Location:	**Kenilworth Road (APN: 048H761500303, 048H761500304, 048H761500605, and 048H761500706)**
Proposal:	Extension of the planning entitlements to construct a new development consisting of 7 single-family residential lots.
Applicant:	Derek Sagehorn & Jibu John, BuildZig
Phone Number:	(800) 380-0180
Owner:	Sven Khatri, Poppy Crum
Case File Number:	**PUD04195; TPM8228, V06484**
Planning Permits Required:	Planned Unit Development (PUD04195), Environmental Impact Report (ER40006), Tentative Parcel Map (TPM8228), and Minor Variance (V06484).
General Plan:	Hillside Residential
Zoning:	Current Zoning: RH-3 and RH-4, Hillside Residential Zones 3 and 4. Prior Zoning: R-30, One-Family Residential Zone, S-14 Community Restoration Combining Zone, and S-18 Mediated Residential Design Review Combining Zone.
Environmental Determination:	A Final Environmental Impact Report was certified on November 17, 2006 (Case File ER04-0006).
Historic Status:	Not Historic
City Council district	3
Status:	Planning Commission approval on November 15, 2006. The approved project was appealed, and on July 9, 2010, the appeal was withdrawn. The new effective approval date became July 9, 2010. Entitlements have been extended through December 31, 2016. The request to extend permits was received on November 29, 2016
Staff Recommendation	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact case planner **Ann Clevenger** at 510 238-6980 or by e-mail at aclevenger@oaklandnet.com.

SUMMARY

The Project applicant for the residential project on Kenilworth Road filed a request for a one-year extension of the planning entitlements on November 29, 2016 (***Attachment A***). The Project was originally approved by the Planning Commission on November 15, 2006; however, an appeal was filed and subsequently withdrawn. As a result, the approval date was revised to July 9, 2010. The Project applicant has taken advantage of all ministerial options for extensions, and the entitlements expired on December 31, 2016. However, adopted Condition of Approval #5a allows for the Project applicant to request further extensions of the entitlements from the Planning Commission if an application is submitted prior to the expiration date.

The subject property has changed ownership over the years, and the current Project applicant is still in the process of securing the necessary grading and other permits needed to proceed with the Project.

The Project provides new housing units and infill development on vacant downhill parcels that are located within a residential zone. The project is clearly in conformance with the Zoning and General Plan's goals and policies. Therefore, staff recommends that the Project's entitlements be extended for a one-year period.

BACKGROUND

The Project was originally approved by the Planning Commission on November 15, 2006 (***Attachment B).*** A timely appeal (Case File A06581) was filed on November 27, 2006 which was subsequently withdrawn on July 9, 2010. As a result, the approval date was revised to July 9, 2010.

From 2011 through 2015, the Oakland City Council passed Resolutions (81723, 83424, 83989, 84746 and 85305 C.M.S.) to allow automatic extensions of active land use entitlements due to the economic recession. The Project applicant took advantage of the Council Resolutions extending the entitlements as well as the one-year administrative extension per Condition of Approval #5a.

PROJECT DESCRIPTION

Extension Request

Condition of Approval #5a permits the Project applicant to request additional extensions from the approving body. In conformance with this Condition, the Project applicant submitted a letter on November 29, 2016 requesting a one-year extension of the entitlements from the Planning Commission. Unless the Planning Commission approves the time extension request, the approved permits will expire, and the Project applicant will need to apply for development permits development in accordance with the updated Planning Code.

Approved Project Use and Design

The approved Project consists of the construction of seven single-family homes on seven residential lots along an extension of Kenilworth Road, a dead-end street extending from Strathmoor Drive in the Oakland Hills (***Attachment C)***. Detailed designed of the homes was not approved and was required as Condition of Approval #7.

ZONING ANALYSIS

The previous zoning of the Project site was R-30 One Family Residential Zone, S-14 Community Restoration Combining Zone, and S-18 Mediated Design Review Combining Zone. Since the Project was approved, the zoning of the site has changed to Hillside Residential Zone-4 (RH-4). The intent of the RH-4 Zone is to create, maintain, and enhance areas for single-family dwellings on lots of six thousand five hundred (6,500) to eight thousand (8,000) square feet and is typically appropriate in already developed areas of the Oakland Hills. In the approved project includes one unit per lot, on lots that range between 9,678 to 19,976 square feet.

In regards to other zoning requirements such as lot area and setbacks for example, the Project was approved with PUD bonuses waiving those requirements or the Project was granted Variances.

DISCUSSION

On May 3, 2016, the City adopted impact fees for affordable housing, transportation, and capital improvements (Ordinances 13365 and 1366). Development impact fees are a commonly used method of collecting a proportional share of funds from new development for infrastructure improvements and other public facilities to offset the impact of new development.

As such, the City is requesting that the extension be approved with an additional Condition of Approval that the Project shall be subject to the imposition of impact fees unless a vested right is obtained prior to the impact fee adoption date. The reasoning for this request includes the following:

- The Project has benefitted from previous City Council extension resolutions extending the Project entitlements.
- The last City Council resolution required applicants who accepted the extension to be subject to the imposition of impact fees unless a vested right has been obtained. This action effectively set the City Council's policy regarding further extensions of entitlements.
- Staff is requesting that the Planning Commission add this additional Condition of Approval to be consistent with the City Council's previous policy. The same language is now being added to all staff initiated extensions as well.

CONCLUSION AND RECOMMENDATIONS

As noted above, the Project is still in conformance with the General Plan's goals and policies and the Planning Code. Staff believes that the one-year extension would allow the applicant to secure permits for public improvements and other related permits for the project. At the same time, an additional year would ensure that the site does not remain underutilized for an excessive amount of time.

Therefore, staff recommends that the Planning Commission:

1. Approve the extension of Project approvals until December 31, 2017, subject to the previously approved Findings and Conditions of Approval and the additional Condition of Approval regarding the imposition of impact fees.

Prepared by:

Ann Clevenger, Planner III

Reviewed by:

Scott Miller, Zoning Manager
Bureau of Planning

Approved for forwarding to the Planning Commission:

Darin Ranelletti, Interim Director
Department of Planning and Building

ATTACHMENTS:

A. Applicant's extension letter of request, dated November 29, 2016.
B. Planning Commission Staff Report from November 15, 2006.
C. Project Plans

FINDINGS FOR APPROVAL

See Attachment B: Staff Report with Findings included

ADDITIONAL CONDITION OF APPROVAL

The following condition of approval shall be added to the adopted conditions of approval for case file PUD04195, ER040006, CP04068, TPM8228, and V06484, upon extension of applicable entitlements beyond December 31, 2016:

The project approved under case file PUD04195 shall be subject to, and Applicant shall agree to pay, the development impact fees adopted by the City Council unless a vested right was obtained and such project is diligently pursued toward completion, as reasonably determined by the Planning Director or designee.

November 29, 2016

Ann Clevenger
Planner
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

Dear Ann,

Per Condition of Approval #2, we request an extension of the Planning Commission approvals for the Kenilworth PUD (Case Files No. PUD04195, ER40006, TPM 8228, V06484; Kenilworth Road Planned Unit Development Project) through December 31, 2017.

Enclosed is a check for $1,678.31 to process this request. Please let us know if you have any questions.

Sincerely,

Sven Khatri

Poppy Crum

ATTACHMENT A

KENILWORTH ROAD RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD)

Location:	**Kenilworth Road** (off Strathmoor Drive, in the general area between Drury Road and Norfolk Road) **(see map on reverse)**
APN:	048H-7615-007-00
Proposal:	The proposed project would provide for the construction of seven single-family dwellings by means of a Planned Unit Development (PUD). The proposed PUD includes the following components: (1) a tentative parcel map to subdivide four existing lots as follows: existing lot nos. 1 and 2 would be merged into one lot, existing lot no. 3 would remain, and existing lot no. 4 would be divided into four lots and a designated remainder for a total of seven lots, (2) development of the project site and footprints for seven custom-built, single-family residences, including parking, landscaping, and post-construction stormwater management facilities, (3) roadway improvements, including widening and paving the unpaved portion of Kenilworth Road, (4) wildland fire protection, (5) geotechnical stabilization of the site and of upslope properties, and (6) enhancement and protection of a small on-site wetland and drainage course, including establishment of a creek boundary deed restriction, and protection of an off-site creek
Applicant:	Eva Gero and David McDonald.
Owner:	Eva Gero and David McDonald.
Planning Permits Required:	Planned Unit Development (PUD), Creek Protection Permits, Tentative Parcel Map, and Minor Variance to permit 5' side yard setbacks along lot lines opposite the creek on Parcels 1 and 2, where 5' or 10 percent of the lot width is required, to create creek buffer zone.
General Plan:	Hillside Residential
Zoning:	R-30, One-Family Residential Zone, S-14 Community Restoration Combining Zone, and S-18 Mediated Residential Design Review Combining Zone.
Environmental Determination:	Final EIR published on October 20, 2006
Historic Status:	Vacant Parcel – No Historic Status
Service Delivery District:	II
City Council District:	1
Staff Recommendation:	Certify the EIR and approve the project subject to the attached findings, conditions and project description
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner ***Leigh A. McCullen, 510-238-4977*** or by email: **lmccullen@oaklandnet.com**

ATTACHMENT B

SUMMARY

The purpose of this report is to provide a summary of the project and its potential environmental impacts, as identified in the Focused Environmental Impact Report (FEIR). The subject site is approximately 2.9 acres located in the Oakland hills, on Kenilworth Road, off of Strathmoor Drive in the general area between Drury Road and Norfolk Road. This application will establish a PUD (Planned Unit Development) to prepare the site for construction of seven custom single-family dwellings and create a deed restriction to prevent the future extension of Kenilworth Road. The project also includes the following components: (1) development of the project site and facilities; footprints for seven single-family dwellings, including parking, landscaping, and post-construction stormwater management landscaping, and post-construction stormwater management facilities; (2) roadway improvements, including widening and paving the unpaved portion of Kenilworth Road; (3) wildland fire protection; (4) geotechnical stabilization of the site and of upslope properties; and (5) enhancement and protection of a small on-site wetland and drainage course, including establishment of a creek boundary deed restriction, and protection of an off-site creek.

