for verification by City Staff, that the structure is in compliance with the approved height.

When Required: Prior to issuance of building permit, foundation and framing inspections.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Planning and Building Department

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

City of Oakland
Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

NOTICE OF EXEMPTION

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

Project Title: Case No. PLN18163
Project Applicant: Christine Soufastai & Samir Chugh
Project Location: 0 Campus Drive; (APN:037A-3167-019-00)
Project Description: To construct a new single family dwelling on a vacant down-sloping lot.

Exempt Status:

Statutory Exemptions

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

Categorical Exemptions

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

Other

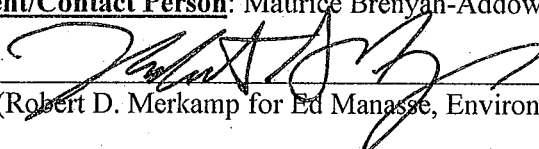
- Projects consistent with a community plan, general plan or zoning {Sec. 15183(f)}
- _____ (Sec. _____)

Reasons why project is exempt: New construction of single family a home consistent with the hillside residential general plan and zoning are categorically exempt as well as exempt as under CEQA "Special Situations".

Lead Agency: City of Oakland, Planning and Building Department, Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612

Department/Contact Person: Maurice Brenyah-Addow

Phone: 510-238-6342


Signature (Robert D. Merkamp for Ed Manasse, Environmental Review Officer)

1/31/19
Date:

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

*ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

LEAD AGENCY NAME AND ADDRESS

City of Oakland - Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
Contact: Maurice Brenyah-Addow

FOR COUNTY CLERK USE ONLY

FILE NO: _____

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

(PLEASE MARK ONLY ONE CLASSIFICATION)

1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

A - STATUTORILY OR CATEGORICALLY EXEMPT

\$ 50.00 - COUNTY CLERK HANDLING FEE

2. NOTICE OF DETERMINATION (NOD)

A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$ 2,280.75 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

B - ENVIRONMENTAL IMPACT REPORT (EIR)

\$ 3,168.25 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

****A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.**

BY MAIL FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

IN PERSON FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPE.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.

FEES ARE EFFECTIVE JANUARY 1, 2018

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK



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

PROJECT INFORMATION

Case No. of Appealed Project: PL18163

Project Address of Appealed Project: 0 Campus Drive

Assigned Case Planner/City Staff: Maurice Brenyah-Addow

RECEIVED

FEB 08 2019

APPELLANT INFORMATION:

Printed Name: Dan Siroker

Phone Number: (650) 804-6344

CITY OF OAKLAND
 BUREAU OF PLANNING

Mailing Address: 13631 Campus Dr.

Alternate Contact Number: _____

City/Zip Code Oakland, CA 94605

Representing: _____

Email: dan@siroker.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)

Attachment C

(Continued)

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

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

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

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

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

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

The decision to allow a 6-foot side yard setback where a ~20.5' (10% of lot width) setback is required has a major impact to our home. We purchased our home on September 20, 2016 after doing extensive research on what was legally permissible for the vacant lot in front of us (the lot that is the subject of this appeal). We reviewed the county parcel maps and the drawings that were used to sell the lot to the current owners. Given the EBMUD easement that runs through the lot it was very clear that a home would need to be built down the hill and not where it is currently proposed. This assumed the legally required 20.5' (10% of lot width) setback was part of the design. By reducing the required setback from 20.5' to a mere 6' the home can now be built much closer to our home, which substantially blocks our view, and materially reduces the value of our home. This is a reduction of 70% which is in no way a "minor" variance. We would not have purchased our home if we knew the City of Oakland would violate its own code to benefit one home owner at the expense of another.

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

See two attachments, including highlight several UNTRUE statements in the Minor Variance findings.

(Continued on reverse)

(Continued)

Dan Secker

Signature of Appellant or Representative of
Appealing Organization

2/8/2019

Date

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

APPEAL FEE: \$ _____

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

Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:

Appeal Attachment #1:
Response to Minor Variance Findings
February 8, 2019

February 8, 2019

Written response by owners of 13631 Campus Dr to Minor Variance Findings in green.

SECTION 17.148.050

MINOR VARIANCE FINDINGS:

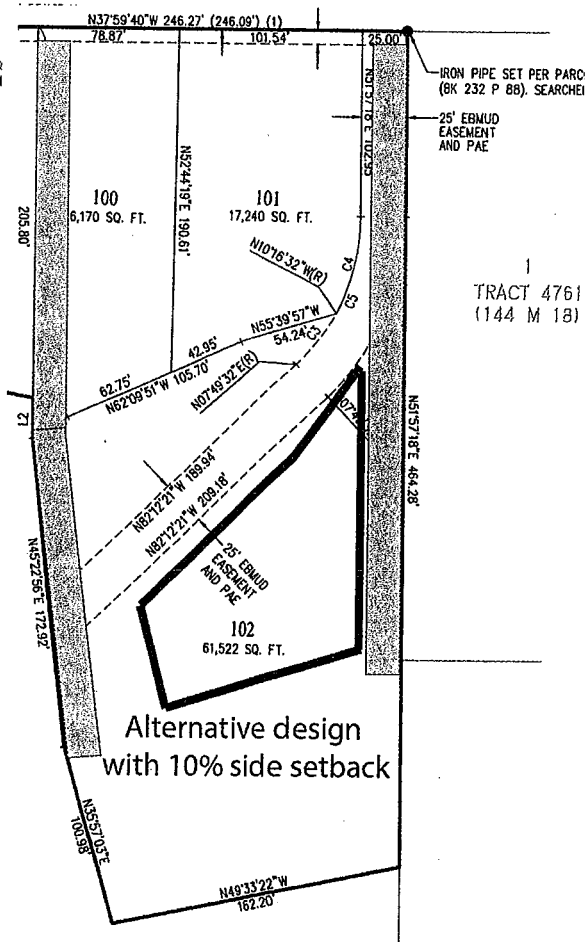
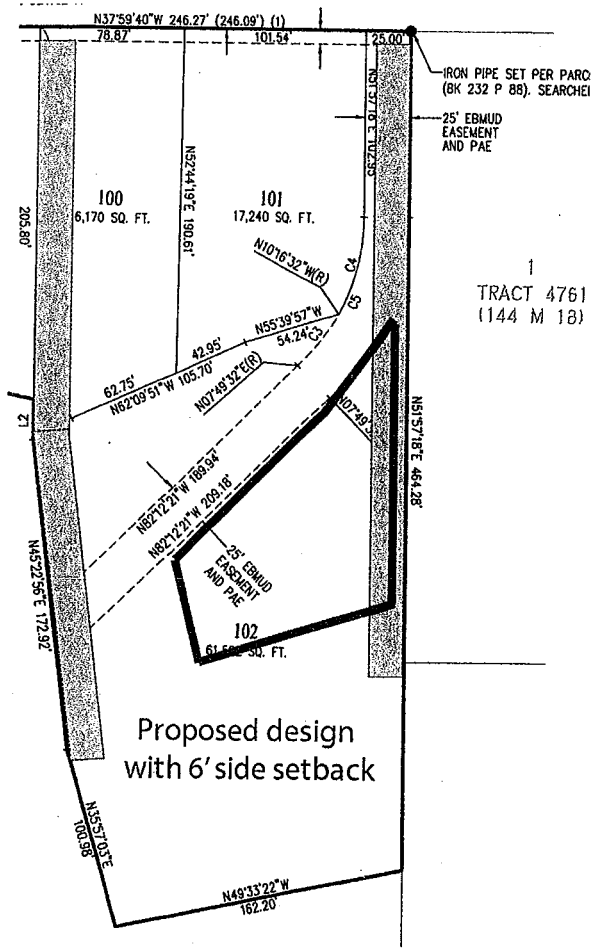
- 1) That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the Zoning Regulations, due to unique physical or topographical circumstances or conditions of design; or, as an alternative in the case of a Minor Variance, that such strict compliance would preclude an effective design solution improving the livability, operational efficiency, or appearance.

The proposed Minor Variance is to allow a 6-foot side yard setback for the proposed new development (where 10% of the lot width is required). The subject site is an irregularly-shaped steep lot with a fire access easement running diagonally through it. The easement limits the flatter portion of the site that is more suitable as a building pad in such a way that providing the required 10% lot width setback leaves little or no buildable area for development. Granting the variance allows an effective design solution that effectively addresses the site constraints.

These are all known facts at the time of purchase of the lot by the current owner and should have been considered by the buyer. It is unfair to all neighbors to benefit the owner of the lot at the expense of neighbors for conditions that were aware to everyone at the time of purchase.

The statement that there is "little or no buildable area for development" is NOT TRUE.

As proposed to the planning department on June 25, 2018 (see attachment #2), here is a design that accommodates the allowed setback by simply moving the home down the hill:



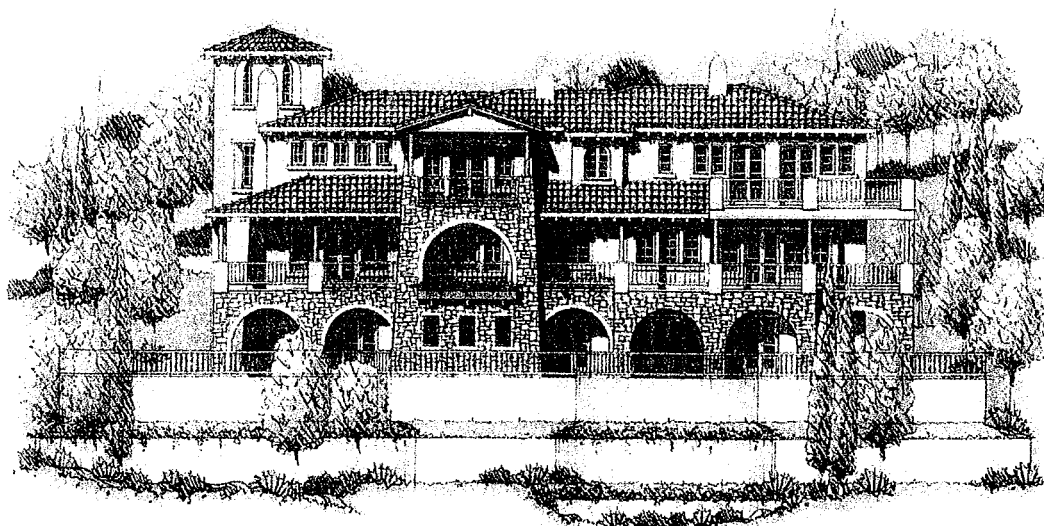
In addition to the map above, the following drawings were used to sell lot 102 to new buyers. This front elevation drawing shows a 1 story structure in the area closest to our homes and a 10% setback on each side as required by law:



FRONT ELEVATION
LOT 102
TUSCAN

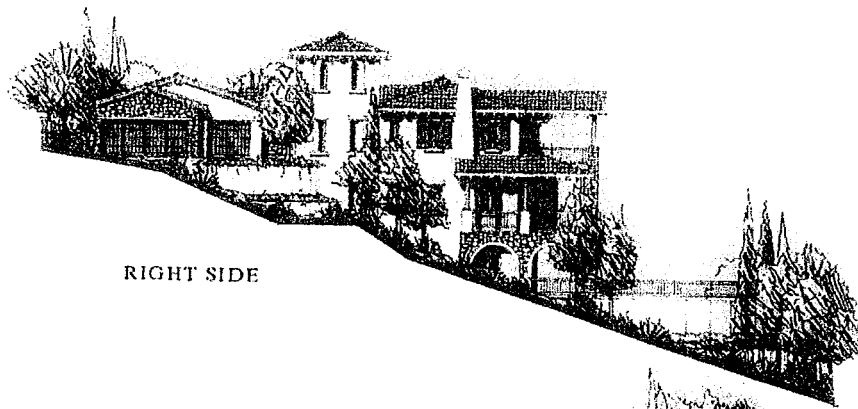


For completeness, here are the other drawings that were available at the time:

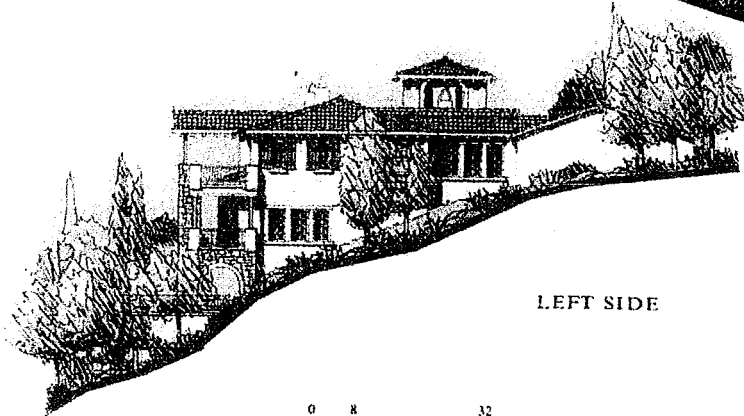


REAR ELEVATION

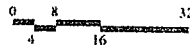




RIGHT SIDE



LEFT SIDE



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

The variance procedure in the Planning Code allows for exceptions to be made where appropriate. Where it has been determined that any particular design solution would be beneficial to the community, variances have been considered as avenues of achieving such greater goals of the community. Strictly requiring the 10% side-yard setback could result in a narrow a but taller structure that would pose greater view impacts on neighboring structures. Staff believes that strict compliance with the 10% setback would preclude a superior design solution fulfilling the basic intent of the applicable regulation.

This statement is NOT TRUE. These variances cause a WORSE not better view impact on neighboring structures. By adhering to these variances and building lower down on the hill, the view impacts would be REDUCED not increased.

required setback

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

The variance is not expected to adversely affect the character, livability, or appropriate development of abutting properties in any significant way. The irregular and steep nature of the terrain combines with the existing diagonal fire access easement to constrain the site for development.

This is absolutely NOT TRUE. The character and livability of 13631 Campus Dr would be dramatically reduced.

- 4) That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the Zoning Regulations. **The variance will not constitute a grant of special privilege. After compliance with the conditions of approval, the site will be required to be improved in accordance with the purposes of the Zoning Regulations. Lots with similar constraints have been granted similar setback variances.**

This variance WILL constitute a grant of special privilege and benefit one home owner (the proposed design) at the expense of another (13631 Campus Dr).

- 5) That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc) conform to the Regular Design Review criteria set forth in the design review procedure at Section 17.136.050. **See design review criteria findings above.**
- 6) For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:
- a. The proposal, when viewed in its entirety will not adversely impact abutting residences to the side, rear or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing articulation or other design treatments that mitigate any bulk created but the additional height;

Granting the setback variance allows a design that is not forced to be narrow and taller to the full height limit of 34 feet. Instead, it allows the floor area to be distributed horizontally so that the height at the flatter section is not more than two stories. The proposed setback variance will not adversely impact abutting residences to the side, rear or directly across the street with respect to solar access, view blockage and privacy to a greater degree than that which would be possible if the residence were built according to the applicable side-yard setback regulation.

The claim that the owner is forced to make the design "narrow and taller" is NOT TRUE. There are viable solutions that adhere to the variance and keep the structure short by simply moving it down the hill.

The claim that “the proposed setback variance will not adversely impact abutting residences” is NOT TRUE. Our views will be blocked and the value of our home will be greatly reduced.

- b. Or, over 60 percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by that additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street; however the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance. N/A.

Appeal Attachment #2:
Initial Comments to Planning Department
June 25, 2018

June 25, 2018

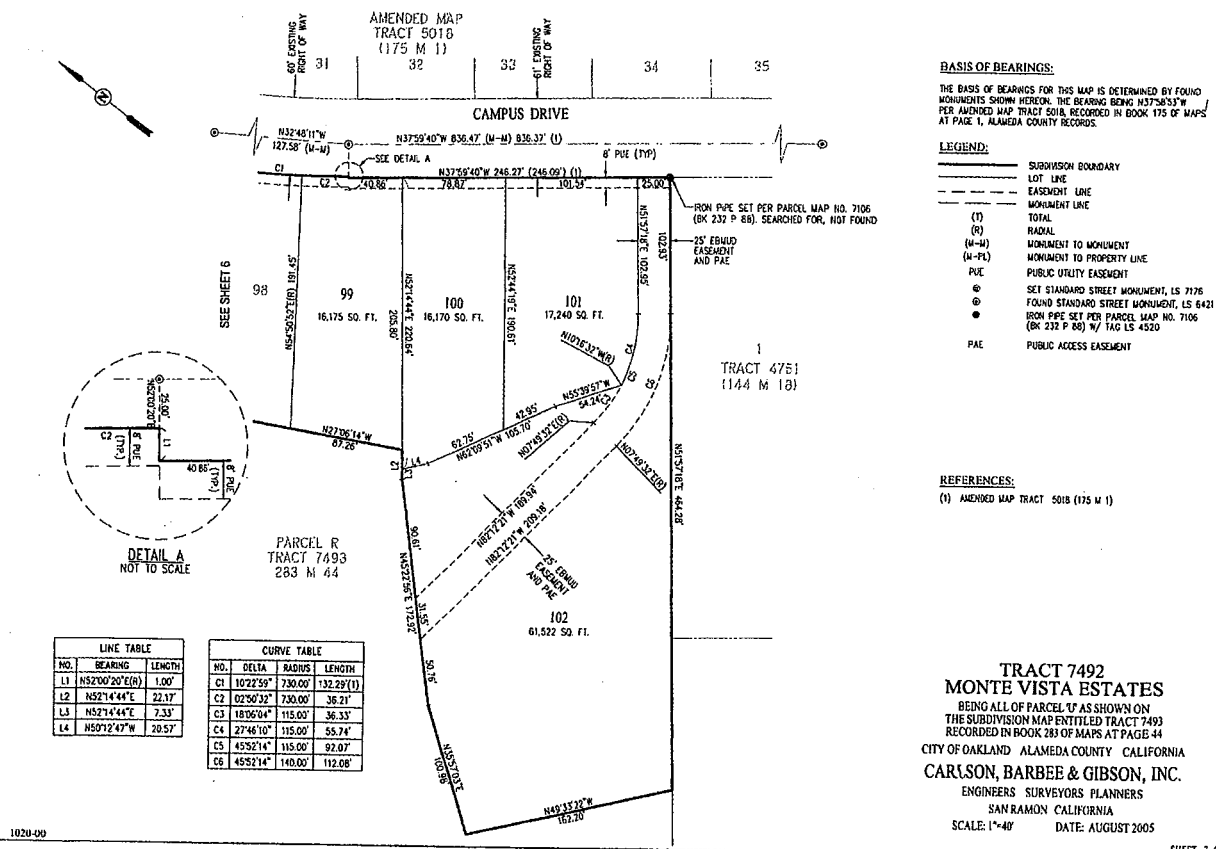
Dear Maurice Brenyah-Addow of the Oakland Bureau of Planning & Zoning Department,

Thank you for the opportunity to comment on the proposal to construct a new single-family dwelling on a vacant downslope parcel APN 037A316701900 with case file number PLN18163 at address 13639 Campus Dr.

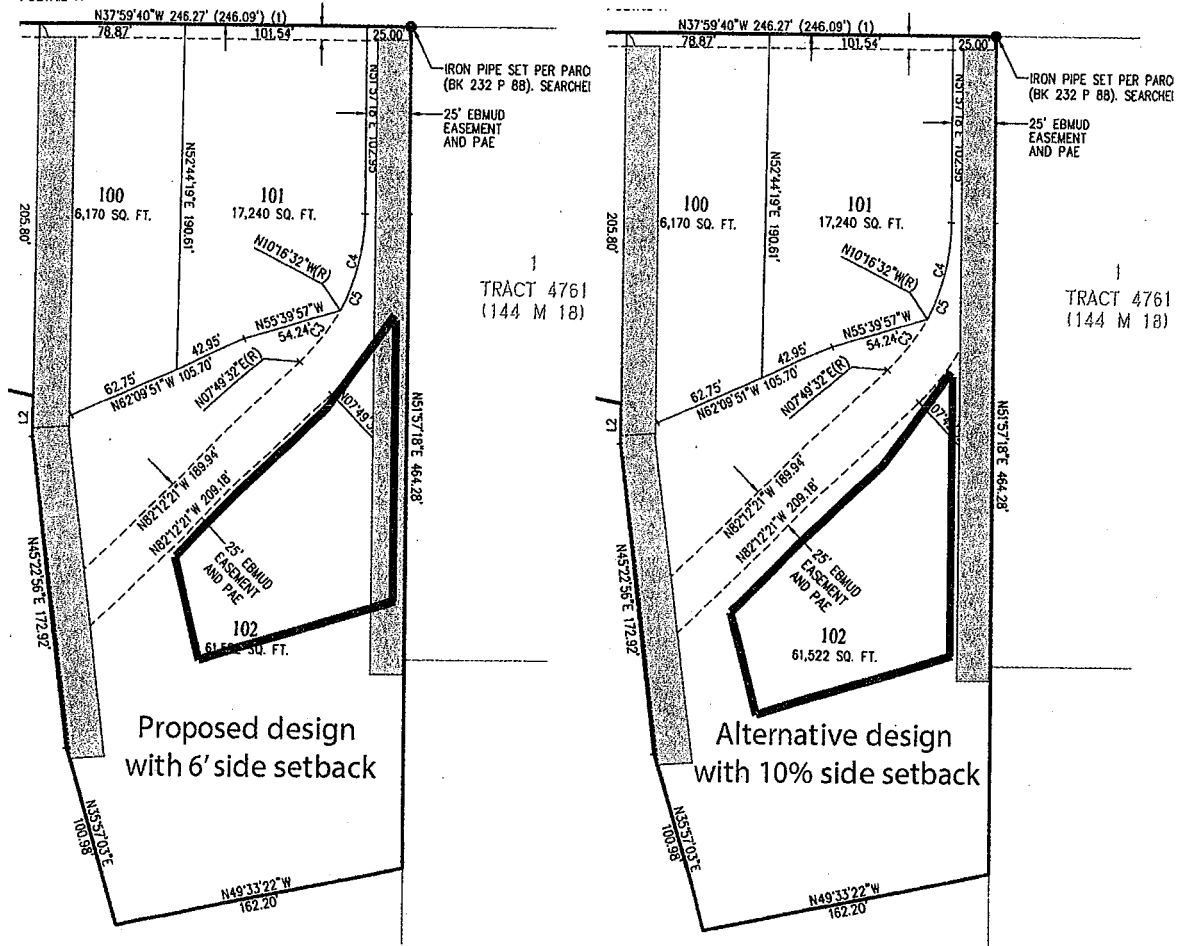
On behalf of my family and my neighbors, I kindly request the plan for this new home reconsider the impact it will have on the views that will be blocked for the adjacent homes located at 13625 Campus Dr, 13631 Campus Dr, and 13643 Campus Dr.

In particular, we would like to illustrate how the requested variance for a 6 foot side yard setback (where 10% of lot width is required, which is approximately 20.5') will cause a hardship to the aforementioned homes. Not only will it cause a hardship, but it is in conflict with the basis on which we bought our home (13631 Campus Dr) on Sep 20, 2016. When we purchased our home, we used the public records and drawings that were used to sell the lot to the new buyers for the proposed home at 13639 Campus Dr.

This map shows that the new home (lot 102) would need to be built far from our homes (lots 100 and 101) in order to allow for the EBMUD easement and to stay within side yard variances:



If the city approves the requested side yard variance the home would be built more to the right of the above map. This would create more room for the home to be built closer to our lots (100 and 101) given the EBMUD easement constraint:



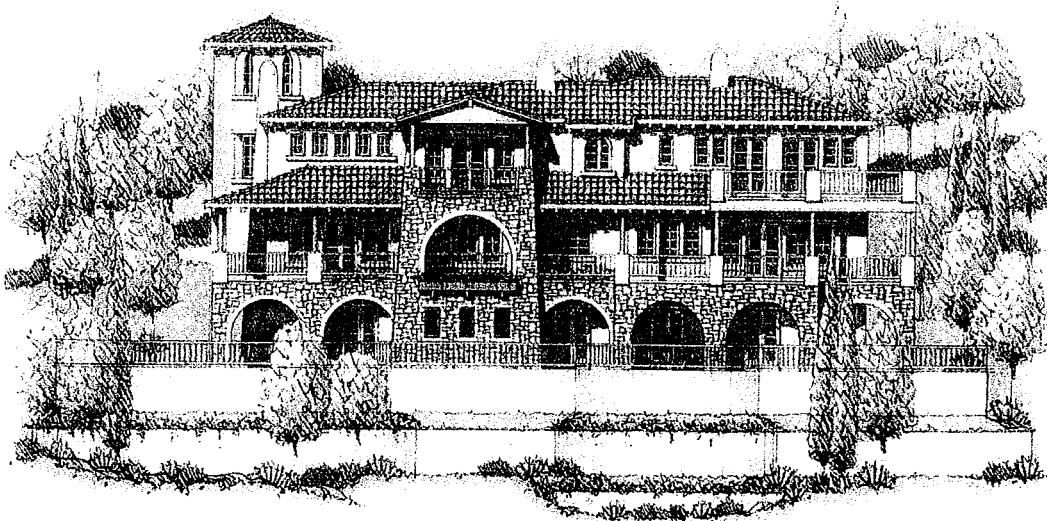
In addition to the map above, the following drawings were used to sell lot 102 to new buyers. This front elevation drawing shows a 1 story structure in the area closest to our homes and a 10% setback on each side as required by law:



FRONT ELEVATION
LOT 102
TUSCAN

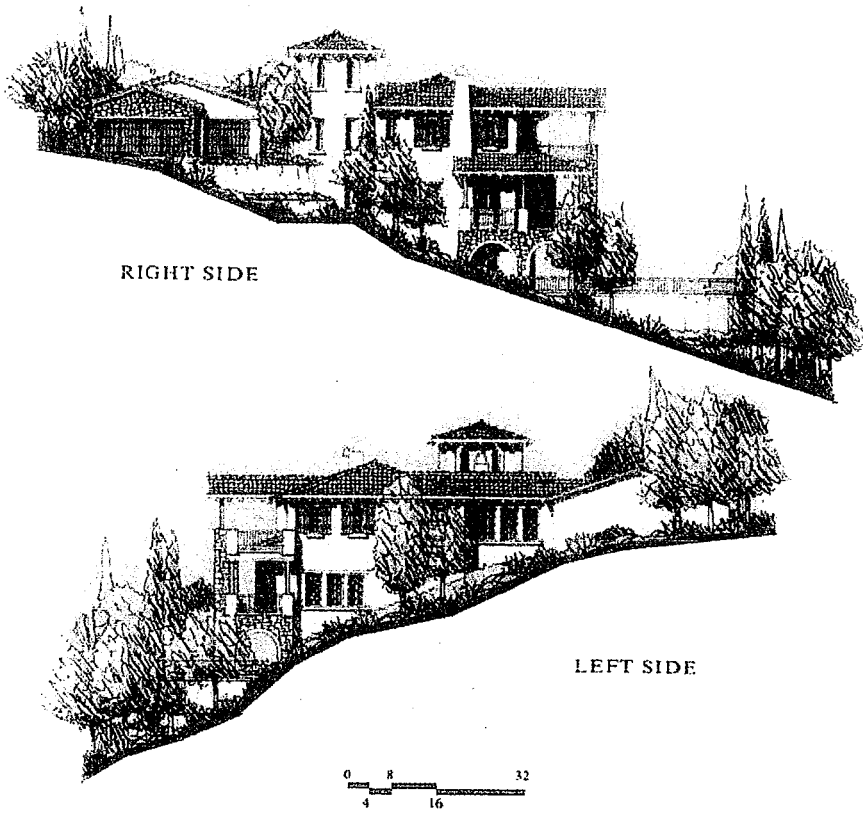


For completeness, here are the other drawings that were available at the time:

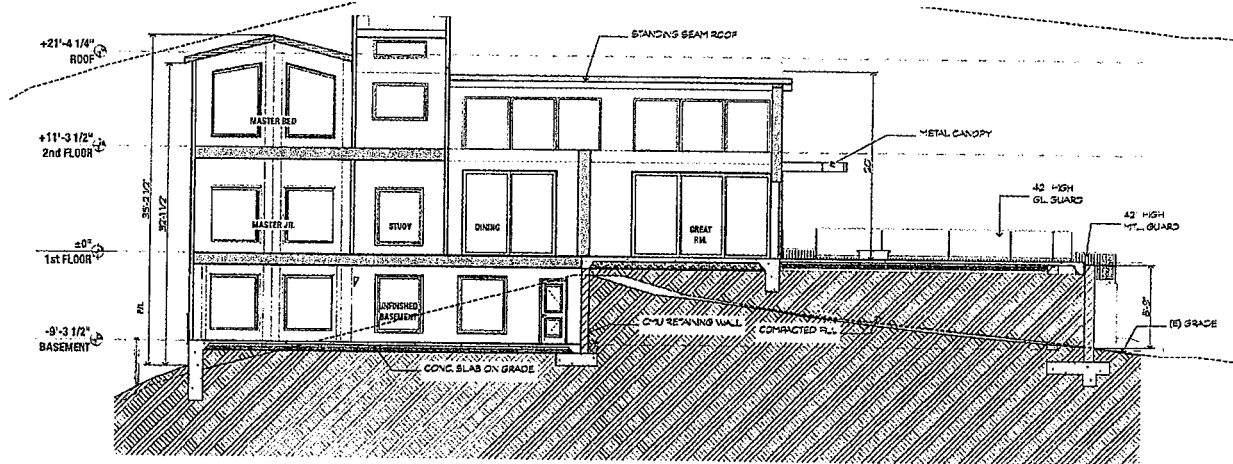


REAR ELEVATION





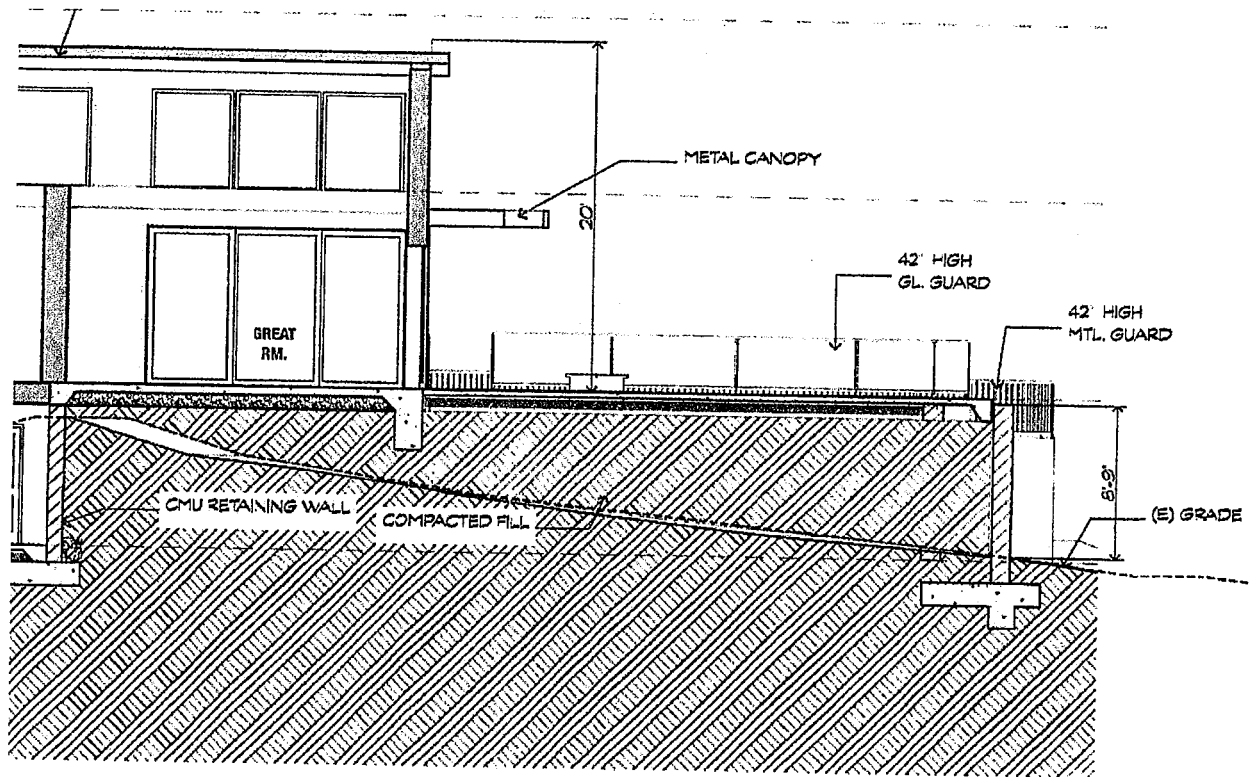
The proposed plans for lot 102 (13639 Campus Dr) vary dramatically from these drawings. In particular, compare section B-B drawing to the "left side" drawing above:



2 SECTION B-B
SCALE: 1/8" = 1'-0"

In this original drawing ("left side") the home begins where the new proposed home places the "retaining wall" in the middle of the drawing. This puts the proposed home 20' closer to our homes (which are not pictured but are to the right of these drawings).

Not only that, but the new home is substantially taller given the 8'9" of compacted fill and the 20' two story design:



In order to illustrate the view impact, I have walked around the outline of the proposed new construction with a 24' tall pole with a red flag on top. I chose a 24' pole based on the design above to take into account the compacted fill and 20' structure.

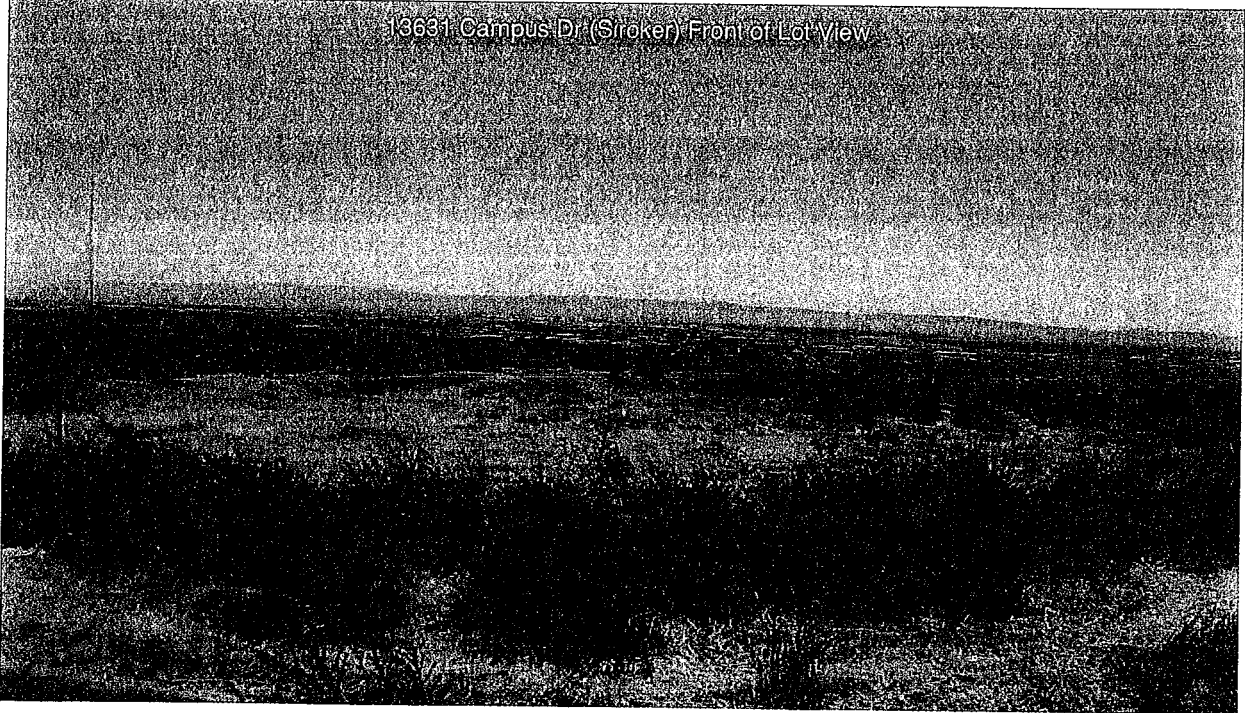
I used three cameras to record my path. The first camera was placed at the front of my lot (13631 Campus Dr) at eye level. The second camera was placed on our 2nd story balcony. The third camera was placed on our fence adjoining the home located on 13625 Campus Dr to illustrate the view from their 2nd story balcony.