An Initial Study and a Notice of Preparation of a Draft Focused EIR and was issued on July 29, 2005. Based on an Initial Study, it was determined that the project may have significant environmental impacts. A Draft Focused Environmental Impact Report (DFEIR) was then prepared for the project, under the requirements of the California Environmental Quality Act (CEQA). The DFEIR analyzed in detail potentially significant environmental impacts in the following environmental categories: aesthetics, biological resources, geology and soils, hydrology and water quality, and noise. The Draft Focused EIR identifies no significant unavoidable environmental impacts. A Final FEIR, with responses to comments received on the Draft EIR and revisions to the FEIR where necessary, was published on October 20, 2006.

Staff recommends the Planning Commission certify the EIR and approve the project, subject to the attached findings, conditions and project description.

BACKGROUND

Applications for the Kenilworth Project were submitted in 2003 and deemed complete by the City in July 2004. An Environmental Evaluation was prepared, and on April 20, 2005 and May 4, 2005, the Planning Commission determined that the project qualified for a Categorical Exemption with no modifications to the project or the proposed standard City Conditions of Approval. The Planning Commission's CEQA determination was appealed, and on July 19, 2005, the City Council granted the appeal, and directed that an Initial Study be prepared to determine whether a (Mitigated) Negative Declaration or focused EIR should be prepared. The Initial Study assessed the proposed project's potential impacts in the following areas: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and circulation, and utilities and service systems. The Initial Study identified the City's proposed, standard conditions of approval that would apply to the Project, regardless of whether an EIR was prepared, which reduced impacts to less than significant levels. The applicant has agreed to voluntarily add all such Standard Conditions of Approval to the Mitigation Monitoring and Reporting Plan ("MMRP") developed for this FEIR (see Attachment B). The Study also identified a set of specific potential impacts that were discussed further in the DFEIR, including aesthetics, biological resources, geology and soils, hydrology and water quality, and noise. The DFEIR also identified ways to minimize potentially significant effects and describes reasonable alternatives to this project. Three project alternatives are analyzed, the No Project Alternative (site remains vacant), the Reduced Density Full-Project Site Alternative (four instead

of seven residences on seven lots), and the Reduced Density Original Four-Lot Alternative (four residences on four lots).

The Draft FEIR, released on December 5, 2005, was circulated for a 45-day public comment period. The City then prepared a Final EIR containing copies of the comments, responses to those comments, and any necessary revisions to the FEIR. With certification of the FEIR, the City acknowledges its satisfaction that the Final FEIR fully addresses the received public comments and is adequate and complete under CEQA.

PROJECT SITE AND SURROUNDING AREA

The project site is in a low density, urbanized residential setting in the northern portion of the Oakland hills. The project site is surrounded by residential development, including single-family dwellings to the east, west and north and multi-family dwellings to the south. Although there is a large privately owned undeveloped hillside to the south and west, it is not publicly owned or designated open space. Further, the project site, including the right-of-way of Kenilworth Road, was platted as part of the original 1925 Gwen Units of the Highlands of Oakland subdivision. The Gwen Unit subdivision contains approximately 373 residential lots. The project site is approximately 2.9 acres in size, with the right-of-way for Kenilworth Road being 0.7 acres and the parcel area being the remaining 2.2 acres. The project site is steep with slopes ranging from 3:1 (horizontal: vertical) to 1.5:1 (33 to 66 percent).

PROJECT DESCRIPTION

The proposed project would construct seven single-family dwellings by means of a Planned Unit Development (PUD). Through recordation of a parcel map, existing four lots would be reconfigured and divided as follows: existing Lot Nos. 1 and 2 would be merged into one lot; existing Lot No. 3 would remain; and existing Lot No. 4 would be divided into four lots and a designated remainder for a total of seven buildable lots and a designated remainder. Proposed parcel frontages would average 75 to 80 feet, which is greater than most parcels along nearby Strathmoor Drive, where frontages average approximately 60 feet.

Project Components

The proposed project includes the following components and they are each described below in more detail: (1) construction of seven single-family residences, (2) roadway improvements, (3) wild fire protection, (4) geotechnical stabilization, and (5) creek protection.

1. Construction of Seven Single-family Dwellings.

The construction of seven single-family Dwellings would include the structures, site preparation, a sewage collection system, access and parking, and landscaping and screening.

- **Structures.** The project proposes construction of seven custom single-family residences. Proposed building heights are a 35-foot maximum at finished grade and an 18-foot maximum at the Kenilworth Road property line (at the midpoint). These heights are similar to those of surrounding structures. The buildings would be supported by piers and a grade beam foundation system. Setbacks would be similar to those of existing development, and meet the needs of wetland and drainage course preservation. The front of the property on Kenilworth Road would

have a minimum setback of five feet and a rear setback of 15 to 65 feet. Side yard setbacks would be a minimum of five feet or 10 percent of the lot width except creek side parcels may have a minimum side yard setback of five feet. The dwellings will be subject to Design Review by the City.

- **Sewage Collection.** The proposed project would include the installation of a gravity main within the entire Kenilworth Road right-of-way and flow into a privately maintained lift station located in the private access easement portion of the Kenilworth cul-de-sac. At that point the wastewater would be transported under pressure up grade to the public sewer main located in Devon Way via 5-foot private sewer and utility easement. In addition, two neighborhood homes could abandon their leach fields and connect to this system.

- **Access and Parking.** Kenilworth Road would be the only access to all of the residences. It would be widened to 20 feet, and extended 590 feet (see subsection on Road Widening, below). Parking would be on grade and on wooden structures with concrete decks. Each residence would include off-street parking spaces on car decks to be determined at the time of design review.

- **Landscaping and Screening.** The project sponsors will prepare a Landscape Plan that conforms to City Development Standards for landscape coverage, screening and fire prevention. The Landscape Plans will address the following: landscaping types, screening types, landscaping walls, revegetation of slopes, preservation of mature trees, and wetland and drainage course enhancement, as appropriate.

2. Kenilworth Road Improvements (590 linear feet)

Kenilworth Road improvements would include stormwater management and emergency access features. Approximately 310 linear feet of Kenilworth Road are improved from its intersection with Strathmoor Drive to the project site boundary. The project as proposed would improve another 590 linear feet of this roadway. As shown on Figure 2-5 of the DFEIR, the right-of-way would be re-graded to achieve appropriate cross-slopes and widths to meet municipal standards. Compacted sub-base would be overlain with aggregate base, and then with asphalt. Retaining walls would be constructed at the edge of right-of-way where required to achieve acceptable slope stability.

- **Stormwater Management.** Swales would collect stormwater on the upslope side of the roadway, and transport runoff to inlets protected by retaining walls. Existing upslope landscaping and on-site native oak trees would be preserved as much as possible through design.

- **Emergency Access.** Emergency access to the area would be via the entire 900-foot length of improved Kenilworth Road (existing 310 linear feet, and 590 linear feet improved by the proposed project). The project would include a dedicated cul-de-sac turnaround, unobstructed at all times, and designed to City standards, for emergency access vehicles. The total 900-foot length of Kenilworth Road exceeds the maximum length allowed for a dead-end road in the City's fire hazard area, and in consultation with the City's Fire Prevention Bureau, the Applicant would implement the approved Fire Department conditions stipulated in memorandum April 21, 2003. (see Wildland Fire Protection section, below). (City of Oakland 2002)

3. Wildland Fire Protection

The project site is located in the fire hazard area. This area was burned in the Oakland Firestorm, and at least once prior to the Firestorm. In addition to improved emergency access, described above, the proposed project would include the following features to reduce the current and future risk from fire to the proposed houses and surrounding properties:

- Four fire hydrants on approximately 300-foot centers would be installed, with adequate fire flow to be confirmed by EBMUD.
- The parcels would be landscaped with plant species that comply with the City's vegetation management program, intended to reduce fire hazard; in the area of the wetland, vegetation would enhance the wetland regime without introducing a fire hazard.
- On-site eucalyptus trees have been removed to eliminate or substantially reduce fuel loads (note that on-site native oak trees will remain).
- Houses will be outfitted with City-approved fire sprinkler systems.

4. Geotechnical Stabilization

Geotechnical stabilization would occur in accordance with the recommendation of a Certified Engineering Geologist and Geotechnical Engineer and would include the following features and activities: retaining walls, restrained retaining walls, demolition and stripping, subgrade preparation, keyways, slope stabilization, subsurface drainage, and engineered fill. A City-required peer review was also performed which generally concluded that the field program was sufficient to support the conclusions and recommendations of the geotechnical documents. The recommendations of the peer reviewer are included as conditions of approval. In addition, a condition of approval is proposed requiring the project to be included in a Geologic Hazard Abatement District.

- **Retaining Walls.** To reduce the potential for triggering upslope slide movement, a retaining wall would be constructed along the upslope side of Kenilworth Road. Construction would occur prior to grading and excavation. The wall would be designed to resist lateral loads exerted by uphill landslide debris. Retaining walls would be provided with drainage facilities to prevent the build-up of hydrostatic pressures behind the walls.

- **Restrained Retaining Walls.** In conjunction with construction of homes and driveways (see above), retaining walls would be restrained and not free to deflect at the top of the wall. Walls and abutments would be provided with backdrain facilities.

- **Demolition and Stripping.** Grading would begin with removal of any buried pipes, leachfields, debris piles, trees and associated root systems, and other deleterious materials. Existing non-engineered fill, vegetation and soft or compressible soils would be removed as necessary. Areas to receive fill, slabs-on-grade, or structural foundations and those areas that serve as borrow for fill would be stripped of existing vegetation. Site strippings (soils) would be reserved for replacement on graded slopes prior to installation of proposed erosion control measures.

- **Subgrade Preparation.** Following demolition, clearing and stripping, areas to receive fill, slabs-on-grade or pavement would be scarified to a depth of at least 12 inches, then moisture conditioned, and compacted.

- **Keyways.** After stripping, grading would begin with construction of keyways and subdrains. Fills would be adequately keyed into firm natural materials unaffected by shrinkage cracks.

Filling above keyways would be benched into firm competent soil or bedrock and drained as appropriate.

- **Slope Stabilization.** The identified landslides, which pose a potential hazard to the proposed project, would be removed and replaced as shown on the attached plans (see Attachment A). Where removal and replacement of a landslide is recommended, the excavation would be observed by the project Engineering Geologist to verify complete removal of the landslide debris. A keyway and subsurface drainage would be provided as recommended by the Geologist.

- **Construction of Subsurface Drainage Facilities.** Subsurface drainage systems would be installed in keyways and landslide removal areas. A trench sub-drain would then be installed through the center of the sub-excavation. The wetland and drainage course would be protected and not disturbed during this activity. One or more subdrains could be directed to filter subsurface water to the wetland to enhance hydrology of this feature.

- **Engineered Fill.** Import materials, if any are needed, must meet requirements contained in Section 2.02B, Part I of the Guide Contract Specifications. The Geotechnical Engineer would be informed if importation of soil is contemplated. A sample of the proposed import material would be submitted to the Geotechnical Engineer for evaluation at least 72 hours prior to delivery at the site. Fill material, generally comprising retained stripped materials, would be moisture conditioned and compacted. Maximum dry densities and moisture contents would be determined in accordance with ASTMD-1557, latest edition. Fills would be placed in lifts not exceeding 8 inches or the depth of penetration of the compaction equipment used, whichever is less.

- **Graded Slopes.** Graded cut and fill slopes would be designed and constructed at average gradients 2:1 (horizontal: vertical). All cut slopes would be examined by the Engineering Geologist during slope grading for adverse bedding, seepage, or bedrock conditions that could affect slope stability; over-excavation of adverse geologic conditions could require over-excavation and re-construction of these slopes.

5. Post-Construction Stormwater Management

- The project will have less than one-acre of new impervious surface (approximately 43,093 square feet), as shown in Figure 10 on page 26 of the DFEIR.[1] In order to reduce the amount and rate of site runoff, and to reduce the amount of pollutants in site runoff, design would include post-construction stormwater controls consistent with the Alameda Countywide Clean Water Program (NPDES Permit No. CAS0029831) ("NPDES Permit").[2] In order to further pre-treat and to detain and slow the release of runoff, upslope bioswales would discharge to one of four inlets

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1 The calculations shown in Figure 10 are extremely conservative, for instance the residential footprints are assumed to be 4,000 square feet when actually they would be around 2,500 square feet since the homes constructed are likely to be two- story rather than one-story ranch-style homes. A condition of approval is proposed requiring the project engineer to certify, before and after each phase, that impervious surfaces of the entire project do not exceed one acre.

2 On August 15, 2006, the City implemented new "C.3" (New Development and Redevelopment Performance Standards) stormwater compliance for all new development and redevelopment projects for the which the City has not received that a complete Planning and Zoning permit application that create or replace 10,000 square feet or more of impervious surface are required to incorporate post-construction stormwater pollution management measures. These C.3 requirements do not apply to the Project because the City received a complete Planning and Zoning permit application for this project prior to August 15, 2006.

located on the upslope margin of Kenilworth Road (two inlets are associated with each project). The inlets would each be connected to a 48-inch diameter pipeline located beneath the roadway. These pipes would serve to detain runoff. The subdrains would transport runoff from the roadway west across the project site to energy dissipaters located near the western boundary of each project site. The energy dissipaters would spread water slowly across a geotextile and rock basin, where runoff would infiltrate or would slowly dissipate to downslope properties.

6. Wetland Enhancement and Preservation

The small (0.017-acre) wetland area located on the project site (Parcel 2) offers opportunities for combining enhancement of the wetland with management of subsurface water. The project sponsors propose to direct one subsurface drain to a location above the wetland (not within the delineated boundary of the wetland), where it would filter subsurface water downslope, underground, to the wetland area. Such drainage would increase flushing and provide a healthier wetland regime.

- **Setbacks and Protection.** Both the wetland and drainage course would be protected during construction and permanently. During construction, a minimum four-foot wetland/riparian protection zone would be established and fenced off by an inner silt fence and an outer construction fence. No ground disturbing activities would occur within the outer construction fence, which would be located a minimum of four feet from the edge of the delineated wetland or bank of the drainage course. To achieve permanent wetland and drainage course protection, the proposed project would establish a minimum 20-foot and maximum 25-foot creek boundary from the edge of the delineated wetland or bank of the drainage course.

- **Deed Restriction.** The conditions of this deed-restricted area will be established by the City, and will prevent activities that could adversely affect wetlands or creeks from occurring within the area. Vegetated enhancement of the wetland and drainage course would occur outside the delineated limits of the actual features, but some enhancement may occur within the setbacks to stabilize these areas, and further develop the natural wetland and riparian regimes. All enhancement of the drainage course would occur in accordance with the Landscape Plan and the site-specific Creek Protection Plan.

GENERAL PLAN ANALYSIS

The General Plan land use designation for the project site located in the North Hills Planning Area is Hillside Residential. The desired character and uses of this land use designation is single unit residential structures. The intent of this land use classification is to ". . . *create, maintain, and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots*" (Land Use and Transportation Element, Oakland General Plan, 1998). Desired characteristics of future development are residential in nature. Allowable intensity/density is a maximum of five principal units per gross acre (or up to 14 units on the 2.9 acre site). Key objectives for the Hillside Residential land use classification of the Land Use and Transportation Element of the General Plan are as follows:

Develop single family dwellings in keeping with surrounding residential development.

Foster healthy, vital, and distinctive neighborhoods with adequate open space.

Encourage high-quality housing for a range of incomes in Oakland's neighborhoods.

Construct housing to meet current and future needs of the Oakland community.

Preserve, protect, and enhance riparian areas and biological resources.

The residential development is consistent with Hillside Residential General Plan land use designation. The proposed project's density of seven new residential units on 2.9 acres is well within the density of five principal units per gross acre allowed by the General Plan.

The Open Space, Conservation and Recreation Element (OSCAR) of the General Plan identifies a privately-owned property, the Lands of Varney, to the west of the project for potential conservation (OSCAR Action OS-1.2.4, Additional Resource Conservation Area Designations) (discussed in Chapter G, Cumulative Impacts, Page 95-96). However, the OSCAR recommends against acquisition with City funds due to fiscal constraints and the larger need for additional open space in the flatland neighborhoods. Further, City land use controls, including open space and conservation policies, can not deny an owner economically viable use of their land (OSCAR, Relationship to Private Property Rights, page 1-2).

Project Conformity with the Oakland General Plan			
Relevant GP Topic	**Relevant Objective/Policy**	**Project Conforms ?**	**Substantiation/Comment**
Land Use and Transportation Element (LUTE)			
Neighborhoods	**Objective N3:** Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community.	Yes	The proposed project includes construction of housing that would meet the needs of the Oakland community.
	Policy N3.9 Orienting Residential Development: Residential developments should be encouraged to face the street and to orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.	Yes	The proposed project would orient residences toward sunlight and view, and would not block the enjoyment of same for existing homes.
	Policy N3.10 Guiding the Development of Parking: Off-street parking for residential buildings should be adequate in amount and conveniently located and lain out, but its visual prominence should be minimized.	Yes	The proposed project includes adequate convenient parking consistent with site conditions
	Objective N6: Encourage a mix of housing costs, unit sizes, types, and ownership structures.	Yes	The proposed project would fulfill the need for a specific type of housing for which there is demonstrated effective demand in the City.

Project Conformity with the Oakland General Plan			
Relevant GP Topic	**Relevant Objective/Policy**	**Project Conforms ?**	**Substantiation/Comment**
	Policy N7.2 Defining Compatibility: Infrastructure availability, environmental constraints and natural features, emergency response and evacuation times, street width and function, prevailing parcel size, predominant development type and height, scenic values, distance from public transit, and desired neighborhood character are among the factors that could be taken into account when developing and mapping zoning designations or determining "compatibility". These factors should be balanced with the citywide need for additional housing.	Yes	Proposed project design, which will be developed with input from City staff and in accordance with City conditions placed on the project will fully address all aspects of this policy.
	Policy N7.4 Designing Local Streets: Local streets should be designed to create an intimate neighborhood environment and not support high speed or large volumes of traffic. Providing on-site parking for cars and bicycles, planting and maintaining street trees, and landscaping, minimizing the width of driveway curb cuts, maintaining streets, bike routes, and sidewalks, and orienting residential buildings toward the street all contribute to the desired environment.	Yes	Kenilworth Road would be improved fundamentally in its historic location, and would be slightly realigned in an attempt to avoid damage to protected trees. While providing adequate residential and emergency access, the street will maintain its historic character, and the houses will be oriented as appropriate for site conditions.
	Policy N7.6 Developing Subdivided Parcels: Development on subdivided parcels should be allowed where site and building design minimize environmental impacts, building intensity and activity can be accommodated by available and planned infrastructure, and site and building designs are compatible with neighborhood character.	Yes	The proposed project is designed to blend with the adjacent natural and surrounding built environments, and is protective of views from adjacent parcels. Existing and project-designed infrastructure is adequate to serve the proposed project.

Project Conformity with the Oakland General Plan			
Relevant GP Topic	**Relevant Objective/Policy**	**Project Conforms ?**	**Substantiation/Comment**
Open Space, Conservation, and Recreation Elements (OSCAR)			
Open Space	**Policy OS-1.3:** Development of Hillside Sites: On large sites with subdivision potential, generally conserve ridges, knolls, and other visually prominent features as open space. Maintain development regulations which consider environmental and open space factors such as land stability, plant and animal resources, earthquake and fire hazards, and visual impacts, in the determination of allowable density. Where hillside development does occur, encourage creative architecture and site planning which grading and protects the natural character of the hills.	Yes	While not a "large" site development, the proposed project would protect and stabilize hillside conditions that would not otherwise be improved, and the project would not intrude on adjacent views.
	Policy OS-4.2: Protection of Residential Yards: Recognize the value of residential yards as a component of the City's open space system and discourage excessive coverage of such areas by buildings or impervious surfaces.	Yes	The proposed project would provide substantial yard space. In addition, they would protect existing natural site features (drainage and wetland features). Yards would be in keeping with downslope natural areas.