Here is a video from each of the three cameras showing me walking around the outline of the property: <http://bit.ly/CampusDrBlockedViews>

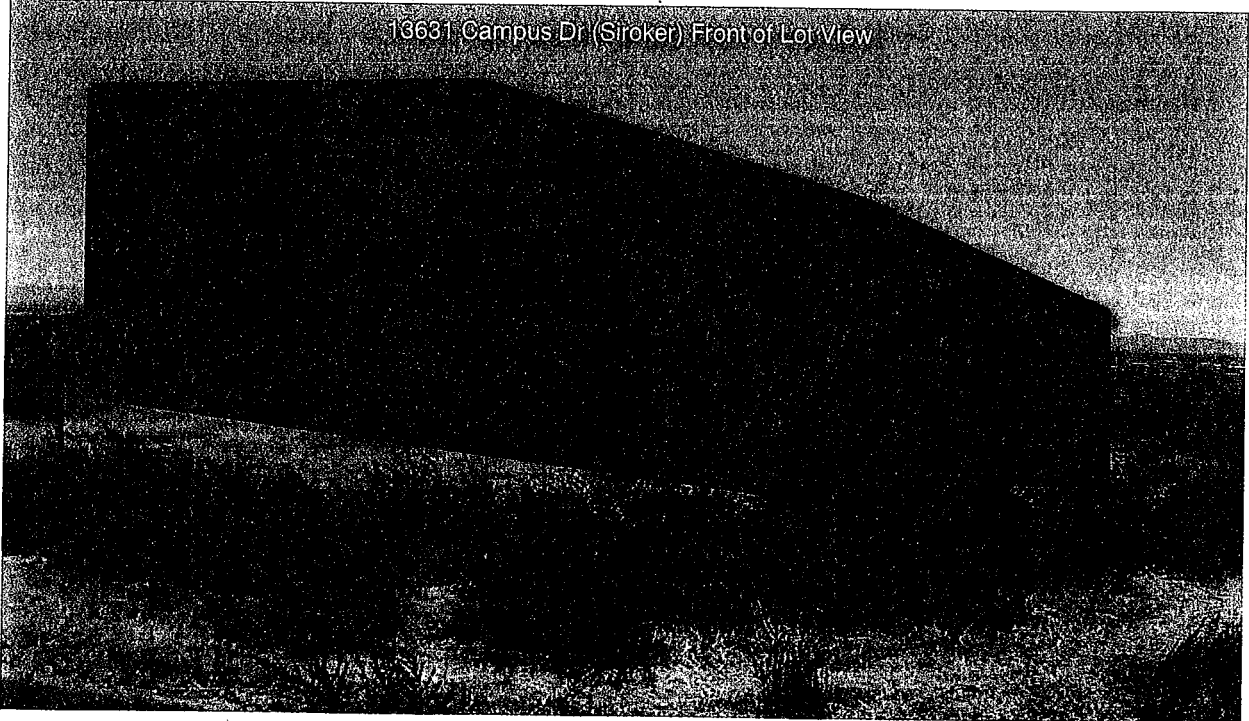
Here are before and after construction photos of each location using the path of the red flags at the top of the pole:

13631 Campus Dr (Siroker) Front of Lot View

BEFORE:

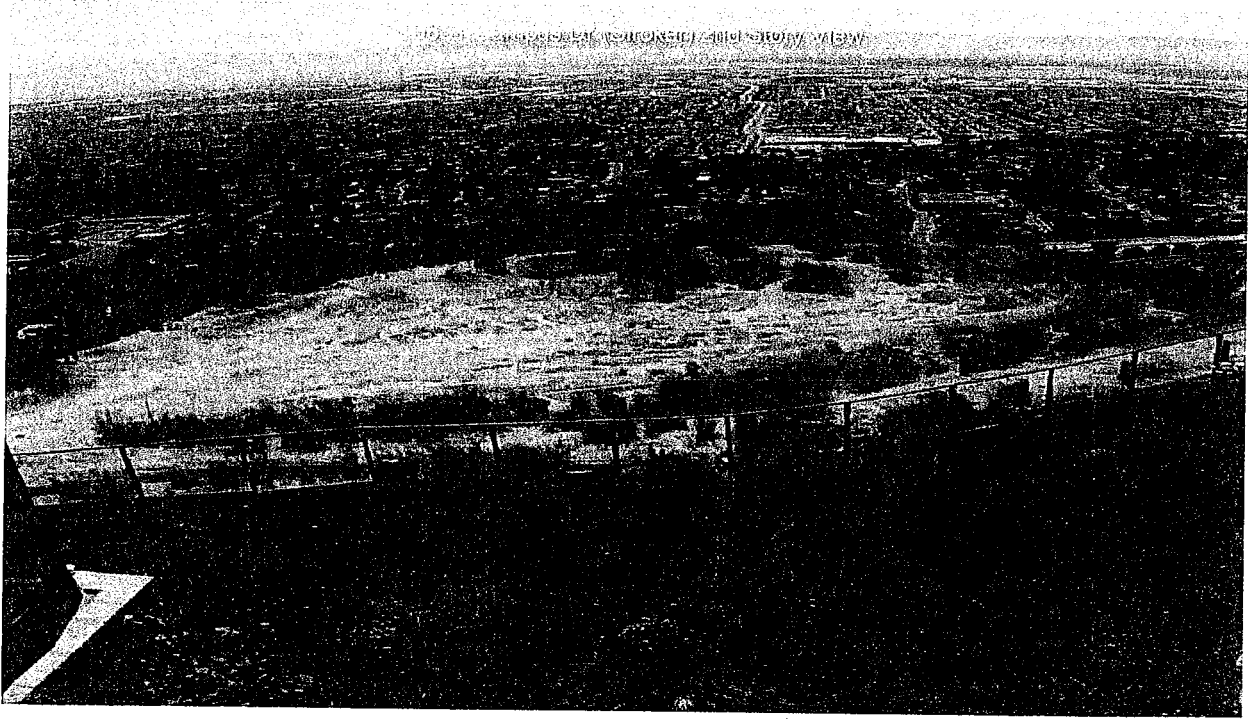


AFTER:

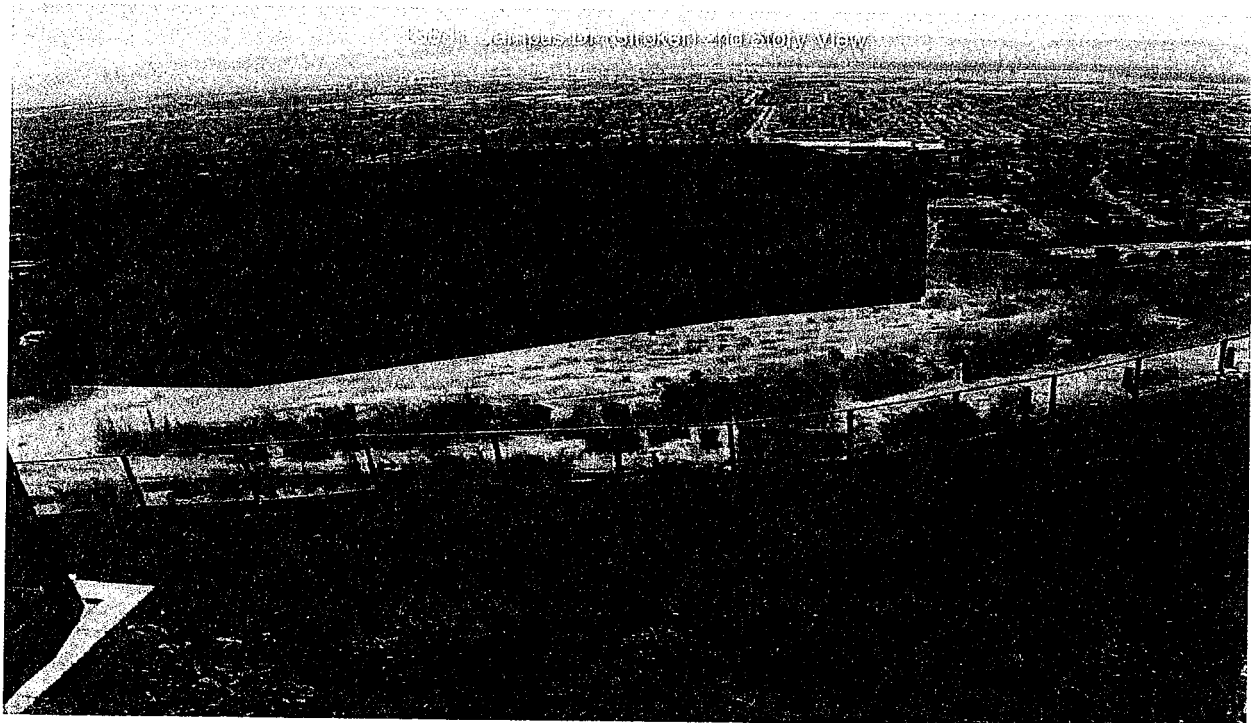


13631 Campus Dr (Siroker) 2nd Story View

BEFORE:

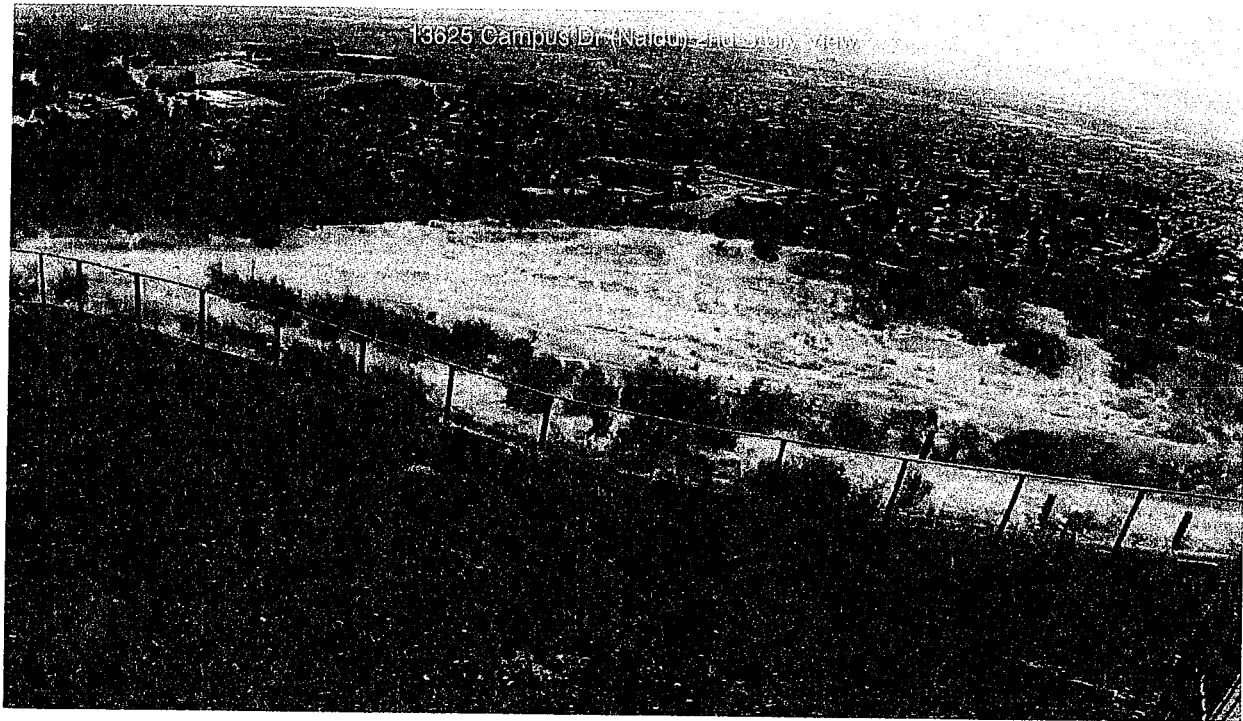


AFTER:

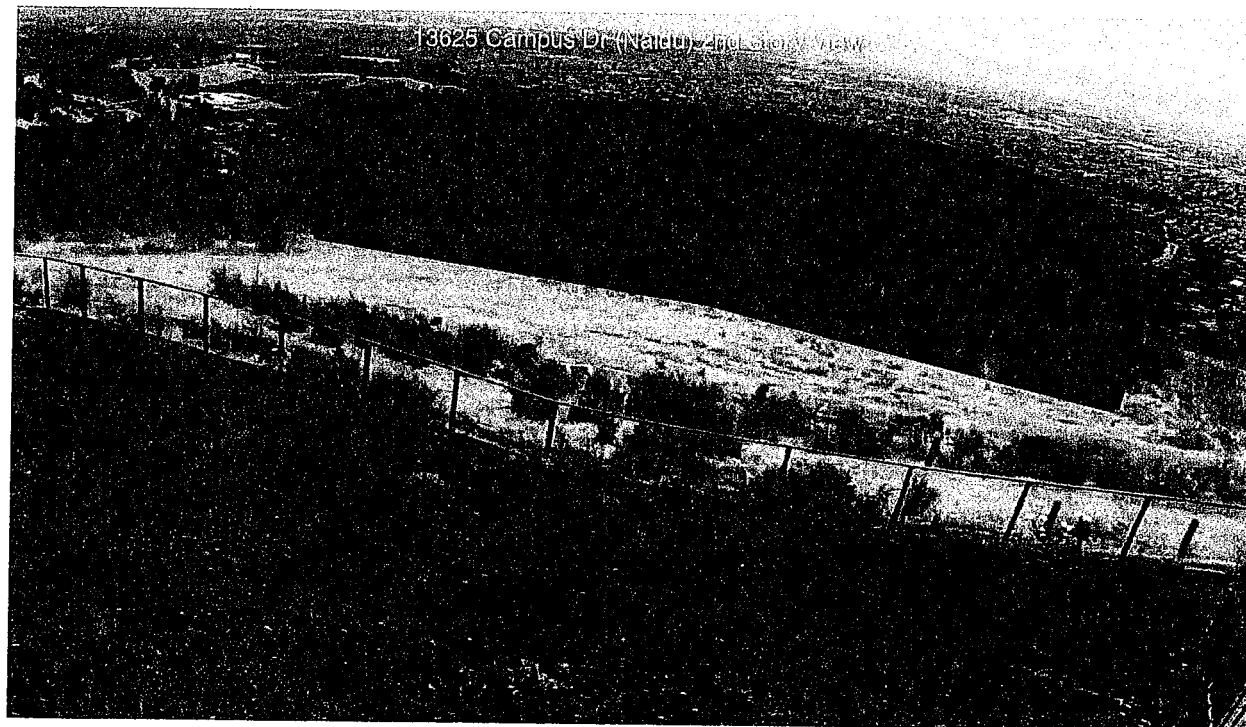


13625 Campus Dr (Naidu) 2nd Story View

BEFORE:



AFTER:



We kindly request that these comments and the impact to our homes are considered.

We believe that the requested exception to allow a 6 foot side yard setback (where 10% of lot width is required, which is approximately 20.5') will cause hardship to the homes located at 13625 Campus Dr, 13631 Campus Dr, and 13643 Campus Dr for the reasons described above.

We also kindly request plans be considered that reduce this hardship and minimize the impact to our views.

Potential solutions to these issues may include:

1. Not using compacted fill to add another 8'9" of height (in addition to the building structure).
2. Limiting the structure closest to our homes to only one story as illustrated in the original drawings used to sell the lot to current owners.
3. Building the home further down the lot as illustrated in the original drawings used to sell the lot to current owners.

Thank you for accepting our comments and for considering them into the final plan.

Sincerely,

Dan Siroker (13631 Campus Dr)
Hannah Siroker (13631 Campus Dr)
Murali Naidu (13625 Campus Dr)
Katherine Naidu (13625 Campus Dr)



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

PROJECT INFORMATION

Case No. of Appealed Project: PLN18163
Project Address of Appealed Project: 0 Campus Drive
Assigned Case Planner/City Staff: Maurice Brenyah-Addow

APPELLANT INFORMATION:

Printed Name: Sima & Peter Patel Phone Number: (510) 301-4887
Mailing Address: 13651 Campus Drive Alternate Contact Number: (510) 569-4400
City/Zip Code Oakland, CA 94605 Representing: _____
Email: sima.balaji@gmail.com

An appeal is hereby submitted on:

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

YOU MUST INDICATE ALL THAT APPLY:

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

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

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

(Continued on reverse)

(Continued)

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

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

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

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

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

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

[see attached sheets]

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

(Continued on reverse)

(Continued)

Spetal B. Patel

Signature of Appellant or Representative of
Appealing Organization

2-8-2019

Date

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

APPEAL FEE: \$ _____

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

Below For Staff Use Only

Date/Time Received Stamp Below:

Cashier's Receipt Stamp Below:

Attachment to Appeal Form
Case File No. PLN18163; APN 037A-3167-019-00

This appeal is filed by Sima and Peter Patel, owners and residents of the house at 13651 Campus Drive in Oakland. Our home, which we have owned for 19 years, is generally located southeast of the site of the proposed house under consideration in Case File No. PLN18163 ("Project"), although the bulk of the Project site is essentially behind and directly west of our house due to the odd configuration discussed further below.

It is clear that the Project as currently proposed is not consistent with applicable design review criteria and guidelines (together, "Guidelines") and the Project is also not consistent with the variance findings required under Planning Code Section 17.148.050, notwithstanding the statements to the contrary in the City's letter of January 31, 2019, approving the Project ("Approval Letter"). It is also clear that the impacts of the Project on the neighborhood are unfair and inequitable. The Project must be redesigned and/or reconfigured in order to comply with the Guidelines and the variance findings, and it is inappropriate for the City to approve the Project as currently proposed.

Before addressing the reasons why the current Project design is inadequate, notwithstanding the relatively minor changes that the applicants have made to the original design, it is important to discuss the way that the applicants have dealt with our family and the other affected neighbors, and also to discuss some unique and relevant aspects of the Project site. Attached as Exhibits A-1 and A-2 are two maps showing the location and configuration of the Project site. As you can see, essentially all of the homes along the southwest side of Campus Drive, including our house, are lined up on Campus Drive with magnificent views of Oakland and San Francisco Bay over the bulk of the Leona Quarry (Monte Vista) development. The Project site, on the other hand, is an oddly configured lot with a frontage of only 25 feet on Campus Drive – the buildable portion of the 1.4+ acre site is 200-300 feet away from Campus Drive, with a public access and EBMUD easement along the 25-foot access route and then across the parcel east of the large buildable portion of the lot. The Project site was created as part of the subdivision of the Leona Quarry site.