ZONING ANALYSIS

The project site is located within the R-30 Zoning District, a One-Family Residential Zone, intended to create, enhance, and preserve areas for single-family dwellings, typically appropriate to already developed lower density dwelling areas of the City. The project site is also located within two combining overlay zones. The S-14 combining overlay zone is intended to guide construction of residential facilities in the area damaged by the 1991 Oakland firestorm (Oakland Municipal Code §§ 17.16.010–17.16.10-120 and §§ 17.98.010–17.98.030). The S-18 combining overlay zone (Mediated Residential Design Review) is intended to protect nearby properties, especially with respect to a proposal's massing or bulk, and any view, privacy, or solar access impacts of the proposal on neighboring properties. The S-18 combining overlay also establishes a procedure where the project sponsors and owners of neighboring properties have the opportunity to resolve, through mediation, any issues concerning the proposed design. Another purpose is to encourage the applicant and neighboring owners to have early discussion on proposals so that these issues can be resolved prior to submittal of an application (Oakland Municipal Code Chapter 17.147). The project sponsor has not yet submitted any applications for design review and therefore the design of the seven dwellings are not currently being considered. The project will be subject to the Design Review regulations existing at the time of application for design review, as there is a proposal currently before the City Council to revise residential design review through-out Oakland.

REQUIRED PLANNING PERMITS

Tentative Parcel Map

:

Presently, the site consists of four parcels. Existing parcels 1 and 2 will be merged into one parcel and become proposed parcel 1. Existing parcel 3 will remain. Pursuant to the Tentative Parcel Map application, existing parcel 4 will be divided into four new lots (proposed parcels 3 - 6) with a designated remainder (proposed parcel 7). The PUD will cover all of the proposed lots.

Since Parcel 4 is being divided to create 4 new lots and a remainder, a parcel map is appropriate. Under the Subdivision Map Act, a designated remainder is not considered a parcel for Map Act purposes if the applicant does not intend to "sale, lease, or finance" the designated remainder at the time the application is filed which is the intent of the owner.

Proposed parcel frontages would average 75 to 80 feet, which is greater than most parcels along nearby Strathmoor Drive, where frontages average approximately 60 feet. The proposed lots also exceed the minimum lot area requirement for the R-30 zone and meet or exceed the surrounding prevalent lot area.

Planned Unit Development

Per Sections 17.140.030 and 17.040.060 of the Zoning Regulations, the Planning Commission shall consider the applications for planned unit development (PUD) permits. The purposes of the PUD regulations are to encourage the appropriate development of tracts of land sufficiently large to allow comprehensive planning, and to provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the zoning regulations, thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working.

This Planned Unit Development would establish requirements for, and installation of, all infrastructure improvements required to provide for the future construction of the proposed dwellings. Once the infrastructure is complete, each lot will then be sold for the construction of a custom-designed dwelling on the designated building sites. Each dwelling will be required to obtain separate design review approvals consistent the City's Design Review regulations applicable at the time of application. Each dwelling will be required to comply with the conditions applicable to the PUD and Tentative Map and must obtain any other necessary permits including, but not limited to a Creek Protection Permit.

Design Review

Each dwelling will be required to obtain separate design review approvals consistent the City's Design Review regulations applicable at the time of application.

Creek Protection Permits

CREEK ONE (PARCEL 2)

Potentially regulated wetlands/waters, comprising a total of approximately 0.017 acre, were identified on the project site (on Parcel 2). An investigation/delineation of these features was performed on January 10, 2003, and approximately 0.012 acre of potential low-grade seasonal wetlands and 0.005 acre (2 feet wide by 115 feet in length) of a drainage course were identified (Olberding 2003a). These features were delineated pursuant to Corps protocols, and the delineation submitted to the Corps. The Corps verified this delineation in April 2003 (Corps 2003 *the verification is included in this document as Attachment C, U.S. Army Corps of Engineers' Determination of Waters of the U.S).* Pursuant to this wetland delineation and the City's Creek Protection Ordinance, a creek protection plan, detailing wetland and creek enhancement and preservation, has been submitted to, and reviewed by, CEDA Planning and Building Services and Public Works Agency, Environmental Services. The creek protection plan covers the protection and restoration of the creek and wetland area during the installation of the proposed infrastructure improvements. The establishment of a Wetland and Creek Deed Restriction and an appropriately sized creek buffer, the implementation of 21 Best Management Practices to control the discharge of sediments and other materials, and the implementation of the creek protective conditions of the Creek Protection Plan will avoid and minimize indirect impacts to riparian habitat. Construction of a dwelling on creek side properties of the development will require a separate creek protection permit. The project would also require the approval of the California Department of Fish and Game, through a Streambed Alteration Agreement. Such an agreement was already entered into for a smaller project but would have to be renegotiated.

CREEK TWO (OFF-SITE NEAR PARCEL 7)

A second creek located off-site, to the southwest of the southwestern boundary of the designated remainder parcel (Parcel 7) was identified as a creek by Hydroikos Ltd. on September 1, 2006 and verified by the City's Environmental Services Division. The building footprint on the Parcel 7 would be located between 60-80 feet from this creek and subject to a separate Creek Protection Permit at the time of design review for the dwelling. Grading and other work for the project's infrastructure (including the lower keyways) would be located 37 feet front the top of bank; a chain link fence installed 35 feet from top of bank and a silt fence installed 33 feet from top of bank. The implementation of Best Management Practices to control the discharge of sediments and other materials, and the implementation of the creek protective conditions of the Creek Protection Plan will avoid and/or minimize impacts to creek.

Tree Permit

There are seven existing protected coast live oak trees on the site (see Table 4 and Figure 11 of the DFEIR) that are in excess of 4 inches diameter at breast height (dbh). Some of the oak trees have multiple stems that are less than 4 inches in diameter each but at 4.5 feet above the ground the combined diameters of component stems total over 4 inches diameter. In addition, the two multi-stemmed specimens of the California bay laurel identified in Table 4 and shown in Figure 11 contains a cluster of stems, each less than 9 inches diameter, but with combined diameters exceeding 9 inches at 4.5 feet above the ground surface. The EIR analyzes a worst-case condition and assumes that five of the coast live oak trees, the Monterey pine and the two California bay laurel trees would be removed. The Oakland Tree Protection Ordinance requires individual tree protection during construction if construction activities would be within ten feet of a protected tree.

Per standard policy and practice, a consulting arborist and the Tree Services division of the City's Office of Parks and Recreation will create a tree protection plan, including evaluating whether it is feasible to preserve trees proposed for removal. This plan shall include measures such as surveying and mapping the trunk locations and elevations of individual tress and adjusting the grading plan where feasible to preserve individual trees. Specific practices for protecting trees during construction include:

- Grading and construction plans will delineate the tree protection zone.
- Trees remaining on-site will be protected by pre-construction tree protection fencing. The minimum tree protection zone for healthy trees is generally one foot of protection for each inch in diameter.
- The protection zone will be marked with readily visible fencing materials that remain in place for the duration of construction.
- A six-inch layer of mulch will be placed within the protection zone for the duration of construction. The soil should be moist prior to placement of the mulch.
- No materials, soils, vehicles, equipment, storage or traffic should be allowed within the protection zone.

As specific construction plans are developed, compliance with the Tree Protection Ordinance and the Tree Removal Permit would identify any further measures that would be required and would avoid significant effects.

Minor Variance

A minor variance is required to allow minimum 5-foot side yard setbacks on the two creek side properties (Lots 1 and 2) where the greater of 5 feet or 10 percent of the lot width as required by the R-30 zone. The reduction in the normally required setback of 10 percent of the lot width, which would be between 9-12 feet, would allow greater separation between the creek bank and the proposed structures. The proposed setback variance would be a superior design solution intended to preserve and protect the creek. The reduced setback would only apply to the side lot lines opposite the creek.

ENVIRONMENTAL REVIEW

An Initial Study was prepared under CEQA, which assessed the proposed project's potential impacts in the following areas: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and circulation, and utilities and service systems. The Initial Study identified that the City's standard conditions of approval that would apply to the Project, regardless of whether an EIR was prepared, would reduce certain impacts to less than significant levels. The applicant has agreed to voluntarily add all such Standard Conditions of Approval to the Mitigation Monitoring and Reporting Plan ("MMRP") developed for this FEIR (see Attachment B). The Initial Study also identified a set of specific potential impacts that were discussed further in the DFEIR, including aesthetics, biological resources, geology and soils, hydrology and water quality, and noise, which, as discussed below, are also reduced to less than significant levels.

The City issued a Notice of Preparation and observed the 30-day scoping period in accordance with CEQA Guidelines Section 15082 to allow members of the public and public agencies to comment on the scope of the proposed analysis identified in the Initial Study. The City received five comment letters during the 30-day scoping period.

In summary, the environmental issues raised during the scoping period are as follows, all of which were found to not be significant and were addressed in the Initial Study and the Draft Focused EIR:

- An EIR should be prepared for the proposed project to fully comply with the California Environmental Quality Act.
- U.S. Fish and Wildlife Service and Department of Fish and Game should be consulted.
- The setting description of the project site and neighborhood should be accurately described.
- The baseline characteristics of the project site have been altered and the environmental analysis will need to be revised.
- The biological resources should be fully examined including the wetlands, habitat for endangered species (Alameda whipsnake), nesting birds, and other wild animals.
- Geological impacts of the project should be identified, including potential seismic impacts, potential landslides, grading and cut and filling.
- Hydrology and water quality impacts should be analyzed.
- Visual Quality of the project should be analyzed.
- Air Quality control measures during constructed should be identified.
- Growth Inducement should be addressed.
- Noise impacts of the project should be analyzed, including vibration from project construction.
- Land use discussion should be accurate and should include land use designations of the General Plan.
- Mitigation measures should be identified, particularly for impacts from noise, view shed issues, soil and geology issues, biological resources issues and zoning.
- A mitigation monitoring plan should be prepared and implemented.
- Construction impacts should be discussed including noise, removal of debris, air quality, fire prevention, traffic and parking.
- Alternatives should include a four-lot alternative.
- Cumulative impacts should be examined including creeks and watersheds.

- There should be greater protection of the creek area.

The DFEIR analyzed in detail potentially significant environmental impacts in the following environmental categories: aesthetics, biological resources, geology and soils, hydrology and water quality, and noise. The Draft Focused EIR identifies no significant unavoidable environmental impacts. The DFEIR also identified ways to minimize potentially significant effects and describes reasonable alternatives to this project. Three project alternatives are analyzed, the No Project Alternative (site remains vacant), the Reduced Density Full-Project Site Alternative (four instead of seven residences on seven lots), and the Reduced Density Original Four-Lot Alternative (four residences on four lots).

The DFEIR was distributed to local and State responsible and trustee agencies and the general public was advised of the availability of the DFEIR. The public comment period for the DFEIR began on December 5, 2005 and ended on January 19, 2006, meeting the 45 day legal requirement. After a public hearing on January 4, 2006 held to discuss the DFEIR the Planning Commission directed staff to prepare a Final FEIR.

On October 18, 2006, Notices of Availability of the Final EIR were released and on October 20, 2006 the Final EIR for the project was published, distributed to interest parties and posted on the City's website. The Final EIR contains information in response to concerns raised during the public comment period and specific changes to the text of the FEIR that were made in response to comments made by staff, the public, and reviewing agencies. Primary changes to the text include removal of the provisions for wet weather grading, replacing the term improvement measures with the term standard conditions of approval, and provisions to protect a creek located on an adjacent parcel located near the proposed Remainder Lot.

Potentially Significant Impacts that Can Be Mitigated to Less-Than-Significant-Levels

The Draft FEIR and Final EIR analyzed significant impacts that could be mitigated to less-than-significant levels on aesthetics, biological resources, geology and soils, hydrology and water quality, and noise. The City's standard conditions of approval (including compliance with existing laws/regulations and best management practices), which the applicant has agreed to voluntarily add to the MMRP, would be implemented to reduce impacts to aesthetics, hydrology and water quality, and noise to less-than-significant levels (see Attachment B). To reduce impacts to biological resources to less-than-significant implementation of mitigation measures and the City's standard conditions of approval (including best management practices) are required. A brief discussion of these impacts and the mitigation measures/standard conditions required to reduce them to a less than significant level are summarized below (note: these are not all inclusive please see the MMRP for a full list of mitigations and standard conditions):

Biology: There is a remote possibility of Alameda whipsnake movement into the project area resulting in potential but unexpected impact to the Alameda whipsnake. Standard conditions of approval that apply to other projects in the Oakland-Hills to avoid or minimize impacts to the whipsnake would be implemented. These conditions include conducting a survey prior to construction, construction of a snake barrier fence to exclude Alameda whipsnakes from moving into the construction area, daily equipment inspection, and debris removal.

One nest-like structure, which appears to be a possible raptor nest, was observed in one of the coast live oak tree on the property. Construction during nesting season would result in a significant impact to nesting raptors. If construction is scheduled during the nesting season (February 15th to July 31st), a pre-

construction field survey of the oak trees shall be conducted no earlier than 45 days and no later than 20 days prior to the proposed construction in the vicinity of the tree containing the "nest-like" structure to determine presence of nesting birds. Should the surveys find nesting birds, disruptive construction activity would be postponed through the end of the nesting season in consultation with a qualified biologist.

Landscaping within the rear portions of proposed buildings could introduce invasive, low habitat value, plant species to the riparian corridor. This impact is considered to be potentially significant. To mitigate impacts all landscape materials would be native species.

Protected trees would be removed from the site. Per standard policy and practice, a consulting arborist and the Tree Services division of the City's Office of Parks and Recreation will create a tree protection plan. This plan shall include measures such as surveying and mapping the trunk locations and elevations of individual tress and adjusting the grading plan where feasible to preserve individual trees. When tree removal is unavoidable, the trees that are removed shall be replaced at a 1:1 ratio with 24-inch box trees and incorporated in the Landscape Plan. In addition four mature 60-inch box trees would be part of the Landscape Plan.

Hydrology and Water Quality: Construction activity could have short-term, temporary adverse effects on runoff water quality, such as from erosion and siltation, illicit disposal of debris and wash water from construction vehicles and equipment. This would represent a potentially significant impact. To avoid impacts Best Management Practices and Standard Conditions of Approval of the Creek Protection Plan would be implemented. No other mitigation measures are required.

The construction and operations associated with the proposed project could adversely affect the jurisdictional wetland present on the site through direct removal, filling, or hydrologic interruption. With inclusion of protective design measures and BMPs from the proposed project's Creek Protection Plan along with compliance with the City's Creek Protection Ordinance, the impact to wetlands would be avoided and mitigation measures would not be required. The Creek Protection Plan includes measures to protect the wetland during construction and protect and enhance it over the lifetime of the residences. No mitigation measures are required.

Geology and Soils: Hill slopes of the project site and some up-slope parcels contain mapped landslides, and future landsliding is a possibility. As part of the project the existing project site landslides would be repaired thereby reducing this risk to less than significant levels. Although no mitigation measures are required, standard conditions of approval require implementation of geotechnical consultants' recommendations. A City-required peer review was also performed which generally concluded that the field program was sufficient to support the conclusions and recommendations of the geotechnical documents. The recommendations of the peer reviewer are included as conditions of approval. In addition, a condition of approval is proposed requiring the project to be included in a Geologic Hazard Abatement District.

Mitigation measures for potential wet weather grading were proposed under the DFEIR. Wet weather grading is no longer proposed; therefore these mitigations have been removed for the Final FEIR.

Noise: During construction, activity on the site would generate noise levels typical to those experienced in the neighborhood by current residential construction. Noise levels generated from the proposed construction, depending upon the activity, would range from 60 to 80 dBA in the area. These noise levels would be noticeable during some phase of the construction. The implementation of Standard

Conditions of Approval would reduce the impact to less than significant. No mitigation measures are required. There is nothing unique about the project site or project itself which warrant deviation from standard conditions of approval.

AREAS OF CONTROVERSY

Residents of the project neighborhood and in the surrounding area have expressed concern that: (1) the proposed project could adversely affect the biological resources of the project site including tree removal, wetlands, and other habitat (discussed in Chapter B, Biology, pages 37 to 64 of the DFEIR); (2) the proposed project could affect views of other residences in the area (discussed in Chapter A, Aesthetics, pages 31 to 35 of the DFEIR); (3) the proposed project could adversely affect the hydrology, soils and geology in the area (discussed in Chapter C, Geology and Soils, pages 65 to 73; and in Chapter D, Hydrology and Water Quality, pages 75 to 82 of the DFEIR); (4) construction of the proposed project could have adverse noise, vibration and air quality impacts (discussed in Chapter E, Noise, pages 83 to 93 of the DFEIR; and in Chapter 3, Air Quality, pages 25 to 34 in the Initial Study); (5) gas and electric facilities that are located within and adjacent to the project site (page 23 of the DFEIR); and (6) cumulative conditions be adequately analyzed to assess potential impacts of the proposed project including the creeks and watersheds (discussed in Chapter D, Hydrology and Water Quality, pages 75 to 82 of the DFEIR). These concerns have been addressed in the Final FEIR and would not result in significant environmental impacts.

The Final Focused EIR identifies no significant environmental impacts that could not be avoided through standard conditions of approval, best management practices, or mitigations.

ALTERNATIVES

As required by CEQA, three potentially feasible alternatives were analyzed in the DEIR and represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project. Because there are no significant unavoidable impacts associated with the proposed project, there is no legal requirement that express findings be made rejecting alternatives as infeasible. For informational purposes only, the following is provided.

The No Project Alternative would avoid all of the environmental effects of the proposed project, all of which are already reduced to less than significant under the proposed project through standard conditions of approval (including compliance with existing laws and regulations, and through best management construction practices that are incorporated into the project proposal) and mitigation measures. In the absence of the project, the site's existing conditions (unprotected wetlands, and uncontrolled stormwater drainage, landsliding, and expansive soils issues) would continue instead of being protected or redressed as they would under the proposed project. Thus, this alternative avoids both the adverse changes of the proposed project that would be reduced to less-than-significant levels in the proposed project, as well as the beneficial effects.

A Reduced Density Original Four-Lot Alternative on the originally proposed four-lot subdivision was examined. This alternative would have greater impacts than the proposed project with respect to the encroachment in the Creek One area. This alternative would have several of the same beneficial effects as the proposed project (channeling drainage and limiting overflow, rectification of the soils and improved slope stability up to the end of Lot 4), would have the same or similar impacts in areas such as visual quality, biology, geology, hydrology, and noise, but would have approximately forty percent lower impacts in areas like population and trip generation that are proportionally related to the number of units

built. As with the proposed project, this alternative's potentially significant impacts would be reduced to less-than-significant through standard conditions of approval (including compliance with existing laws and regulations, and through the use of best management construction practices) and mitigation measures that would be incorporated into the project proposal. Construction of four houses on the original four lots, compared to the proposed project with seven houses on seven lots, would only minimally reduce environmental impacts and would not meet the project sponsor's objectives or Oakland's objectives in terms of increasing housing.

The Reduced Density Full-Project Site Alternative analyzes four residential sites on the seven-lot project site. This Reduced Density Full-Project Site Alternative would have several of the same beneficial effects as the proposed project (channeling drainage and limiting overflow, rectification of the soils and seismicity issues), would further reduce the already less than significant impacts in areas such as visual quality, biology, geology, hydrology, noise, population and trip generation that may be proportionally related to the number of units built. As with the proposed project, this alternative's potentially significant impacts would be reduced to less-than-significant through standard conditions of approval (including compliance with existing laws and regulations, and through the use of best management construction practices) and mitigation measures that would be incorporated into the project proposal. Construction of four houses under this alternative – in contrast to the seven houses of the proposed project – would only minimally reduce environmental impacts and would not meet the project sponsor's objectives or Oakland's objectives in terms of increasing housing.

Both the Four Lot Alternative and the Reduced Density Full-Project Site Alternative would further reduce the proposed project's less-than-significant visual, grading, and stormwater impacts due to construction of four not seven houses, creation of a smaller area of impervious surfaces for increased site runoff, and smaller affected construction area for grading; although the reductions would not be exactly the same for the two alternatives.