We recognize that this odd "flag" parcel configuration means that a neighborhood-appropriate house design will involve a little more creativity than would a lot fronting on Campus Drive. The applicants for this Project, however, made absolutely no attempt to work with our family and the other neighbors to alleviate or eliminate the negative impacts the Project could cause on the surrounding properties before submitting their original application. Had either the Project architect or the Project applicants approached us and our neighbors while the Project was initially being designed, it is likely that the parties could have reached an acceptable compromise before the Project design was submitted to the City – but our neighborhoods' first inkling that a specific house was being proposed for the site was the receipt of the City's notice regarding the filed application and warning that we had ten days to submit any comments on the project – and it was up to us and the other concerned neighbors to quickly seek out the design and evaluate its potential impacts on their respective homes and views. Despite the obvious potential for negative impacts on nearby properties, neither the Project applicants nor City staff followed the normal planning route of consulting with our family or any other neighbors before finalizing the initial design.

Even after we and our neighbors voiced our understandable objections to the original project design, given the substantial negative impacts on their respective views and other concerns, the response from the applicants and their architect was to essentially ignore the complaints – and to propose a reduction in height of just a single foot. The effect of that proposed reduction was essentially insignificant in light of the large negative impact of the design on us and our neighbors. At the time, we noted to the City that we were very disappointed in the lack of cooperation from the applicants and the apparent lack of interest in the City in trying to achieve a positive outcome for all parties. It was only after we and the other neighbors officially submitted comments to the City during the 10-day comment period that the applicants and the City took the objections seriously and made *some* effort at working with the neighbors – but even that effort has been disappointingly minimal, and the Project still would result in unreasonable impacts on our house and those of the other neighbors, given the fact that the height has been reduced by only four feet from the original design that the applicants proposed, which itself took no account whatsoever for impacts on the existing houses and views.

We and our neighbors do not expect the Project site to remain vacant forever, we just expect an appropriately designed residence. In fact, when our neighbors on the northwest side of the project site (Mr. & Mrs. Siroker) bought their home, the marketing materials provided by the developer included the series of graphics attached as Exhibit B depicting a house on the Project site that stepped down the hill and was only essentially one story facing Campus Drive, rather than the much larger and taller design that is now proposed. We also have no interest in limiting the square footage of the Project. We, and our neighbors, simply request that the Project be designed to be compatible with the existing homes, rather than having the new house plopped down in an inappropriate location on the 1.5-acre site. It is clear that the Project applicants could easily build a home of equivalent size and with essentially the same views without causing the significant impacts on our home. All they would need to do is utilize a stepped-down design as shown in the original marketing materials provided to the Sirokers, move the house slightly farther away from the street, and construct the house on the natural grade rather than using engineered fill to elevate the house, as we and an architect we jointly retained with other neighbors have previously suggested.

We and all of our neighbors along on the southeast side of Campus Drive have impressive nearly 180 degree views from our homes, helped by the fact that all of the existing houses are aligned with each other along Campus Drive, so as to not interfere with others' views. The views are a very important part of the experience and value of our home and our neighbors' homes. The Project as proposed will have a negative impact on our existing views, in violation of the Guidelines. We currently enjoy expansive views of the Bay Bridge and downtown Oakland from the master suite on the second floor of our house, which we have demonstrated to the Planner responsible for reviewing the proposal. It is clear that these are "significant views" in a "view corridor" from a "primary living space" as each of these terms are defined in Section 1.1.A of the Guidelines – and it also seems clear that these views will be significantly affected if the house is constructed as proposed. It is also clear that the Project applicants have made very little effort to try and maintain these views, let alone made the reasonable effort to maintain these views that is required by the Guidelines. Allowing the Project to be built as proposed would interfere with our enjoyment of our home – and would not be consistent with the Guidelines.

It is also clear that certain Regular Design Review Findings set forth in the approval letter cannot be supported by the evidence in the record:

- Under Design Review Finding 1, the City needs to find 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.” In light of the issues discussed above, the City cannot find that the Project is related to the surrounding areas with respect to setting, bulk or height using the current design.
- Finding 2 requires the City to find that “the proposed design will protect, preserve or enhance desirable neighborhood characteristics.” On the contrary, the proposed design of the Project will detract from the neighborhood by negatively impacting the consistent viewshed currently enjoyed by all of the houses along Campus Drive.
- The Findings set forth in the approval letter under 2.B and 2.C with respect to view protection are flat out wrong, since they suggest that the only way to address the view impacts of the Project would be to limit the house to a single floor. As discussed above, nobody is suggesting such a limitation. What we *are* suggesting is that the building be moved back and stepped down the hill – as with the drawings shown to the Sirokers when they purchased their home – so that it can be a multistory building although having only a single floor visible from the street side of the building. Given that the Project site is at the top of a hill without any intervening structures or vegetation, this adjustment to the design will have no impact on the views *from* the Project, but will provide significant benefits to the existing houses in the neighborhood.
- Under Finding 3, the City must find that “the proposed design will be sensitive to the topography and landscape.” Based on discussions we and other neighbors have held with our architect, we believe that the design modifications that the neighborhood has proposed would result in a design with improved sensitivity to the existing topography.

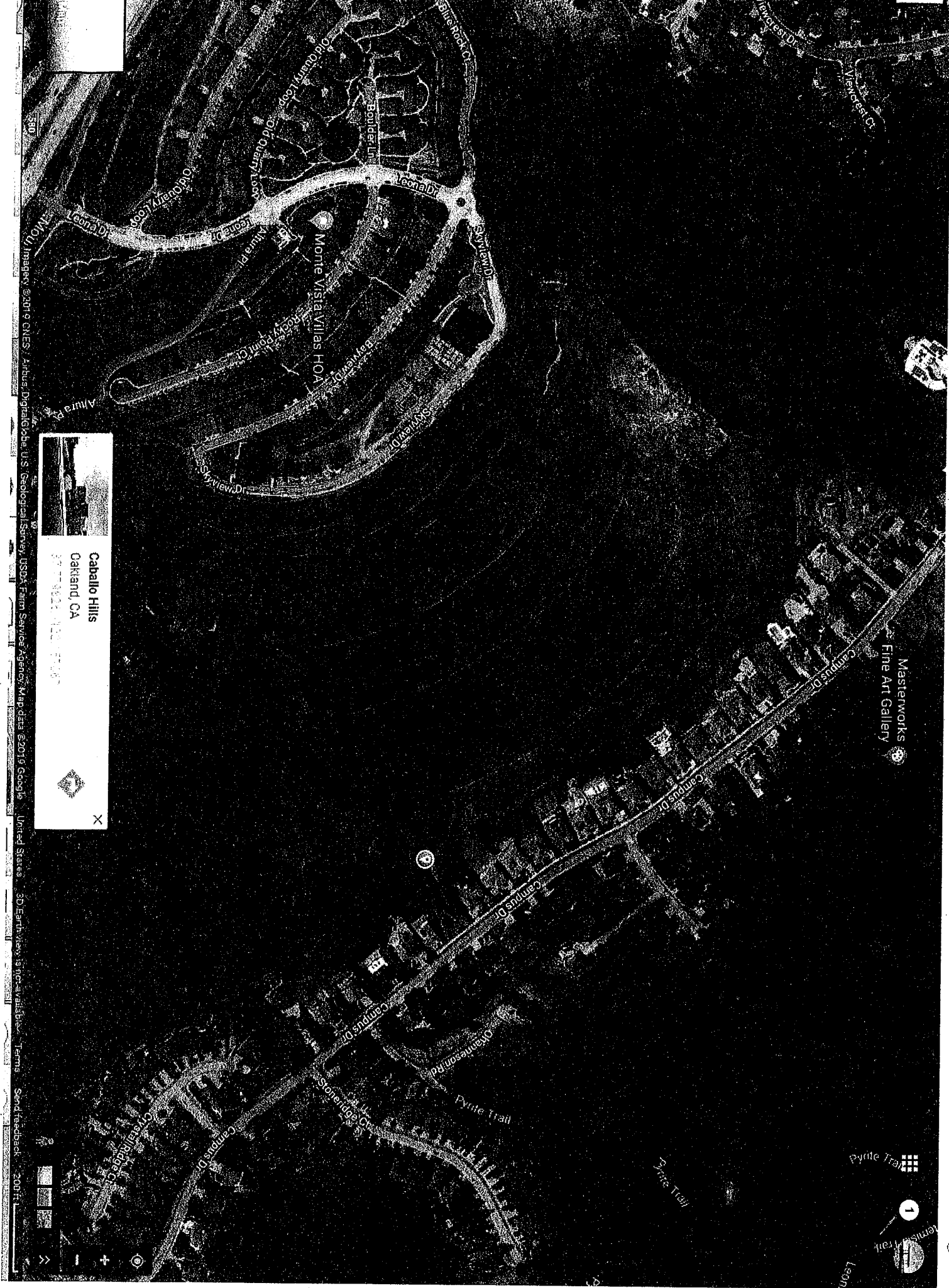
The Project as proposed relies on a variance from the setback requirements that apply to this lot. We also strongly disagree with the approval letter’s assertion that the City can make the variance findings required under Planning Code Section 17.148.050, based on the evidence in the record:

- The supporting text for Variance Finding 1 asserts that the variance is justified because the required 10% lot width setback “leaves little or no buildable area for development” due to the access and EBMUD easement that crosses the site. Not addressed in this proposed Finding is the fact that the lot is quite large, even after accounting for the easement, since the property contains more than 1.5 gross acres. The Sirokers have already provided the City and the Project applicants with a diagram showing how a small adjustment to the location of the house on the lot would allow the Project to comply with the required setback while meeting all of the applicants’ other design criteria.
- Finding 3 requires the City to find that variance “will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to ... development policy.” As discussed above, the proposed design – which relies on the variance – will definitely adversely affect our property, as well as the abutting property belonging to the Sirokers. Accordingly, the City cannot properly make this Finding.

- The City is also unable to support the proposed Variance Finding 6, which requires the City to find that the proposal “will not adversely impact abutting residents to the side, rear or directly across the street with respect to ... view blockage ... to a degree greater than that which would be possible if the residents were built according to the applicable regulation.” We and our neighbors have previously shown the City and the applicants that they could design and construct a quality home with magnificent views on the Project site in full compliance with the setback requirements, and that this compliant design would have significantly reduced view impacts on our property and our neighbors’ properties. Accordingly, it is not possible for the City to legally make this Variance Finding for the Project as proposed.
- Under Finding 3, the City must find that “the proposed design will be sensitive to the topography and landscape.” Based on our discussions with the neighborhood-retained architect, we believe that the design modifications the architect has proposed would result in a design with improved sensitivity to the existing topography.

As discussed above, we submit that the City cannot make findings that would be required to approve the Project as proposed. Even if the City truly believes that the findings can be supported by the evidence in the record, which we strongly dispute, the City must agree that the support is weak. Accordingly, we hereby request that the Residential Appeals Committee exercise its discretion to require some appropriate modification of the design due to the long term and very permanent nature of the impact here – and the fact that we believe the design can be modified without affecting the views *from* the applicants’ house or its size, allowing them to have full use and enjoyment of their property. We would also request that the City require the applicants to work with our family and the other neighbors to cooperatively create a design that serves all parties’ interest. Thank you for your time and consideration of this appeal.

EXHIBIT A-1
Google Maps
Excerpt

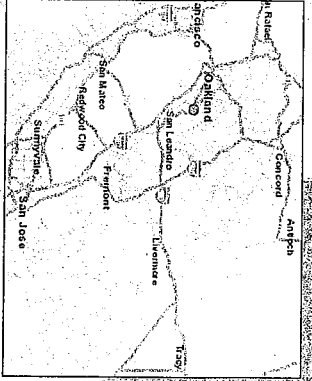
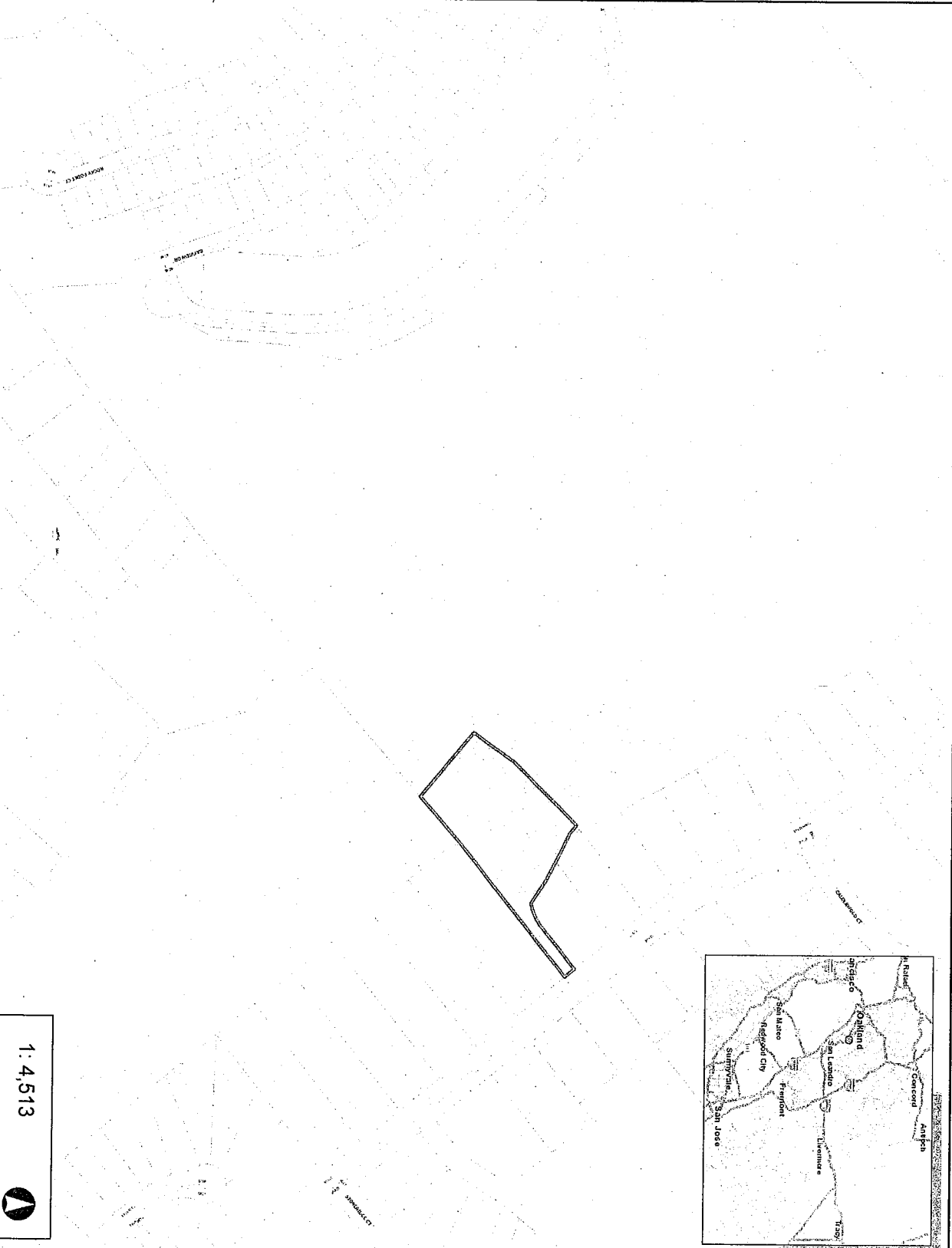


Caballo Hills
Oakland, CA
37° 44' 22.1122" N, 122° 15' 07.8708" W

EXHIBIT A-2

County GIS

Excerpt



1:4,513

752.2 0 376.08 752.2 Feet

WGS, 1984 Web_Mercator_Auxiliary_Sphere
County of Alameda © 2015

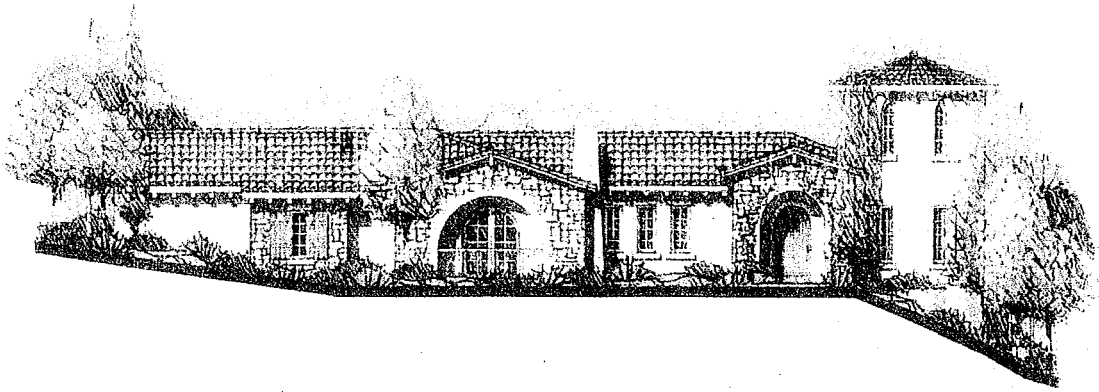
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

- Legend**
- Parcels
 - Planning Area Names
 - Fire Stations
 - City Hall
 - Police
 - Sheriff
 - Post Office
 - Libraries
 - Hospitals
 - Schools
 - BART Station
 - BART Tracks
 - Railroads
 - Freeway_Single 25k to 100
 - Freeways 25k to 100
 - <all other values>
 - 1
 - 3
 - Streets 0 to 10k
 - Ramps 25k to 100
 - Unnamed Streets
 - Waterbody's
 - Lake/Pond
 - Swamp/Marsh
 - Bay
 - Rivers
 - Parks
 - East Bay Parks
 - Planning Areas
 - Cities
 - Alameda
 - Albany