As presented in the DEIR and FFEIR, the alternatives were described and compared with each other and with the proposed project. The No Project Alternative was identified as the environmentally superior alternative. Under CEQA Guidelines Section 15126.6(e)(2), if the No Project Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives. The Reduced Density Full-Project Site Alternative is the environmentally superior alternative because it would have similar effects as the Reduced Density Original Four-Lot Alternative except it would be able to maintain the wider wetland protection zone buffer. However, as stated above, because there are no significant unavoidable impacts associated with the proposed project, there is no legal requirement that express findings be made rejecting alternatives as infeasible and this analysis is merely informational.

CONDITION OF KENILWORTH ROAD

Separate and apart from the development proposal before the Planning Commission, a few neighbors have raised concerns over the last few years about the condition of unimproved portions of Kenilworth Road. In response to these concerns, the Public Works Agency caused to be prepared a geotechnical evaluation of the road. Attachment G to this report is a memorandum from the Public Works Agency which recommends closure of the unpaved portion of the road to vehicular traffic during the rainy season (from October 15-May 15). Limited access will be considered following evaluation of the road by City staff and following full compliance with Condition of Approval # 40.

CONCLUSION

Staff believes the proposed project is a well-designed residential development that minimizes environmental impacts and meets all required findings. Therefore, Staff recommends that the Planning Commission:

1) Adopt the CEQA findings, including certifying the Final Focused Environmental Impact Report, and

2) Approve the Planned Unit Development, including the preliminary and final development plan, Tentative Parcel Map, Creek Protection Permits, and Minor variance subject to the attached findings and conditions of approval/MMRP.

Prepared by:
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Approved for forwarding to the City Planning Commission by:

Scott Miller
Zoning Manager

ATTACHMENTS

A. Project Plans
B. Standard Conditions of Approval/MMRP
C. Findings for Approval
D. CEQA Findings
E. Project Phasing Plan
F. Public Works Memorandum Kenilworth Road Closure
G. FEIR (furnished under separate cover)

CONDITIONS OF APPROVAL/MMRP

1. **Conditions of Approval and Mitigation Monitoring and Reporting Program**
   a. Ongoing

   All mitigation measures and standard conditions of approval identified in the Kenilworth Project EIR are included in the Mitigation Monitoring and Reporting Program (MMRP) which is included in these conditions of approval and are incorporated herein by reference, as Exhibit A, as conditions of approval of the project. The MMRP, in certain instances, has been further refined and/or clarified by the conditions of approval of the project. To the extent that there is an inconsistency between the MMRP and the conditions, the more restrictive conditions shall govern. The project sponsor (also referred to as the applicant) shall be responsible for compliance with all applicable mitigation measures adopted and with all the conditions of approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland. The MMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division.

2. **Severability**
   a. Ongoing

   Approval of the Kenilworth project would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of competent jurisdiction, these Approvals would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.

3. **Modifications of Conditions or Revocation**
   a. Ongoing

   Violation of any term, condition, mitigation measure or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right, after notice and public hearing, to revoke the Approvals or alter these Conditions/Mitigation Measures or to initiate civil and/or criminal enforcement and/or abatement proceedings if it is found that the approved facility is violating any of the Conditions/Mitigation Measures or the provisions of the Planning Code or Municipal Code, or operates as or causes a public nuisance.

4. **Approved Use**
   a. Ongoing

   This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes:

   - Approval of a Planned Unit Development ("PUD") for the Kenilworth Residential PUD, under Oakland Municipal Code Section 17.140
   - Approval of the Creek Protection Permit ("CPP") for Creek One for the project's infrastructure improvements incorporated herein by reference, under Oakland Municipal Code Section 13.16, subject to the memorandum, dated November 24, 2004, from the City of Oakland Public Works Agency Environmental Services.
   - Approval of the Tentative Parcel Map ("TPM") for the subdivision of the project site, under Oakland Municipal Code section 16.080

- Approval of the Creek Protection Permit ("CPP") for Creek Two (off-site creek) for the project's infrastructure improvements, incorporated herein by reference, under Oakland Municipal Code Section 13.16, subject to the memorandum, dated October 16 , 2006, from the City of Oakland Public Works Agency Environmental Services.
- Minor Variance to permit 5' side yard setbacks along lot lines opposite the creek on Parcels 1 and 2

b. Ongoing.
The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans dated February 5, 2004, project amendments dated April 11, 2005 and the revised grading plan file dated October 12, 2006 and as amended by the following conditions of approval. Any additional uses other than those approved with this permit, as described in the project description, will require a separate application and approval.

c. Ongoing.
These approvals apply to the Kenilworth Residential PUD.

5. Effective Date, Expiration, and Extensions

a. Ongoing through project completion.
This permit shall expire on November 1, 2008, unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Expiration of any valid building permit for this project may invalidate this approval.

The applicant shall be responsible for the installation of all proposed infrastructure and improvements as outlined in the Project Phasing Plan file-dated October 18, 2006 (Exhibit E). Installation of all infrastructure and project components shall be subject to the timeline outlined in the Project Phasing Plan. Modifications to the Phasing Plan may be granted by the Zoning Administrator. Upon written request, the Planning and Zoning Division may grant a one year extension of the deadline, with additional extensions subject to approval by the City Planning Commission. These approvals shall become effective upon satisfactory compliance with these conditions.

b. Prior to issuance of building permit
The project sponsor shall submit a Construction Phasing and Management Plan for review and approval by the Building Services Division. The following information as well as any additional detailed information or conditions required by the Building Services Division shall be included in the plan and be consistent with all related conditions attached to this project:

- Identification of construction staging areas.
- Designation of main access routes to the site for construction equipment and materials, including truck routes that will be used for delivery or hauling away of materials.
- Designation of construction worker parking areas and designation of specific on-street parking areas, if required.
- Description of how construction equipment and materials will be protected against vandalism and theft.
- Designation that no construction vehicles, materials, and other related equipment shall block the road or pedestrian access-ways to ensure vehicular and pedestrian access to neighboring homes or businesses.

- A fire safety management plan for all phases of work, including provisions for access, water, and other protection measures during grading and construction activities.
- A construction period litter/debris control plan to ensure the site and surrounding area is kept free of litter and debris, which requires that debris be collected and removed at least daily.

c. ***Prior to issuance of certificate of occupancy.***
Final inspection and a certificate of occupancy for any unit or other structure within a phase, as set forth above, shall not be issued until (a) all landscaping and on and off-site improvements for that phase are completed in accordance with this Approval, or (b) until cash, an acceptably rated bond, a certificate of deposit, or other form of security (collectively "security"), acceptable to the City Attorney, has been posted to cover all costs of any unfinished work related to landscaping and public improvements plus 25 percent within that phase, unless already secured by a subdivision improvement agreement approved by the City. For purposes of these Conditions of Approval, a certificate of occupancy shall mean a final certificate of occupancy, not temporary or conditional, except as the City determines may be necessary to test utilities and services prior to issuance of the final certificate of occupancy.

6. Scope of This Approval

a. ***Ongoing.***
The project is approved pursuant to the Planning Code (PUD and variance) and Oakland Municipal Code (Creeks and TPM) only and shall comply with all other applicable codes and requirements imposed by other affected departments, including but not limited to the Building Services Division and the Fire Marshal. Minor changes to the approvals may be approved administratively by the Planning Director; major changes to the approvals shall be subject to review and approval by the City Planning Commission.

7. Design Review Requirements for the Construction of Dwelling Units

a. ***Prior to issuance of building permit***
Design review will be required for any construction or alteration for individual dwellings in accordance with the City's then existing regulations. The footprints and elevations of the proposed structures shown in the Planned Unit Development and Tentative Map are conceptual only and are subject to change as part of the Residential Design Review process. However, the basic locations shall be generally consistent with the site plan submitted as part of this application.

8. Creek Protection for Construction of Dwellings

a. ***Prior to the issuance of a building permit***
Development of the individual lots with a single-family dwelling shall be subject to the Creek Protection Ordinance and Creek Permit requirements.

9. Recording of Conditions of Approval and Mitigation Monitoring Plan

a. ***Prior to issuance of building permit or commencement of activity.***
The project sponsor shall execute and record with the Alameda County Recorder's Office a copy of these conditions of approval on a form approved by the Zoning Administrator. Proof of recordation shall be provided to the Zoning Administrator.

10. Reproduction of Conditions, Improvements, and Mitigation Monitoring Plan on Building Plans

a. ***Prior to issuance of building permit.***
These conditions of approval and shall be reproduced on page one of all plans submitted for a building permit for this project.

Attachment B

11. Indemnification

a. Ongoing.

The project sponsor shall defend (with counsel reasonably acceptable to the City of Oakland), indemnify, and hold harmless the City of Oakland, its agents, officers, and employees (collectively called "City") from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul, the Approvals by the City of Oakland, the Office of Planning and Building, or Planning Commission. The City shall promptly notify the project sponsor of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project sponsor shall enter into an agreement acceptable to the Office of the City Attorney which memorializes this condition within ten (10) business days of a claim, action or proceeding being filed challenging the Approvals. This condition shall survive any termination/extinguishment of the Approvals by a court of competent jurisdiction.

12. Recycling Space Allocation Requirements

a. Prior to issuance of building permit

The design, location and maintenance of recycling collection and storage areas shall comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28 and with the recycling space requirements of the Planning Code. The recycling location and area shall be clearly delineated on the building permit plans.

13. Landscape and Irrigation Plan

a. Prior to issuance of building permit.

The applicant shall submit for review and approval by the Planning and Zoning Division, a detailed landscape and irrigation plan prepared by a licensed landscape architect or other qualified person. Such plan shall show all landscaping on the site maintained by an automatic irrigation system or other comparable system. The landscaping plan shall include a detailed planting schedule showing sizes, quantities, and specific common and botanical names of plant species. Fire and drought-resistant species are encouraged.

14. Landscaping Maintenance

a. Ongoing.

All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All landscaping shall be served by an automatic irrigation system. All paving or other impervious surfaces shall occur only on approved areas.

15. Installation of Landscaping and Bonding

a. Prior to the finalization P-job Permit.

The applicant shall install all proposed landscaping indicated on the approved landscape plan prior to the issuance of a certificate of occupancy, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code. The amount of such bond or cash deposit shall equal the greater of $2500 or the estimated cost of the required landscaping, based on a licensed contractor's bid.

16. Retaining Wall Landscaping.

a. Ongoing.
The landscape plan shall indicate the use of landscape cover on all exposed retaining walls. The plan shall include size, species and location of all retaining wall vegetation.

17. Street Trees

a. Prior to issuance of a permit.
The applicant shall provide one street trees per every 25 feet of street frontage. The species, size at time of planting, and placement in the right-of-way, shall be subject to review and approval by the Office of Parks and Recreation and Building Services.

18. Water, Wastewater and Storm Sewer Service

a. Prior to issuance of building permit
The project sponsor shall provide the necessary information to the Public Works Agency, Design and Construction Services Division to confirm the existing capacity of the water, wastewater and storm service systems that serve the project site and the projected project demand. The project sponsor shall be responsible for payment of the required installation or hookup fees to the affected service providers. The project sponsor shall also be responsible for payment of sewer and/or storm water improvement fees as required by the Public Works Agency.

19. Special Inspector

a. Throughout construction
The project sponsor may be required to pay for on-call special inspector(s) as needed during the times of most intense construction or as directed by the Building Official. Prior to issuance of the first permit, the project sponsor shall establish a deposit with the Building Services Division to fund a special inspector who shall be available as needed, as determined by the Building Official or the Planning Director, and shall replenish the fund as determined necessary.

20. Master Improvement Plan and Improvements in the Public Right-of-Way

a. Prior to Finalization of P-Job and related building permits
The project sponsor shall submit a detailed improvement plan prepared by a licensed Civil Engineer, with all conditions and requirements as set forth in these Conditions of Approval for the private property and the rights of way, including but not limited to curbs, gutters, pedestrian ways, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design, specifications and locations of the water pumping facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements required to comply with all applicable City standards, including the approved landscape plans, the design of the pedestrian paths, and the street tree locations and planting specifications. This plan shall be reviewed and approved by the City Engineer.

21. Underground Utilities

a. Prior to issuance of building permits.
The applicant shall submit plans for review and approval of the Planning and Zoning Division, Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, plans that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground by the developer from the applicant's structures to the point of service. The plans shall show all electric and telephone facilities installed in accordance with standard specifications of the serving utilities.

22. Construction Phasing Plan

a. Ongoing.

The applicant shall be responsible for the installation of all proposed infrastructure and improvements as outlined in the Project Phasing Plan file-dated October 18 , 2006 (Attachment E). All infrastructure shall be installed prior to the approval and recordation of the Parcel Map.

23. Covenants, Conditions and Restrictions & Homeowner's Association

a. Within one year after issuance of the first certificate of occupancy.

The Covenants, Conditions and Restrictions (CC&Rs) for the approved units shall be submitted to the Planning and Zoning Division for review. The CC&Rs shall provide for the establishment of a non-profit homeowners association responsible for the maintenance and operation of allon-site sidewalks, pathways, common open space and all common landscaping, driveways, private infrastructure improvements located within the public right-of-way, including but not limited to storm water drainage facilities and private sewer facilities, and other facilities, in accordance with approved plans. Membership in the association shall be made a condition of ownership. The developer shall be a member of such association for its first five years of existence or until all units are sold.

24. Technical Reports

a. Ongoing

All project components set forth in any submitted geotechnical, hydrological, and/or biological report(s), as well as the peer reviewer recommendations, shall be incorporated in the project. Technical report consultant(s) shall be retained by the applicant to make site visits during all grading and construction activities within twenty (20) feet of the top of the creek bank; and as follow-up, submit to the Building Services Division a letter certifying that the recommended measures/conditions set forth in the Creek Permit submittal materials and the Creek Protection Plans, prepared by G. Borchard and Associates and dated July 2004 for Creek One, and file-dated October 12, 2006 for Creek Two, have been instituted during construction of the project.

25. Grading Activities

a. Ongoing

No grading shall occur without a valid Grading and Obstruction Permit issued by the Building Services Department. All graded slopes shall be planted to prevent erosion according to an Erosion Control Plan approved by the Building Services Department, and issued prior to the subject grading permit. No wet weather grading shall be authorized.

26. Grading, Erosion and Drainage Plan

a. Prior to issuance of grading permit and during construction.

The applicant shall submit for review and approval by the Building Services Division a Site Grading and Drainage plan in conformance with City standards and "Best Management Practices" (BMP) and the measures set forth in the EIR for use during construction. The plan shall indicate the methods, means, and design to conduct site run-off, attenuate storm drainage flow, and minimize sedimentation and erosion during and after construction activity (utilizing a combination of permeable surfaces, subsurface-drainage, silt debris barriers, drainage retention systems, and/or filtration swale landscaping). The drainage plan shall also address erosion and debris flows into swales, inlets, detentions pipes, and drains and shall include methods to ensure flow of water without flooding. The plan shall show the method of storm water discharge which shall either be storm pipes which tie into an approved and suitable discharge point or level/dissipaters at the rear of the proposed lots that shall be continuous across all the lots following

the contours. All graded slopes or disturbed areas shall be temporarily protected from erosion by implementing seeding, mulching and/or erosion control blankets/mats until permanent erosion control measures are in place. No grading shall occur without a valid grading permit issued by the Building Services Division or within the period of October 15 through April 15.

27. Grading Activity Status Reports and Map

a. Prior to issuance of grading permit and during grading activities.

The project engineer shall file status reports to be followed by a final completion report, along with a geologic mapping of all cut-and-fill pads and slopes within the graded area, as a condition of the project grading permit. Locations of subdrains and clean-outs shall be shown on the approved grading map. The applicant shall ensure periodic monitoring of project grading activities by a geotechnical engineer.

28. Storm Drainage Compliance

a. Prior to issuance of a grading permit

The applicant shall ensure that all proposed improvements shall comply with all provisions of the Alameda County's National Pollutant Discharge Elimination System (NPDES) permit issued on February 19, 2003, and related post-construction Best Management Practices (BMP) that would apply to the project; all proposed improvements shall also comply with the Clean Water Act (1972) as amended by the Water Quality Act of 1987, and City of Oakland Storm Water Management and Controls Ordinance No. 11590 C.M.S. and Creek Protection Ordinance No. 12024; and shall utilize all BMPs to prevent sediments or pollutants from entering the storm drain system or watercourses. The impact of the proposed improvements on the storm drain system and watercourses shall be mitigated to the extent practicable by using site design techniques such as minimizing impervious surfaces, minimizing disturbed area, clustering and constructing grass/vegetated swales.

29. Tentative Parcel Map

- A Parcel Map shall be filed with the City Engineer within two (2) years from the date of approval of the Tentative Parcel Map, or within such additional time as may be granted by the Advisory Agency. Failure to file a Parcel Map within these time limits shall nullify the previous approval or conditional approval of the Tentative Parcel Map.

30. Final Building Locations

a. Prior to issuance of any building permits.

The footprints of the proposed structures shown on the Preliminary Planned Unit Development and Tentative Map are conceptual only and are subject to change as part of the Residential Design Review process. However, the basic locations shall be generally consistent with the site plan submitted as part of this application.

31. Private Infrastructure Improvements

a. Ongoing.

All storm drains, walls, swales, detention pipes, inlets, and other erosion and drainage related to facilities within the right-of-way or within any private property shall be privately owned and maintained. Any pressurized sanitary sewer line or mechanical means of pumping sewer shall be privately owned and operated.

32. Encroachment Permit

a. Prior to issuance of any building permit.

The applicant shall obtain any encroachment permits, privately constructed public improvements, waiver of damages or other approvals required by the Building Services Division, prior to grading permit and building permit issuance location of any permanent or temporary elements located in the public right of way.

33. Neighbor Noticing of Access Obstructions

a. During all construction activities.

Construction vehicles, materials and other equipment shall not block the road so that neighbors would be adversely affected from getting to and from their properties. The applicant shall ensure that immediately adjacent property owners are notified in writing no less than 48 hours before any major delivery, hauling, detours, or lane closures related to the project's construction activities occur.

35. Geologic Hazard Abatement District

a. Prior to finalization of the Parcel Map

A Geologic Hazard Abatement District (GHAD) shall be fully operational and assessments, reserve funding and/or other long-term financing and other requirements necessary to fully fund the GHAD shall be established and authorized. The project site may be annexed into the Oakland Area GHAD once it has been fully established.

36. No Extension of Kenilworth Road

a. Ongoing

Kenilworth Road shall not be further extended. A five-foot (5 ft) deed restriction as shown on TPM 8228 shall be recorded with the Parcel Map shall prohibit the future extension of Kenilworth Road. The language of the deed restriction shall be reviewed and approved by the City prior to the finalization of the Parcel Map.

37. Creek Buffer Zone and Deed Restriction

a. Ongoing

No activities that could adversely affect Creek One shall occur and there shall be a buffer zone created adjacent to Creek One which shall, at a minimum, prevent activities that could adversely affect wetlands or creeks from occurring within the buffer zone. A deed restriction shall be included in the deed of each lot that contains a portion of the creek buffer located along Creek One. Prior to the finalization of the Parcel Map, the language of the deed restriction buffer zone, to be reviewed and approved by the City, and shall, at a minimum, include provisions to prevent activities that could adversely affect wetlands or creeks from occurring within the buffer zone.

38. Limitation of Impervious Surfaces

a. Ongoing

The impervious surface of the entire project shall not exceed one (1) acre. The project's civil engineer shall certify, to the satisfaction of the CEDA Building Services, the amount of impervious surface after completion of each phase and start of each phase of the project.

39. Designated Remainder Parcel

a. Ongoing

The final parcel map shall include a statement reiterating that the portion designated as the "Remainder" is for the sole use of the present owner and that the "Remainder" Parcel may not be sold, leased, or financed without the issuance of a certificate of compliance by the City of Oakland.

40. Kenilworth Road Usage

a. Prior to issuance of building and/or grading permits

The applicant shall prepare a plan, for review and approval by the City, which demonstrates that Kenilworth Road can be safely used during all phases of construction, including how Kenilworth Road will be protected during the rainy season after construction has commenced (after October 15, 2007).

Attachment B

MITIGATION MONITORING AND REPORTING PROGRAM

1. AESTHETICS

Impact 1.d: **Light.** The project would introduce a new source of light.