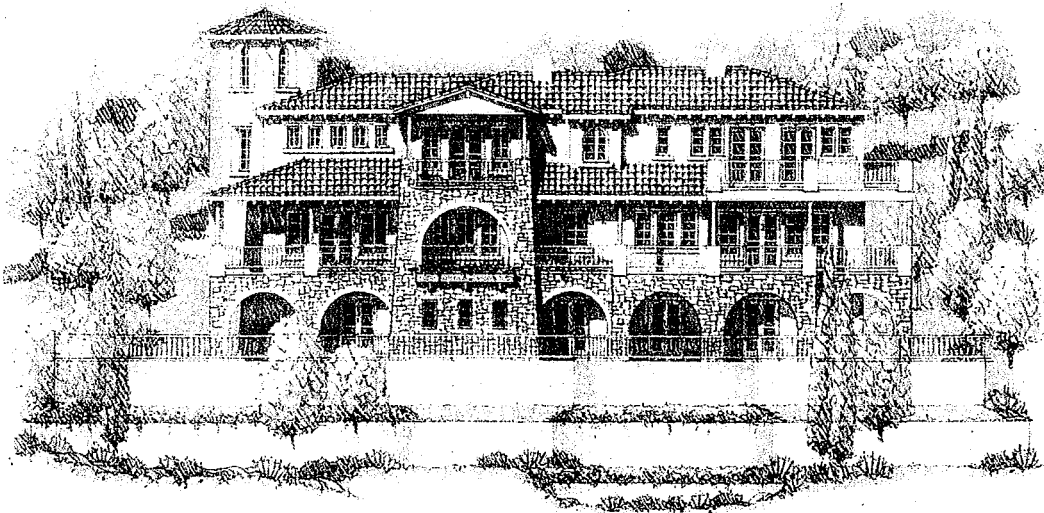
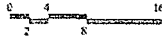


**County of Alameda
Parcel Map**

EXHIBIT B
Marketing
Materials



FRONT ELEVATION
LOT 102
TUSCAN

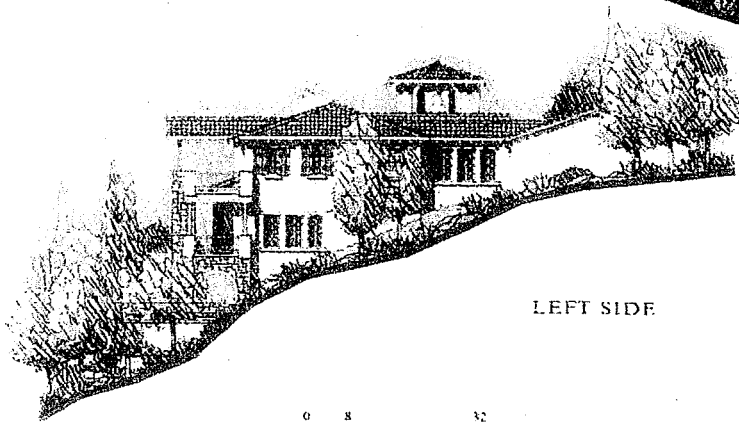


REAR ELEVATION

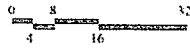




RIGHT SIDE



LEFT SIDE



PROPOSED NEW SINGLE FAMILY DWELLING

OWNER
MR. & MRS. CHUGH

13639 CAMPUS DR.
OAKLAND, CA-94605

ARCHITECT

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WALNUT CREEK
CA 94598
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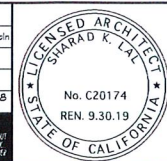


PROJECT SUMMARY

APN	037A-3167-019	
ZONING	PUD / RH	
LOT AREA	61,524 S.F.	
ZONING REGULATIONS	REQUIRED	PROVIDED
SLOPE OF LOT (E)	27%	
COVERED AREA	- S.F.	3,319 S.F.
F.A.R.	0.20	0.07
MAX. COVERAGE	15%	5%
GARAGE AREA		801 S.F.
BASEMENT AREA (UNFINISHED)		1,575 S.F.
HOUSE FIRST FLOOR AREA		2,431 S.F.
SECOND FLOOR AREA		1,996 S.F.
TOTAL AREA	NA	4,425 S.F.

FRONT SETBACK	25	150
REAR	35	120
SIDE	6	6
MAX. WALL HEIGHT (FT.)	32	32
MAX. ROOF HEIGHT (FT.)	36	36
MAX. NO. OF STORIES	2.0	2.0
PARKING	3	3

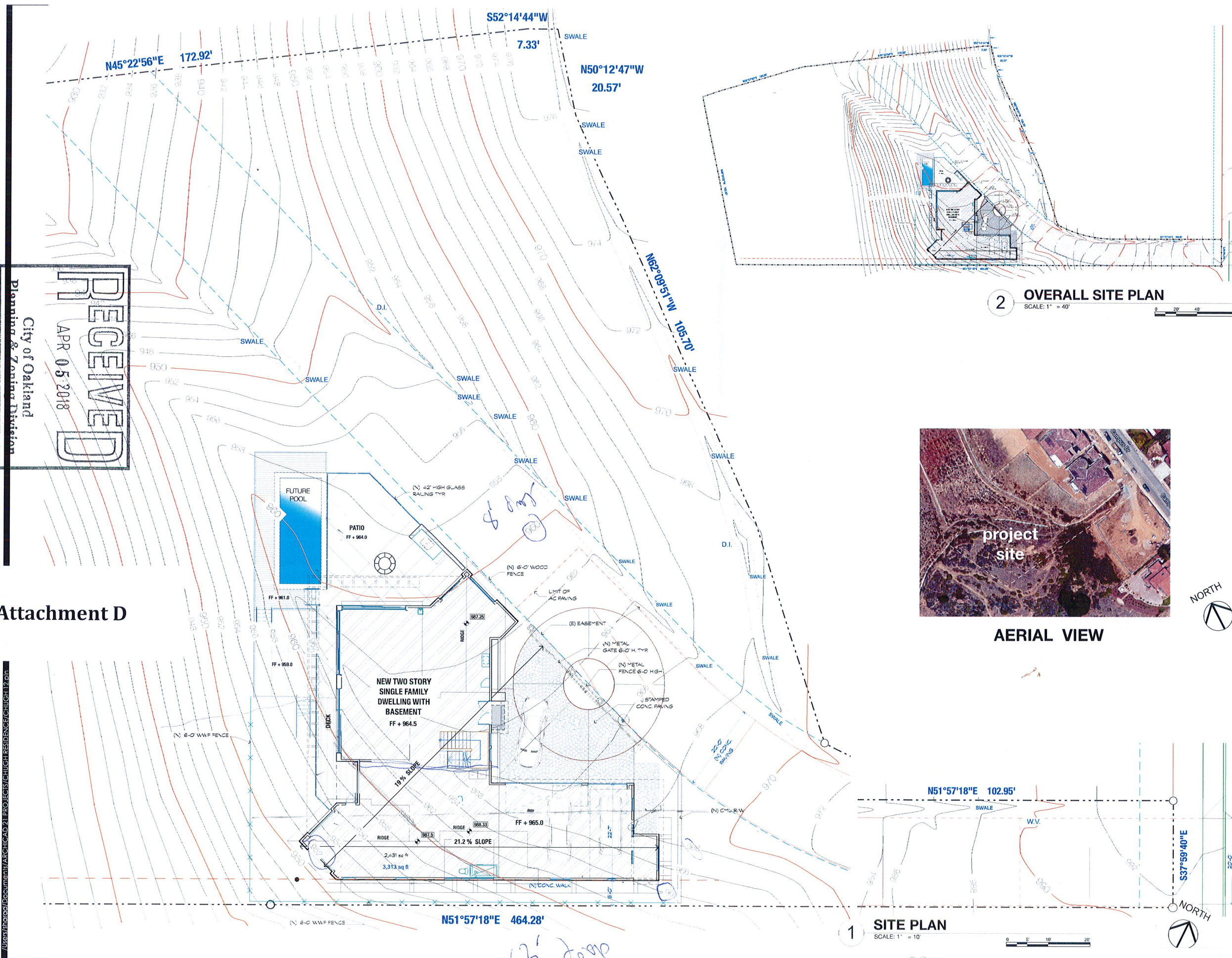
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MODEL FILE: CHUGH 12.dwg
DRAWN BY: SKL
CHK'D BY: SKL
DATE: 02-20-2018



SHEET TITLE

SITE PLAN

AS-1
SHEET 2 OF 3



AERIAL VIEW

RECEIVED
 APR 05 2018
 City of Oakland
 Planning & Zoning Division

Attachment D

I:\Users\lrao\Documents\ARCH\CAD\21 PROJECTS\CHUGH RESIDENCE\CHUGH 12.dwg

**PROPOSED NEW
SINGLE FAMILY
DWELLING**

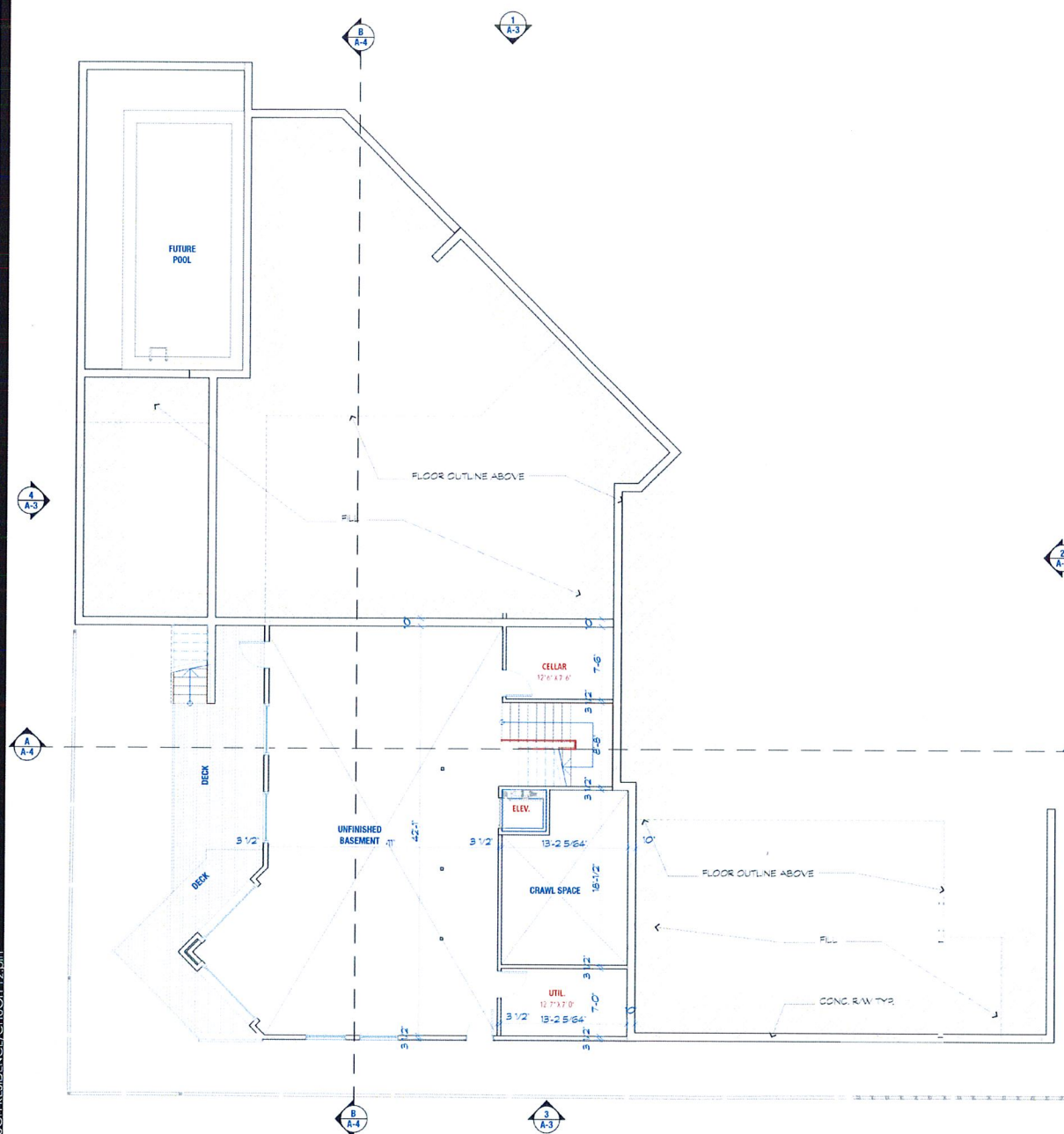
**OWNER
MR. & MRS. CHUGH**

13639 CAMPUS DR.
OAKLAND, CA-94605

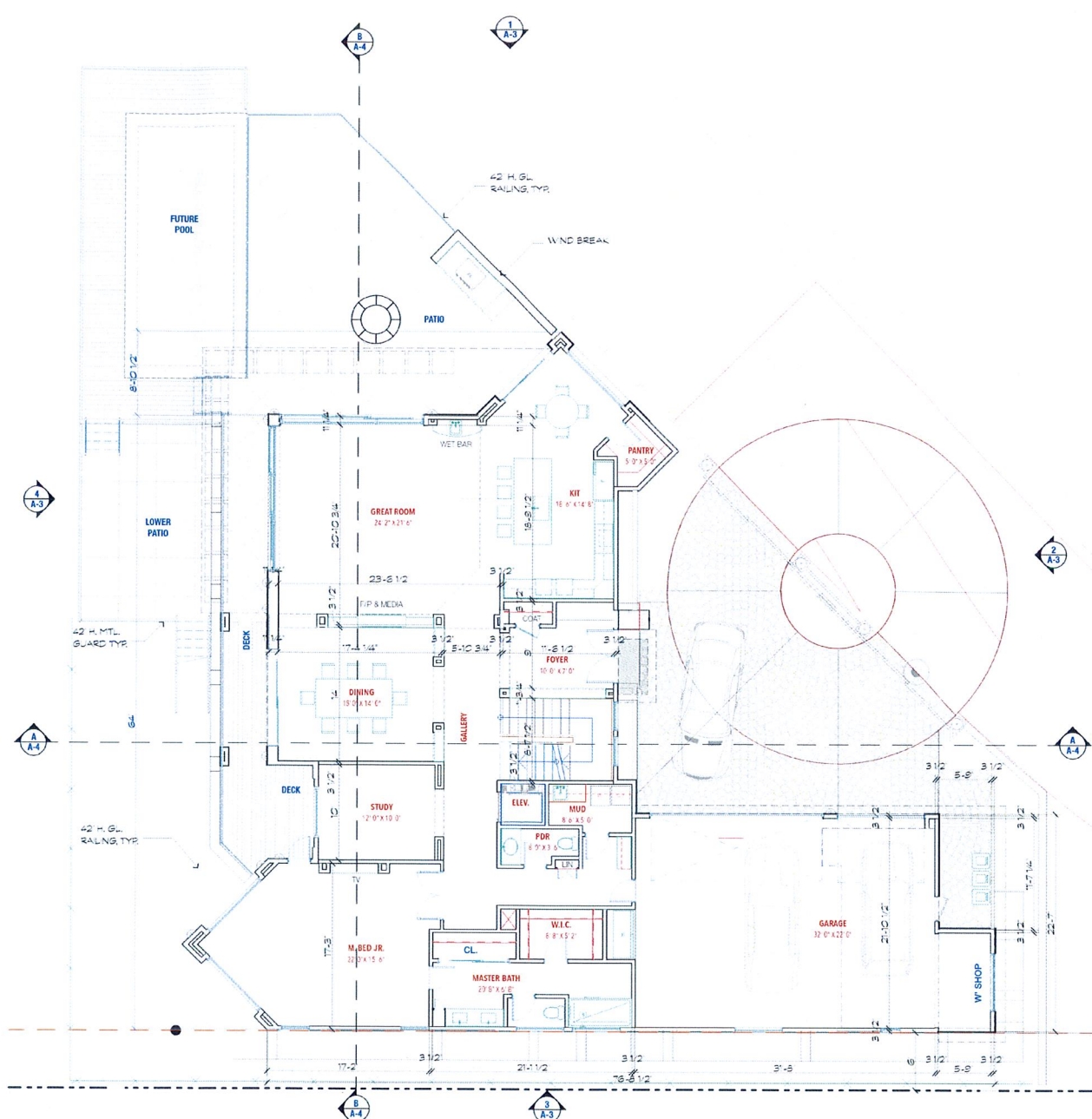
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1 BASEMENT PLAN
SCALE: 1/8" = 1'-0"

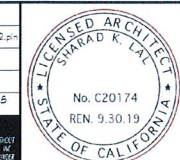


2 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



MARK	DATE	DESCRIPTION

PROJECT NO: 17005
MODEL FILE: CHUGH-12-21
DRAWN BY: SKL
CHK'D BY: SKL
DATE: 08-11-2018



SHEET TITLE
**BASEMENT & FIRST FLOOR
PLANS**

A-1

SHEET 3 OF 3

/Users/ahard/Documents/ARCHCAD/21 PROJECTS/HIGH RESIDENCE/CHUGH 17.dwg

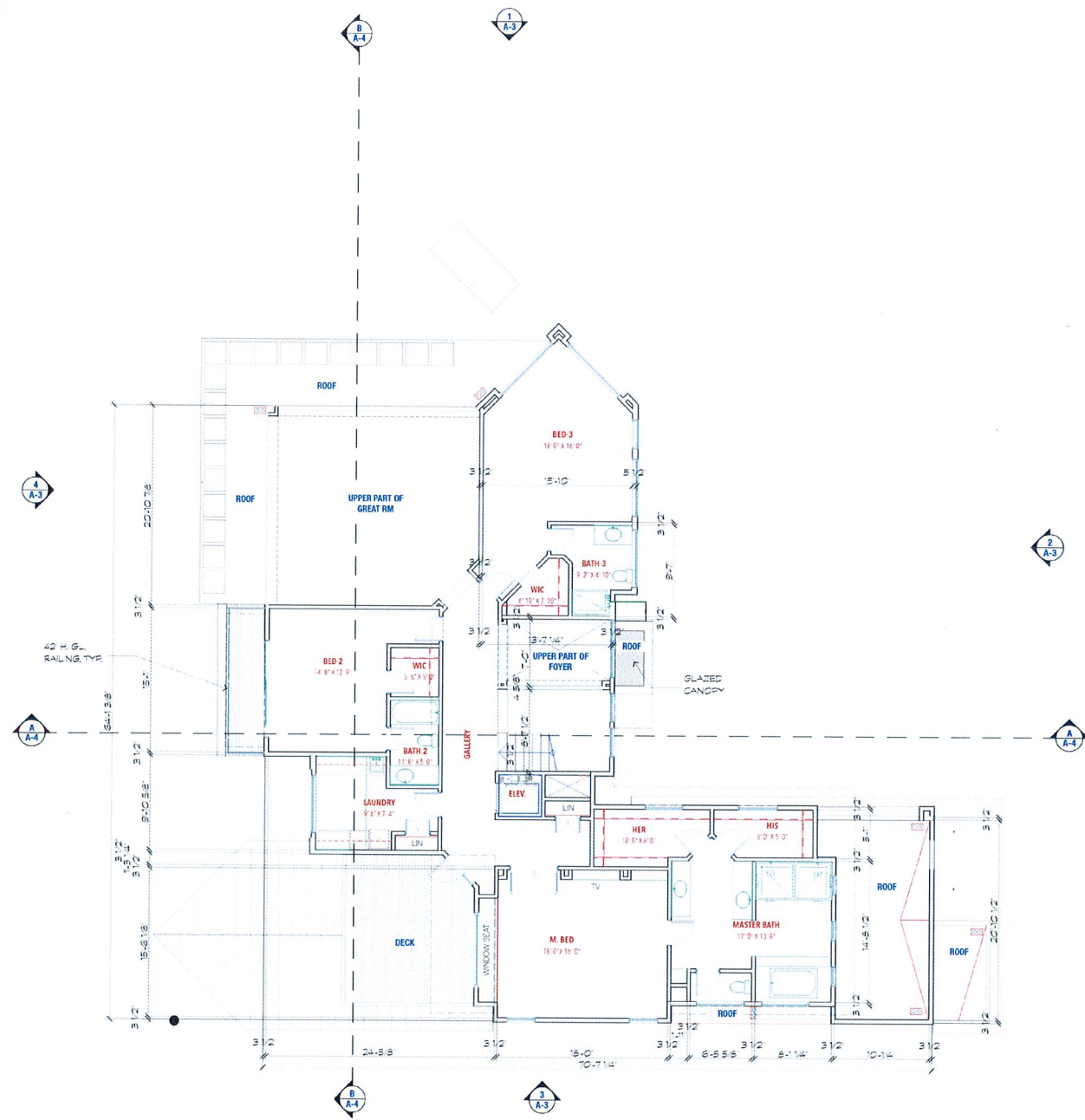
**PROPOSED NEW
SINGLE FAMILY
DWELLING**

OWNER
MR. & MRS. CHUGH

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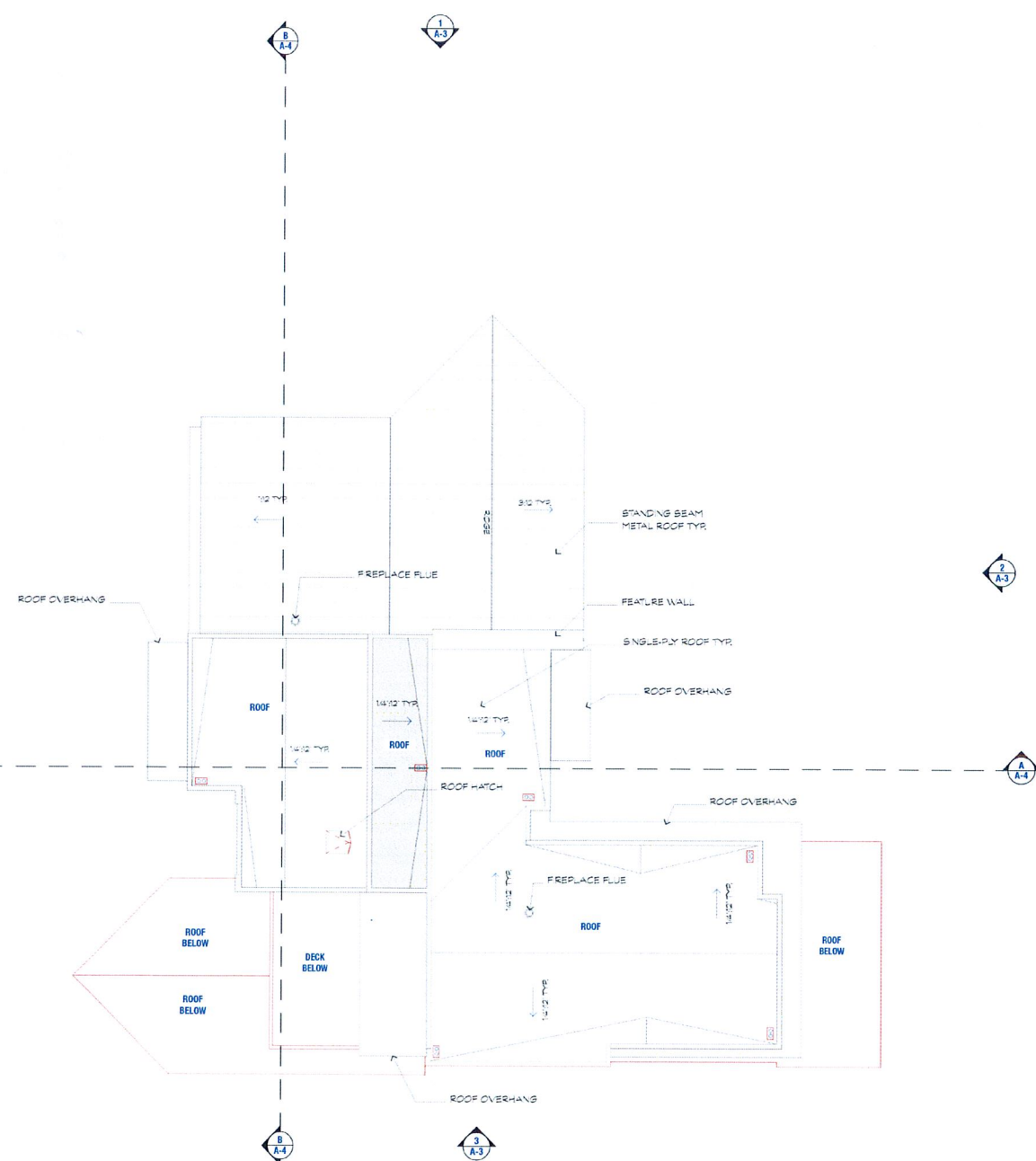


1 SECOND FLOOR FLOOR

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

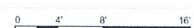


NORTH



2 ROOF PLAN

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



NORTH



MARK	DATE	DESCRIPTION

PROJECT NO: 17005
MODEL FILE: CHUGH-12.rvt
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DATE: 08-11-2018



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SHEET TITLE

**SECOND FLOOR AND
ROOF PLAN**

A-2

SHEET 4 OF 3

PROPOSED NEW SINGLE FAMILY DWELLING

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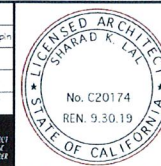
EXTERIOR COLOR SCHEDULE

MATERIAL	COLOR
LARGE FORMAT PORCELAIN TILE "COTTO D'ESTE" KERLITE	NORDIC FIAMMATA
STANDING SEAM ROOFING "RHINEZINK"	PATINA BLUE GREY
WD FENCE	DARK STAIN
CEM PLASTER "SHERWIN WILLIAMS"	INTELLECTUAL GREY - SW 7045
FIBER CEMENT SIDING "NICHBA"	VINTAGE WOOD - CEDAR
FIBER CEMENT SOFFIT	VINTAGE WOOD - CEDAR
GARAGE DOORS	TO MATCH SIDING
MAIN ENTRY DOOR "NATURAL TEAK"	TEAK FINE MEDIUM STAIN
SIDE DOOR "SHERWIN WILLIAMS"	SNOWBOUND - SW 7004
VINYL WINDOW / PARTI DOORS "REHAL"	WHITE
GLAZING	CLEAR LOW-E
LOUVERS & VENTS	TO MATCH EXT. FINISH
FLASHING	TO MATCH ADJ.

NOTE: COLORS PRINTED ON DRAWINGS VARY WITH DIFFERENT EXPOSURE AND SHADE CONDITIONS AS WELL AS THE PRINTER USED FOR OUTPUT.
REFER TO MANUFACTURER COLOR CHIPS FOR MORE ACCURATE COLOR REPRESENTATION

MARK DATE DESCRIPTION

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DATE: 08-11-2018

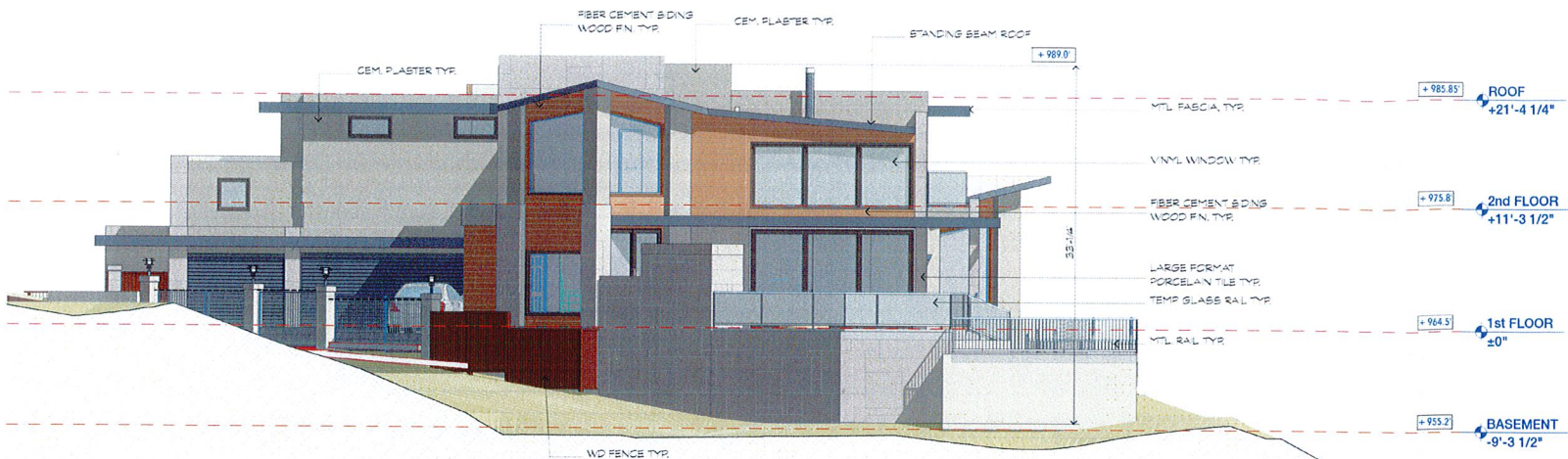


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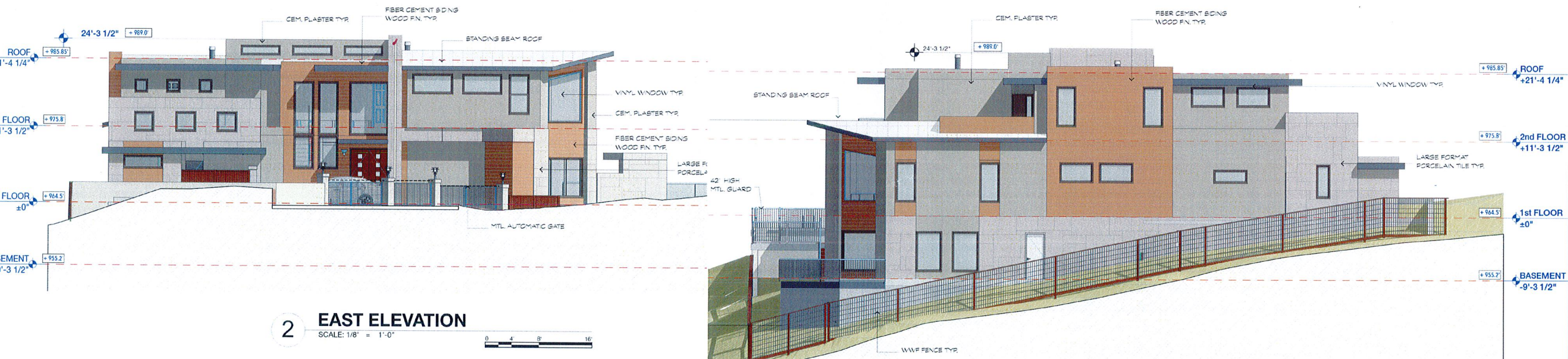
ELEVATIONS

A-3

SHEET 6 OF 3



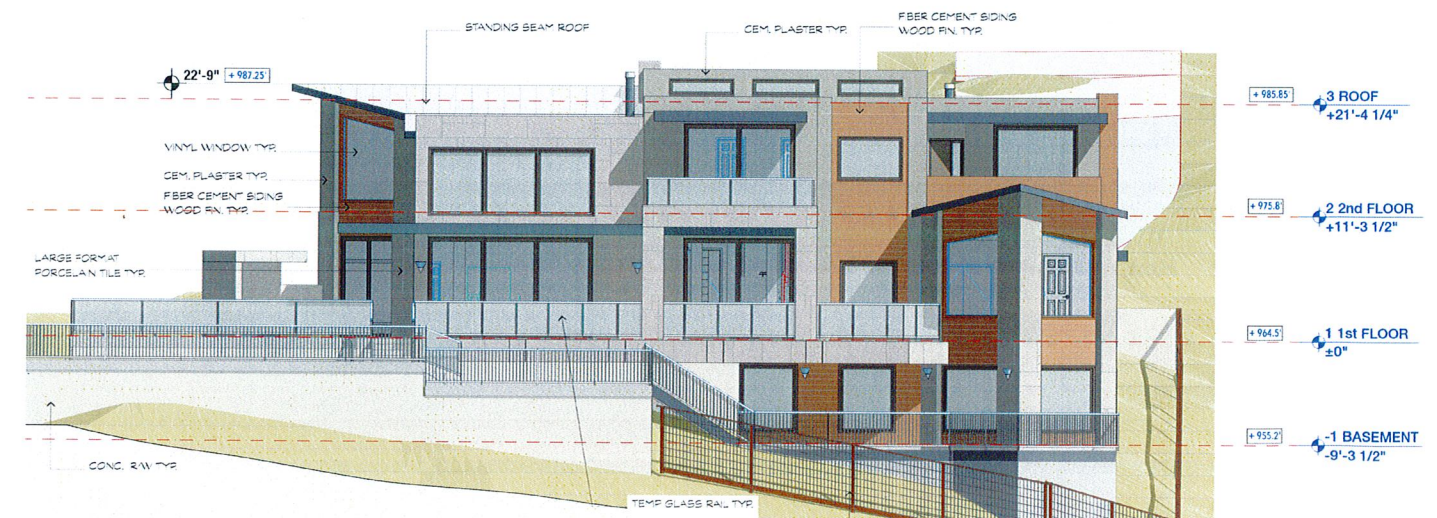
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SCALE: 1/8" = 1'-0"



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



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



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



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PROPOSED NEW SINGLE FAMILY DWELLING

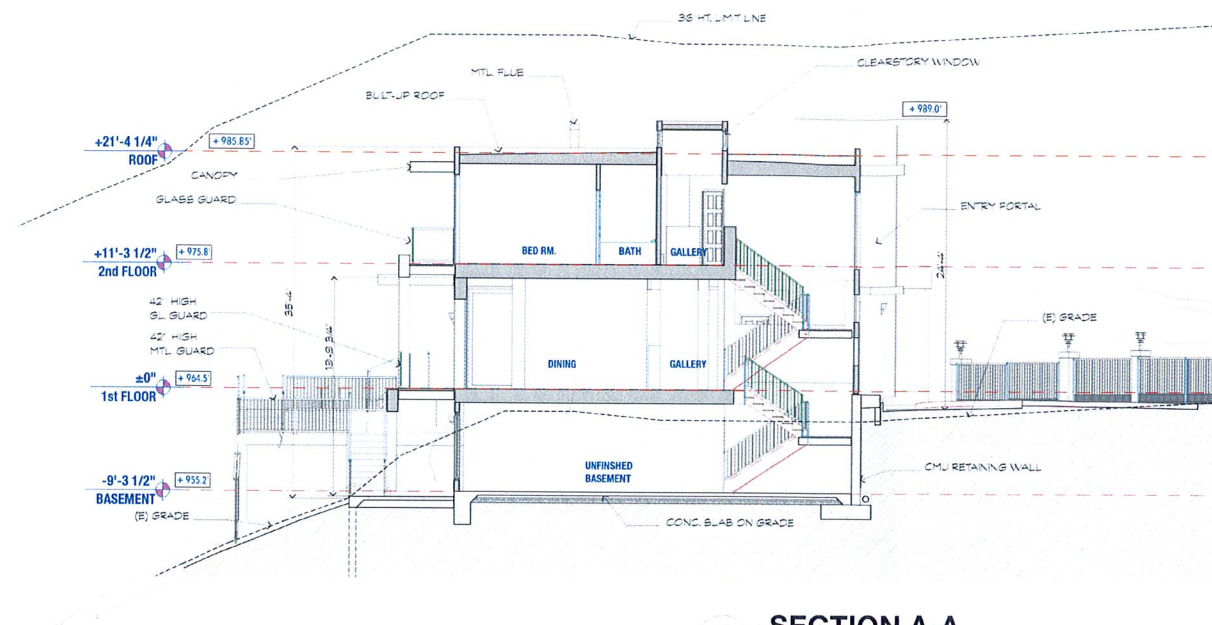
OWNER
MR. & MRS. CHUGH

13639 CAMPUS DR.
OAKLAND, CA-94605

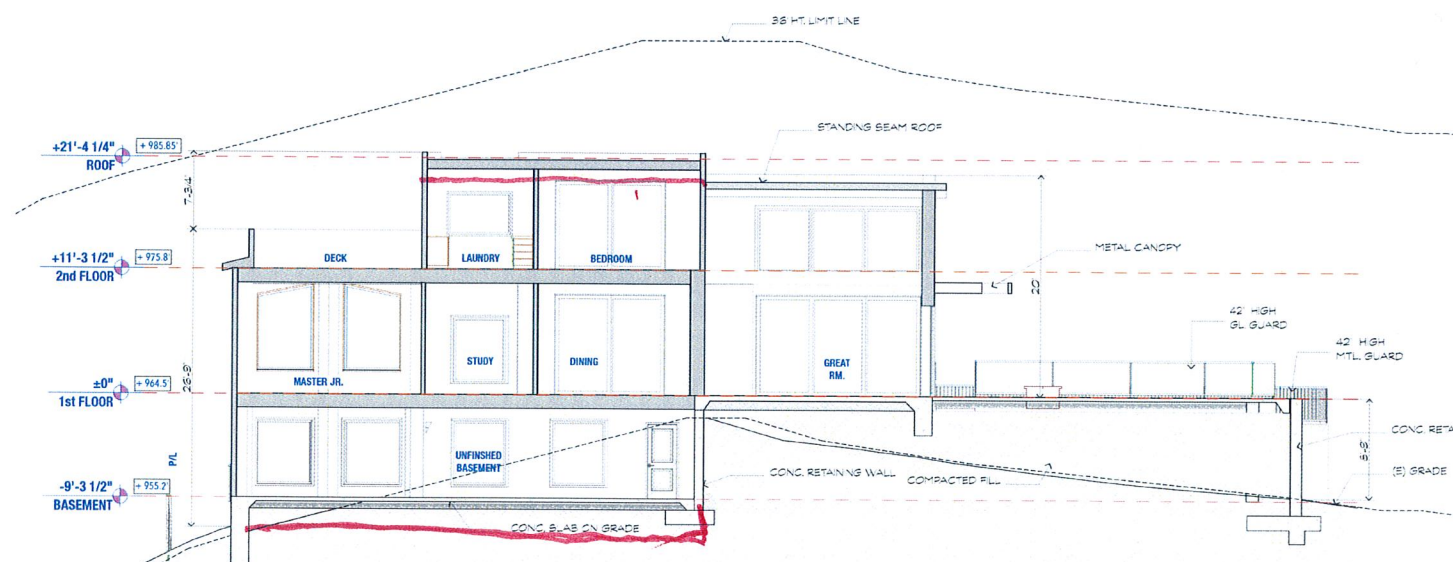
ARCHITECT



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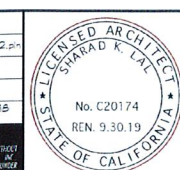
1 SECTION A-A
SCALE: 1/8" = 1'-0"
0 4 8 16'



2 SECTION B-B
SCALE: 1/8" = 1'-0"
0 4 8 16'

MARK	DATE	DESCRIPTION

PROJECT NO: 17005
MODEL FILE: CHUGH-12.dwg
DRAWN BY: SKL
CHK'D BY: SKL
DATE: 08-11-2019



SHEET TITLE

SECTIONS



VIEW LOOKING WEST FROM STREET APPROACH



VIEW LOOKING EAST FROM PROJECT SITE



VIEW LOOKING SOUTH EAST FROM PROJECT SITE



PRELIM VIEW FROM EAST



PRELIM VIEW FROM WEST

**PROPOSED NEW
SINGLE FAMILY
DWELLING**

**OWNER
MR. & MRS. CHUGH**

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MARK	DATE	DESCRIPTION

PROJECT NO: 17005
MODEL FILE: CHUGH 12.rvt
DRAWN BY: SKL
CHK'D BY: SKL
DATE: 08-11-2018



SHEET TITLE
**EXISTING CONDITIONS &
PRELIM VIEWS**

A-5

SHEET 11 OF 3

BUILDING:
 GARAGE AREA 801 S.F.
 BASEMENT AREA (UNFINISHED) 1,575 S.F.
 HOUSE FIRST FLOOR AREA 2,431 S.F.
 SECOND FLOOR AREA 1,996 S.F.
 TOTAL AREA 4,425 S.F.

FLOOR AREA RATIO (F.A.R.):
 MAX. F.A.R. = 0.20
 PROPOSED F.A.R. = 0.07

	REQUIRED	PROVIDED
MAX. BUILDING HEIGHT (FT.)	36	36
MAX. NO. OF STORIES	2.0	2.0
PARKING	3	3
FRONT SETBACK	25	150
REAR SETBACK	35	120
SIDE SETBACK	6	6

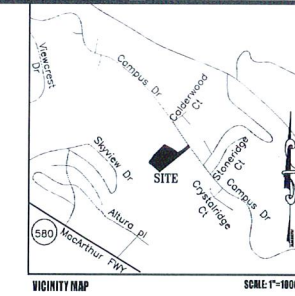
NOTE:
 NO PORTION OF THE PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER PANEL NUMBER 05001C0095G, ALAMEDA COUNTY, CALIFORNIA, DATED AUGUST 3, 2009.

NOTE:
 1. REAR YARD GRADING IS TO AVOID STORM WATER RUN OFF TO ADJACENT PROPERTY.
 2. ALL DOWNSPOUTS SHOULD BE COLLECTED AND RELEASE TOWARD THE DRAINAGE DITCHES.
 3. HOUSE HAS BEEN DESIGN TO FIT THE EXISTING GRADE AND EASEMENT AND AVOID FILL OVER THE EASEMENT TO REDUCE THE SLOPE.
 4. THERE ARE MINIMUM CUT AND FILL.

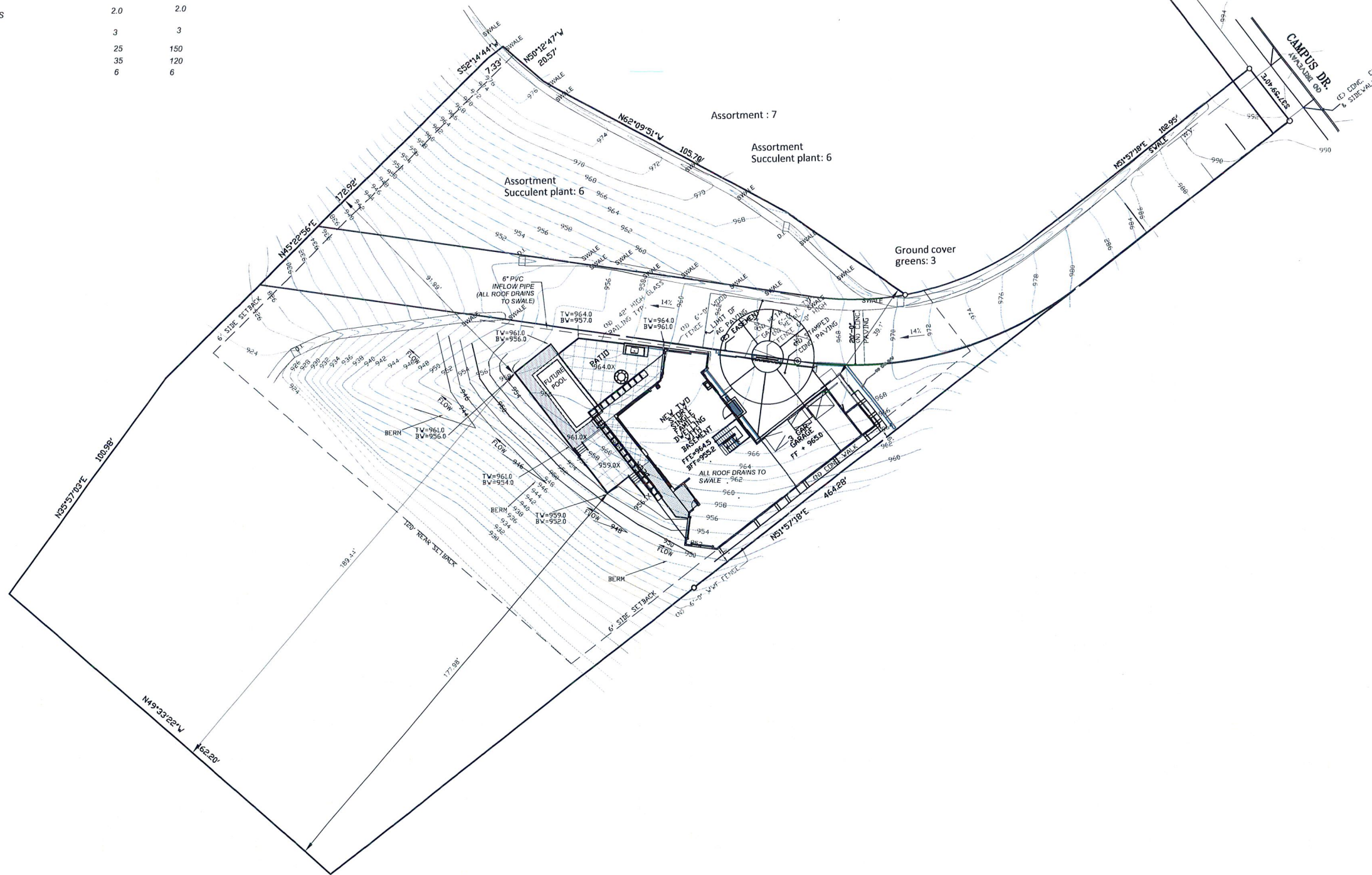
PROPERTY ADDRESS:
 13639 CAMPUS DR.
 OAKLAND, CA 94605

APN 037A-3167-019
 ZONING OS(RCA)
 LOT AREA 61,524 S.F.
 DISTURBED AREA (GRADING) 10,400 S.F. (16.9%)
 LANDSCAPE AREA 2,350 S.F. (3.8%)

COVERED AREA 3,313 S.F.
 MAX. PROPOSED 15%
 PROPOSED 5%



SITE PLAN FOR
 13639 CAMPUS DR.
 OAKLAND, CA 94605
 CITY OF OAKLAND
 ALAMEDA COUNTY, CALIFORNIA
 PARCEL NO: 037A-3167-019



Cut/Fill Summary

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
FG VS EG	1.000	1.150	7100.00 Sq. Ft.	844.02 Cu. Yd.	220.87 Cu. Yd.	623.15 Cu. Yd.<Cut>
Totals			7100.00 Sq. Ft.	844.02 Cu. Yd.	220.87 Cu. Yd.	623.15 Cu. Yd.<Cut>

NOTES:
 LDE CONSULTANTS, INC. AND/OR ENGINEER DOES NOT RESPONSIBLE FOR ANY UTILITY LOCATION, CONTRACTOR SHOULD CONFIRM THE LOCATION BEFORE STARTING THE CONSTRUCTION.

GRAPHIC SCALE
 (IN FEET)
 1 inch = 20 ft.

LEGEND

- IPR - IRON PIN ROUND
- IPS - IRON PIN SET
- F1 - FORD INLET
- DI - DRAIN INLET
- CB - CATCH BASIN
- HW - HEAD WALL
- JB - JUNCTION BOX
- OE - ORANGE EASEMENT
- CMP - CORRUGATED METAL PIPE
- RCP - REINFORCED CONCRETE PIPE
- VCP - VITRIFIED CLAY PIPE
- DIP - DUCTILE IRON PIPE
- PIC - POLYETHYLENE GLYCOL PIPE
- C&G - CURB AND GUTTER
- F.I.R.M. - FEDERAL INSURANCE RATE MAP
- T.P.O.B. - TRAIL POINT OF BEGINNING
- P.O.B. - POINT OF BEGINNING
- G.M.D. - G.A. MOUNTAIN DISTRICT
- TR - TREE LINE
- BR - BRANCH
- EC - EXISTING CONTOURS (DASHED)
- PC - PROPOSED CONTOURS (SOLID)
- TC - TOP OF CURB ELEVATION
- TRF - TRAILER FRONT
- LP - LIGHT POLE
- L.O.D. - LIMITS OF DISTURBANCE
- SE - CONSTRUCTION EASEMENT
- SE2 - DISTURBED AREA WITH MULCHING (TYPE A SILT FENCE)
- SE3 - DISTURBED AREA WITH MULCHING
- SE4 - DISTURBED AREA WITH TEMP. SEEDING
- SE5 - DISTURBED AREA WITH PERM. SEEDING

NO.	DESCRIPTION	DATE	NO.	REVISION

MARCH 3, 2018
 DATE
 180716
 JOB NUMBER
 FILE NUMBER
C-1
 SHEET

Front Yard Planting

1. Chinese Magnolia – Magnolia x soulangeana
2. Citrus sinensis (orange tree)
3. Satureja douglasii/Rosmarinus officinalis/ceanothus gloriosus (ground cover greens)
4. Iris douglasiana/perovskia atriplicifolia/encelia farinose/
5. Cercis occidentalis

Interior Plants

6. Agave Attenuata/ Crassula ovata/portulucaria afra/ aeonium haworthii/aeonium arboretum/echeveria species

Side Yard Planting

7. Baccharis pilularis/muhlenbergia rigens/cistus x purpureus/oenothera/delosoerma cooperi OR Cupressus

Side Yard and Outer Rear Yard Planting

8. Shrubs: Xylosma Congestum
9. Citrus lemon osbeck (Lemon tree)/ Punica Granatum (Pomegranite)/Lime Tree/ Fig Tree/ Cherry Tree

Island Planting

10. Iris Douglasiana/Japanese maple/satureja douglasii

SHRUBS			
QTY.	COMMON NAME	SCIENTIFIC NAME	CAL.
9	coyote brush	Baccharis pilularis	3 GAL.
4	Shiny Xylosma	Xylosma Congestum	3 GAL.

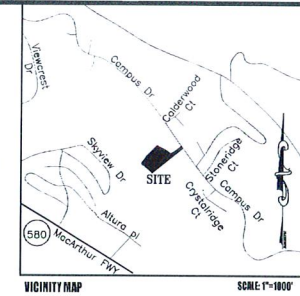
TREE PLANTING LIST				
TREES	QTY.	COMMON NAME	SCIENTIFIC NAME	CAL.
1	1	Chinese Magnolia	Magnolia x soulangeana	2"
1	1	orange tree	Citrus sinensis	2"
1	1	California Red bud	Cercis occidentalis	2"
4	4	Fruit trees	JUNIPERUS VIRGINIANA	2"

NOTE:
ALL DISTURBED AREA TO BE GRASSED.

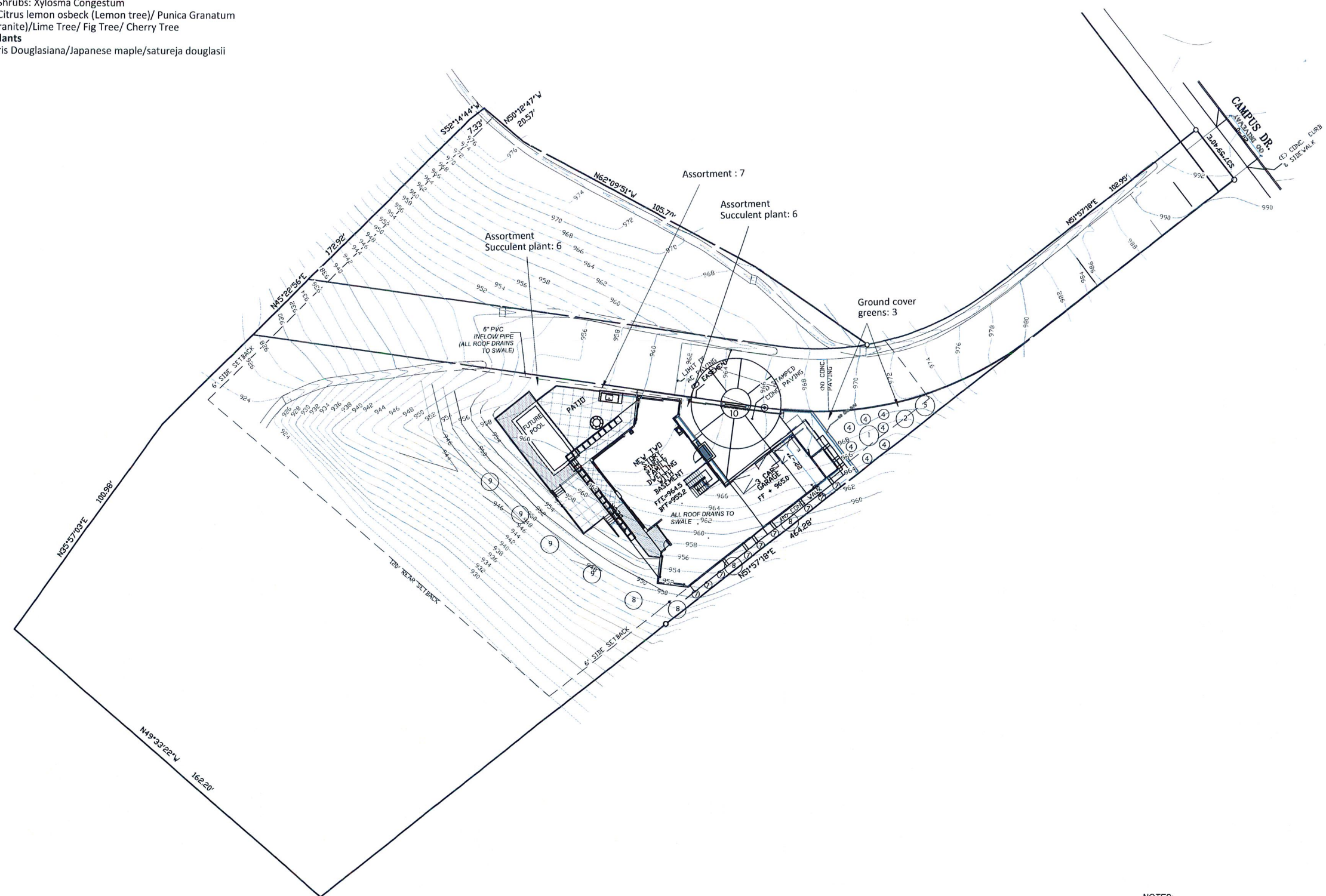
NOTE:
NO PORTION OF THE PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER PANEL NUMBER 08001C0095G, ALAMEDA COUNTY, CALIFORNIA, DATED AUGUST 3, 2009.

PROPERTY ADDRESS:
13639 CAMPUS DR.
OAKLAND, CA 94605

APN 037A-3167-019
ZONING OS(RCA)
LOT AREA 61,524 S.F.
DISTURBED AREA (GRADING) 10,400 S.F. (16.9%)
LANDSCAPE AREA 2,350 S.F. (3.8%)
COVERED AREA 3,313 S.F.
MAX. 15%
PROPOSED 5%



TREE PLAN FOR
13639 CAMPUS DR.
OAKLAND, CA 94605
CITY OF OAKLAND
ALAMEDA COUNTY, CALIFORNIA
PARCEL NO: 037A-3167-019



GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

LEGEND

- IPF - IRON PIN FOUND
- I.P.S. - IRON PIN SET
- YI - YARD INLET
- DI - DRAIN INLET
- CB - CATCH BASIN
- HW - HEAD WALL
- JB - JUNCTION BOX
- DE - DRAINAGE EASEMENT
- CMP - CORRUGATED METAL PIPE
- RCP - REINFORCED CONCRETE PIPE
- VCP - VITRIFIED CLAY PIPE
- DIP - DUCTILE IRON PIPE
- PIC - POLYVINYL CHLORIDE PIPE
- C&G - CURB AND GUTTER
- F.I.R.M. - FEDERAL INSURANCE RATE MAP
- P.O.B. - TRUE POINT OF BEGINNING
- P.O.R. - POINT OF BEGINNING
- G.M.D. - G.M. MURPHY DISTRICT
- TREELINE - TREE LINE
- REB. - REBAR
- BRANCH - BRANCH
- EASTING CONTOURS (DASHED)
- 912 - PROPOSED CONTOURS (SOLID)
- TC - TOP OF CURB ELEVATION
- TRF - TRAFFIC POINT
- L.P. - LIGHT POLE
- L.O.D. - LIMITS OF DISTURBANCE
- CSA - CONSTRUCTION EXIST
- SE - SEEDING
- D1 - DISTURBED AREA WITH MULCHING
- D2 - DISTURBED AREA WITH TERN SEEDING
- D3 - DISTURBED AREA WITH PERM SEEDING

NOTES:
LDE CONSULTANTS, INC. AND/OR ENGINEER DOES NOT RESPONSIBLE FOR ANY UTILITY LOCATION, CONTRACTOR SHOULD CONFIRM THE LOCATION BEFORE STARTING THE CONSTRUCTION.

DATE	NO.	DESCRIPTION	REVISION
MARCH 3, 2018	1	DATE	DATE
		JOB NUMBER	JOB NUMBER
		FILE NUMBER	FILE NUMBER

BOUNDARY & TOPOGRAPHIC SURVEY

LOT 102 AS SHOWN ON THE MAP OF "TRACT 7492 MONTE VISTA ESTATES" FILED DECEMBER 9, 2005 IN BOOK 289 OF MAPS AT PAGES 49-55 IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA COMMONLY KNOWN AS 13639 CAMPUS DRIVE, OAKLAND, CALIFORNIA
AUGUST 2016



BOUNDARY AND TOPOGRAPHIC SURVEY STATEMENT
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE CALIFORNIA LAND SURVEYORS' ACT AT THE REQUEST OF SAMIR CHUGH, IN APRIL OF 2016. I HEREBY STATE THAT ALL EXISTING GRADES AND CONTOURS ARE BASED UPON CITY OF OAKLAND DATUM. I HEREBY FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE STATE LAWS AND LOCAL ORDINANCES HAVE BEEN FULLY SATISFIED. I HEREBY FURTHER STATE THAT THE PARCEL DESIGNATED BY MY SURVEY AND SHOWN ON THIS MAP IS THE SAME AS THAT SHOWN ON THAT CERTAIN DEED, RECORDED MAY 13, 2016 AT SERIES NUMBER 2016121876 IN THE OFFICE OF THE ALAMEDA COUNTY RECORDER, AND IDENTIFIED ON THE CURRENT EQUALIZED ASSESSMENT ROLL OF THE ALAMEDA COUNTY ASSESSOR AS PARCEL NUMBER 37A-3167-19. I HEREBY FURTHER STATE THAT IN ACCORDANCE WITH THE CALIFORNIA LAND SURVEYORS' ACT THE PERFORMANCE OF THIS SURVEY REQUIRES THAT A CORNER RECORD BE FILED WITH THE ALAMEDA COUNTY SURVEYOR, AND I WILL FILE SAME WITHIN THE TIME LIMITS PRESCRIBED BY STATE LAW. IF, IN THE COURSE OF SUCH FILING, CHANGES ARE NECESSARY TO THE CORNER RECORD THAT REFLECT UPON THE SURVEY SUBMITTED TO THE CITY OF OAKLAND, I WILL PROMPTLY SUBMIT A CORRECTED COPY OF SAID SURVEY TO THE CITY. I HEREBY ACKNOWLEDGE THAT THIS SURVEY SHALL BE A PUBLIC RECORD AND MAY BE AVAILABLE FOR INSPECTION AND DISTRIBUTION TO THE GENERAL PUBLIC.

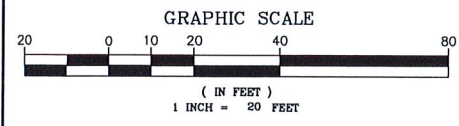
Richard L. Langford
RICHARD L. LANGFORD, PLS 6895
LICENSE EXPIRES JUNE 30, 2017

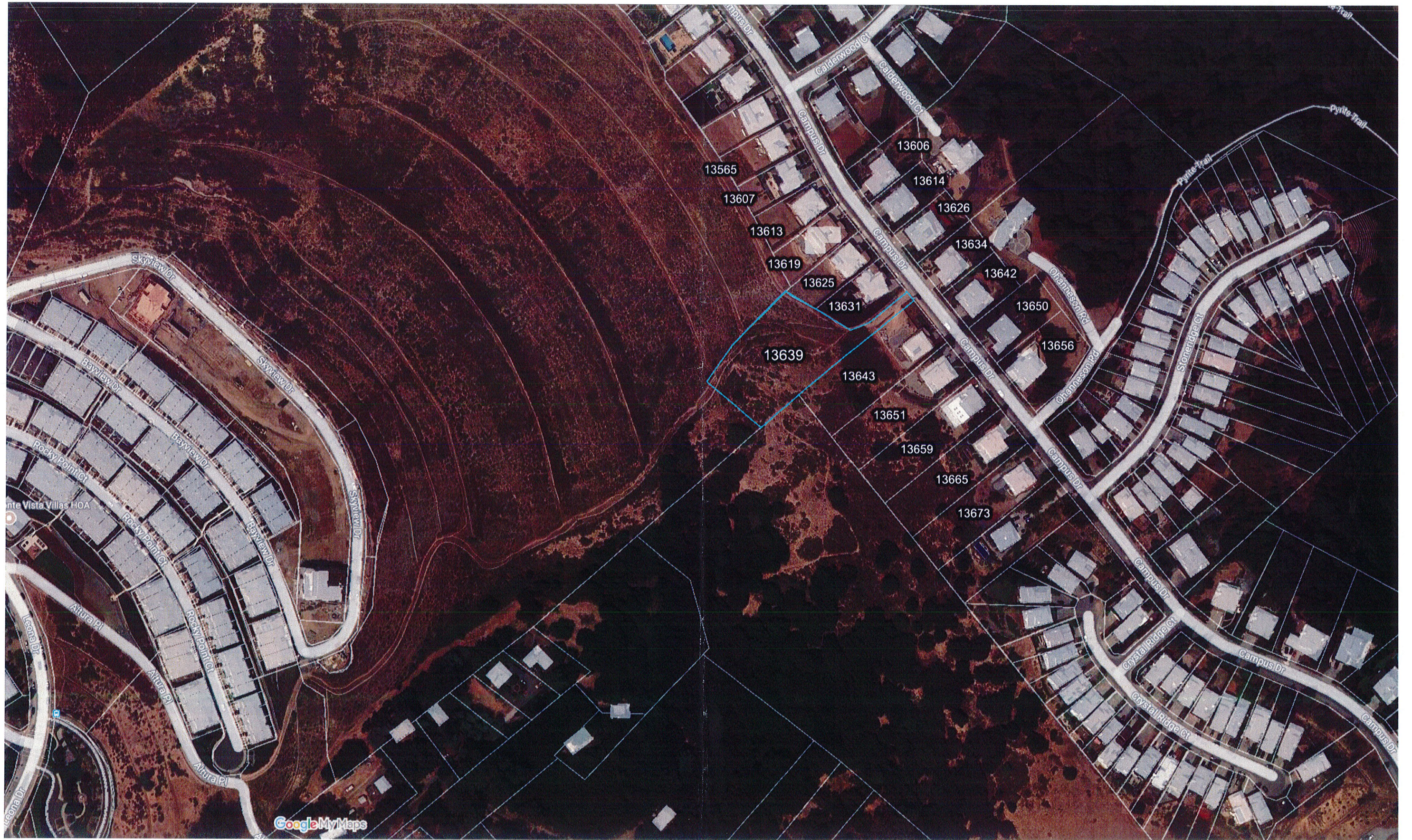
SEPTEMBER 14, 2016
DATE

NOTES:

- THERE ARE NO PROTECTED TREES ON THIS SITE.
- THERE ARE NO HORIZONTAL OR VERTICAL CURVES WITHIN 300 FEET OF THIS SITE.
- THE ELEVATIONS SHOWN ON THIS SHEET ARE BASED ON CITY OF OAKLAND DATUM. THE BENCHMARK FOR THIS SURVEY IS THE FLOWLINE OF THE STORM DRAIN INLET IN CAMPUS DRIVE AS SHOWN ON OAKLAND SEWER MAP 140. ELEVATION = 989.25 FEET
- THE BEARINGS SHOWN ON THIS SURVEY ARE BASED ON THE MONUMENT LINE IN CAMPUS DRIVE, TAKEN AS N37°59'40"W AS SHOWN ON THE MAP OF "TRACT 7492 MONTE VISTA ESTATES" FILED DECEMBER 5, 2005 IN BOOK 289 OF MAPS AT PAGES 49-55 IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY.

- = SET 5/8" REBAR WITH PLASTIC CAP INSCRIBED "LANGFORD" "PLS 6895"
- = SET 5/8" REBAR WITH PLASTIC CAP AND TACK, CAP INSCRIBED "LANGFORD" "PLS 6895"
- ⊗ = SET PLASTIC CAP INSCRIBED "LANGFORD" "PLS 6895" ON FOUND BARE 5/8" REBAR
- ⊙ = SET 1" IRON PIPE WITH PLASTIC PLUG AND 3/4" BRASS TAG STAMPED "LANGFORD" "PLS 6895"





13565

13607

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13650

13656



CITY OF OAKLAND Bureau of Planning – Zoning Division

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031

Phone: 510-238-3911 Fax: 510-238-4730

ZONING MANAGER PUBLIC NOTICE

4. **Location:** 0 CAMPUS DRIVE, OAKLAND, CA 94608
APN: 037A316701900
(the subject vacant property is located southwest of the residence at 13631 Campus Drive)
Proposal: To construct a new single-family dwelling on a vacant downslope parcel.
Applicant / Phone Number: Samir Chugh / (917) 740-6109
Owner: Soufastai Christine D
Case File Number: PLN18163
Planning Permits Required: Regular Design Review for new construction; and
Minor Variance for a 6 foot side yard setback where 10% of lot width is required.
General Plan: Hillside Residential
Zoning: RH-3
Environmental Determination: 15303-New Construction; and
15183-Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status: Non-Historic Property
City Council District: 6
Action to be Taken: Pending
Finality of Decision: Appealable to Planning Commission
For Further Information: Contact case Planner **Maurice Brenyah-Addow** at **(510) 238-6342** or by
email: mbrenyah@oaklandnet.com

Your comments and questions, if any, should be directed to the **Bureau of Planning – Zoning**, 250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, California 94612-2031 within **17 calendar days of the posting of this notice**. A decision will be made on the application after this date. If you challenge a decision on this case on appeal and/or in court, you will be limited to issues raised in correspondence delivered to the **Bureau of Planning – Zoning** prior to the close of the public comment period. If you wish to be notified of the decision on this case, please indicate the case number and submit a self-addressed stamped envelope for each to the **Bureau of Planning – Zoning**, 250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, California 94612-2031.

Please note that the description of the application found above is preliminary in nature and that the project and/or such description may change prior to a decision being made. Except where noted, once a decision is reached by the Zoning Manager on these cases, they are appealable to the Planning Commission or the Commission's Residential Appeals Committee. **Such appeals must be filed within ten (10) calendar days of the date of decision by the Zoning Manager and by 4:00p.m.** An appeal shall be on a form provided by the **Bureau of Planning – Zoning**, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Case Planner. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the City of Oakland or wherein the decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to file a timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise every issue that is contested along with all the arguments and evidence previously entered into the record during the previously mentioned seventeen (17) day public comment period. Failure to do so will preclude you from raising such issues during the appeal hearing and/or in court.

POSTING DATE: June 8, 2018
COMMENTS DUE DATE: June 25, 2018

IT IS UNLAWFUL TO ALTER OR REMOVE THIS NOTICE WHEN POSTED ON SITE

Attachment E

CERTIFICATE OF MAIL DEPOSIT FOR PUBLIC NOTICES

I certify that on June 6, 2018 the notices called under the Oakland Zoning and Subdivision Regulations for the following cases were placed into the U.S. Mail system:

CASE FILE NO:	STREET ADDRESS:
1. PLN18163	<i>0 Campus Drive - Mailed Applications on File for the week of June 8, 2018.</i>
2.	
3.	
4.	
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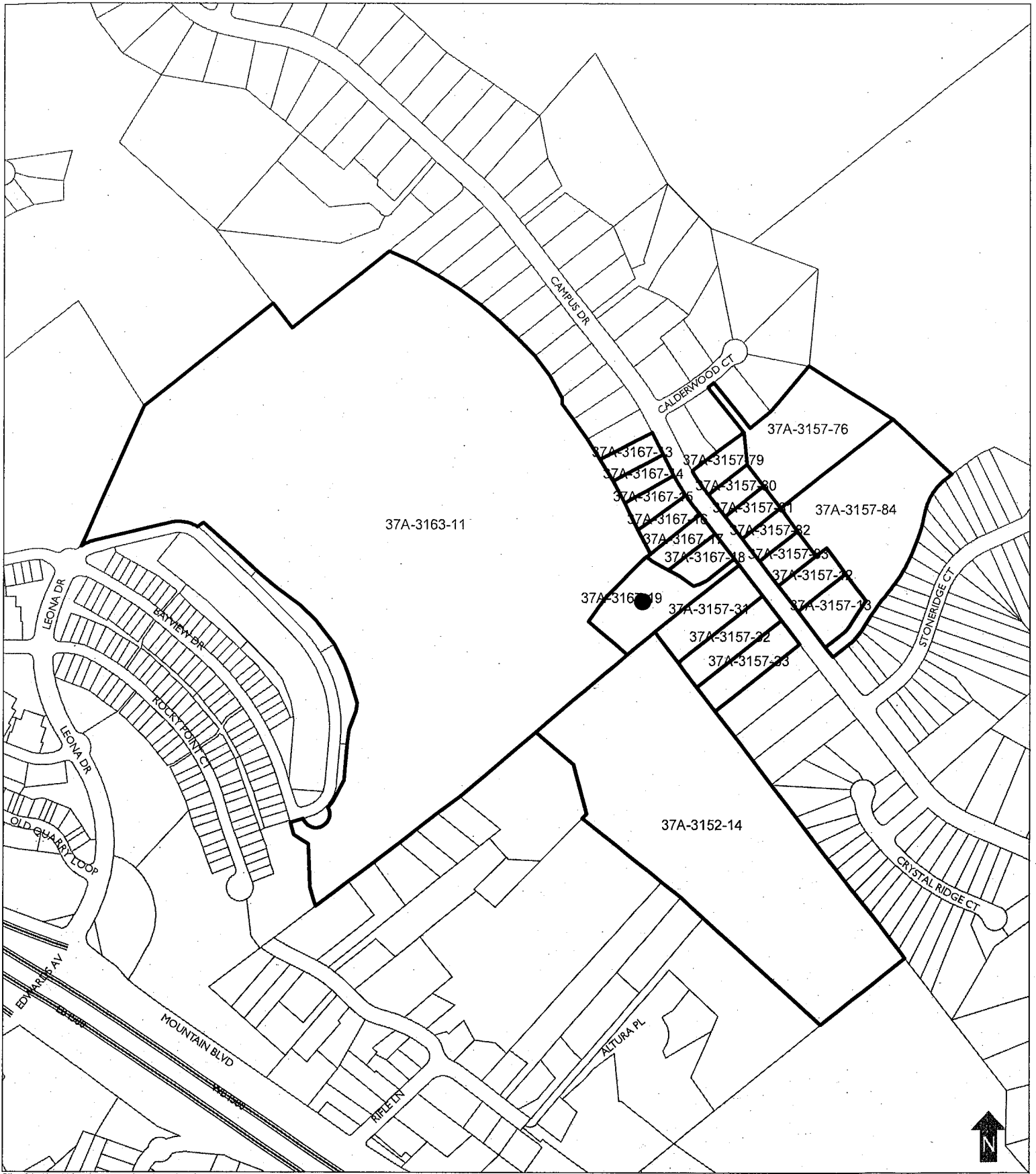
Cheryl Dunaway

(NAME OF PERSON PLACING NOTICES IN MAIL)

FMC1 SCERTMAIL.GB

June 6, 2018

(DATE)



City of Oakland Planning and Building Department

**0 CAMPUS DRIVE
PLN 18163**

8605 SANTA MONICA BLVD #3
LOS ANGELES CA 90069
PLN18163

13565 CAMPUS DR
OAKLAND CA 94605
PLN18163

13606 CAMPUS DR
OAKLAND CA 94605
PLN18163

13650 CAMPUS DR
OAKLAND CA 94605
PLN18163

22429 HESPERIAN BLVD
HAYWARD CA 94541
PLN18163

13642 CAMPUS DR
OAKLAND CA 94605
PLN18163

P.O. BOX 3012
SAN LEANDRO CA 94578
PLN18163

13619 CAMPUS DR
OAKLAND CA 94605
PLN18163

PO BOX 29481
OAKLAND CA 94604
PLN18163

2010 CROW CANYON PLO
SAN RAMON CA 94583
PLN18163

3300 WEBSTER ST
OAKLAND CA 94609
PLN18163

1900 SANDEE CRES
VIRGINIA BEACH VA 23454
PLN18163

6149 VIEW CREST DR
OAKLAND CA 94619
PLN18163

13651 CAMPUS DR
OAKLAND CA 94605
PLN18163

13659 CAMPUS DR
OAKLAND CA 94605
PLN18163

13631 CAMPUS DR
OAKLAND CA 94605
PLN18163

713 BOAR CIR
FREMONT CA 94539
PLN18163

13626 CAMPUS DR
OAKLAND CA 94605
PLN18163

13634 CAMPUS DR
OAKLAND CA 94605
PLN18163

13668 CAMPUS DR
OAKLAND CA 94605
PLN18163

13614 CAMPUS DR
OAKLAND CA 94605
PLN18163

Redacted names
to publish.

-JA 5/23/19