Standard Condition of Approval 1.d (SCA): **Lighting Plan.** A lighting plan shall be submitted for review and approval by the Zoning Manager, with referral to other City departments as appropriate. The lighting plan shall incorporate downward directed lighting ("cut-off luminaires") to direct security lighting downward and reduce off-site light scatter, while providing sufficient illumination for security and safety. The plan shall include the design and location of all lighting fixtures or standards. The plan shall indicate lighting fixtures that are adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: Prior to the issuance of a building permit, a lighting plan shall be submitted for review and approval by the Zoning Manager.

3. AIR QUALITY

Impact 3.b: **Odor and Pollutants.** Construction of the project could expose nearby residents to substantial pollutant concentrations and objectionable odors.

SCA 3.b: **Dust Suppression.** All Basic BAAQMD PM10 (fugitive dust) control measures shall be implemented during all construction and grading activities. These measures shall be enforced through contract specifications.

BAAQMD Fugitive Dust Control Measures

Control Measure	BAAQMD Category	Emission Source Controlled	Measure
1	Basic	Land	Water all active construction areas at least twice daily
2	Basic	Trucks	Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
3	Basic	Land	Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas and staging areas, at construction-sites.
4	Basic	Land	Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction-sites.

BAAQMD Fugitive Dust Control Measures			
Control Measure	**BAAQMD Category**	**Emission Source Controlled**	**Measure**
5	Basic	Streets	Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
Source: BAAQMD, 1996 as revised through 1999. Table 2.			

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: During all construction and grading activities.

Impact 3.d: **Exhaust.** Construction of the project could expose nearby residents to substantial levels of toxic air contaminants.

SCA 3.d: **Exhaust control.** Exhaust control measures as recommended by the BAAQMD will be implemented to reduce the less-than-significant PM_{10} emissions from diesel fuel.

Exhaust Control Measures	
Control Measure	**Measure**
1	Prohibit truck idling in excess of 2 minutes
2	Use electricity from power poles rather than generators
3	Limit the size of construction equipment engines to the minimum practical size
4	Configure construction equipment with 2 to 4 degree engine timing retard or pre-combustion chamber engines
5	Install high pressure injectors on diesel construction equipment
6	Install soot traps
7	Install catalytic oxidizers
8	Minimize concurrent operation of vehicles

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: During all construction and grading activities.

4. BIOLOGY

Impact Biology – 1: **Alameda Whipsnake.** The project may result in inadvertent mortality or injury to Alameda Whipsnake moving through the project site from adjacent whipsnake areas.

Mitigation Measure Biology –1:

Pre-Construction Survey and Installation of Protective Fencing

- Prior to the initiation of site construction, the project area shall be surveyed by a designated construction monitor/biologist to ensure that no Alameda whipsnakes are present. This survey shall not be intended to be a protocol-level survey, but rather one designed to verify that no snakes are actually on site.
- For the portions of the project construction area located adjacent to scrub areas or riparian corridors, a snake barrier fence shall be constructed to exclude Alameda whipsnakes from moving into the construction area. The fence shall be constructed of solid material, such as wood or silt fabric, at least 3.5 feet high, and have its lower six inches buried in the ground. Stakes supporting the barrier shall be located on the interior side of the fence. Installation of the fence shall occur prior to any construction, clearing or grading.
- The protective fencing shall be inspected by the construction monitor/biologist during the initial grubbing and clearing to determine if any Alameda whipsnakes are present or in danger from the construction.
- All construction workers shall attend an Alameda whipsnake information session conducted by the designated monitor/biologist. This session shall cover identification of the species and procedures to be followed if an individual is found on site.
- All equipment lay-down and deposition areas shall be inspected each morning by a designated monitor to ensure that Alameda whipsnakes are not present. All construction activities that take place on the ground shall be performed in daylight hours. Construction materials, soil, construction debris, or other material shall be deposited only on areas where vegetation has been removed and any snakes present would be readily visible.
- Construction debris and trash that may attract whipsnakes shall be periodically (at least weekly) removed from the project site.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: Survey completed prior to the initiation of site construction. Protection measures implemented during all construction and grading activities.

Impact Biology – 2

Impact 4.d: **Raptor Nesting and Breeding.** Construction activity from the project may result in noise disturbance of raptor nesting or directly impact raptor breeding.

SCA 4.d-1-2: **Pre-construction Nesting Raptor Survey and Avoidance.**
If construction is scheduled during the nesting season (February 15th to July 31st), a pre-construction field survey of the oak trees shall be conducted no earlier than 45 days and no later than 20 days prior to the proposed construction in the vicinity of the tree containing the "nest-like" structure to determine presence of nesting birds. Should the surveys find nesting birds, disruptive construction activity would be postponed through the end of the nesting season in consultation with a qualified biologist. The nest structure will be monitored for bird egg-incubation, including:

- Incubation behavior (e.g., regular periods of "disappearance" into the nest structure followed by short, secretive flights to forage).
- Extreme distress and alarm calls when in close vicinity of the nest tree.
- Observation of food carried in the beak or claws to the nest.

If incubation behavior is detected, incorporating the following measures shall protect the nest location:

- A buffer shall be established using orange construction fencing around the tree in accordance with DFG recommendations until the young have fledged.
- The nest tree shall be monitored a minimum of once per week to confirm that the young have fledged and that no new nesting pairs are present before the buffer is removed.
- Construction shall not occur within 150 feet of an active nest until the nest is vacated or juveniles have fledged.

If there is no sign of active use, or if construction is planned between August 1st and February 1st such construction could proceed as scheduled.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: Survey completed prior to the initiation of site construction. Protection measures implemented during all construction and grading activities.

Impact Biology – 3;
Impact 4.b(i): **Riparian Habitat**. Potential Degradation of Riparian Habitat Resulting from Discharge of Sediments and Other Materials (Creek One on Parcel 2).[

SCA 4.b(i): Implementation of Best Management Practices and the Approval Conditions of the Creek Protection Plan

Construction of the Wetland and Creek Conservation Deed Restriction would follow the Creek Protection Plan approved by the City in compliance with fulfilling the requirements of the City's Creek Protection Ordinance. In particular, the following two measures are noted:

- Use a larger size cobble for energy dissipation than the 6 inches to 8 inches in diameter specified in the draft Plan. Key larger rocks into the slope to prevent dislodgement and movement downstream.
- Deed language specifying the conditions of a deed-restriction established by the City through compliance with the Creek Protection Ordinance will be written by the project sponsor and submitted to the City for review and approval.

The following 21 specific practices for protecting the wetland and drainage course areas during construction would avoid direct impacts and reduce indirect impacts to less than significance.

- Maintain a 4-foot minimum construction setback from the delineated edge of the wetland and drainage course.
- Install and maintain silt fencing with the bottom vertical six inches placed in a trench and anchored by a backfill soil a minimum of 2 feet horizontal from the delineated edge of the wetland and the drainage course.
- Install and maintain a construction exclusion fence a minimum of 4 feet from the delineated edge of the feature. This fence will be orange-colored five-foot plastic mesh that clearly establishes the setback edge.

- No equipment and no foot traffic will be allowed within the fenced setback area.
- Landslide repair or work that involves soil disturbance will not take place during the rainy season. Such activities will be limited to the period of April 15 to October 15.
- During construction, no runoff water from the project will be discharged directly into the drainage.
- During construction, storm inlets will be protected by silt barriers such as hay bales or straw wattles. Collected silt will be removed on an as-needed basis and disposed of in accordance with applicable regulations.
- During slope stabilization work, a keyway will be constructed around the drainage area that will prevent sediment and pollutants from collecting in the drainage course.
- Stockpiled soils will be placed away from the drainage course, and no dirt will be placed upslope from the drainage course. Runoff from areas of stockpiled soils will be controlled by covering or spraying with a soil binder and placing straw wattles around its perimeter.
- Disturbed areas will be protected from erosion prior to October 1 by seeding the slopes with an erosion control mix, covering the seeded area with erosion control fabric, and placing straw wattles around its perimeter.
- No construction debris, litter, or human waste material will be deposited into the buffer zone. If construction debris falls within the buffer zone it will be removed on a daily basis.
- During construction, staging and storage areas for equipment, fuels, lubricants, solvents, and other chemicals will be located so that accidental spills do not directly run off into the wetland or drainage course setbacks.
- The contractor and foremen for major subcontractors will receive materials explaining the sensitivity of the drainage course area, the prohibitions contained in the Creek Protection Plan, and the possible consequences for violating the Plan. Sufficient copies will be given to these individuals so that they can be distributed to their work crews.

The project will incorporate the following maintenance and monitoring procedures during the construction phase:

- Inspect and repair inlet and outlet stormwater structures.
- Stabilize and/or repair eroded areas or failures of embankments and slopes.
- Monitor buffer fencing in place during construction.
- Construct additional surface ditches, sediment traps as needed, and backfill of eroded gullies.
- Observe the site conditions for litter control.
- Plant enhancement vegetation outside the delineated limits of the wetland and drainage course. Such enhancement vegetation may be planted within the construction setback area.
- Construct the subsurface drain discharge area upslope and outside the delineated limits of the wetland. Such hydrologic enhancement should be located outside the construction setback to the extent practicable.

Impact 4.b(ii): **Riparian Habitat**. Potential Degradation of Riparian Habitat Resulting from Discharge of Sediments and Other Materials (Off-site Creek Two near Parcel 7)

SCA 4.b(ii)

Implementation of Best Management Practices and Approval Conditions of the Creek Protection Plan for Creek 2. In particular, the following three specific measures are noted:

- Grading and other work (including the lower keyways) shall be located 37 feet front the top of bank.
- Chain link fence shall be installed 35 feet from top of bank
- Silt fence shall be installed 33 feet from top of bank.

In addition, the following specific practices for protecting Creek #2 during construction would avoid direct impacts and reduce indirect impacts to less than significance.

a) A creek protection site plan that includes on the site plan location and type of BMPs and location of staging areas.

b) Implementation of a City-approved vegetation plan and maintenance plan for post grading erosion control, as noted in the October 11 letter from Cundey Geotechnical consultants.

c) The following BMPs shall be implemented:

- No equipment and no foot traffic will be allowed within the fenced setback area.
- Landslide repair or work that involves soil disturbance will not take place during the rainy season. Such activities will be limited to the period of April 15 to October 15.
- During construction, no runoff water from the project will be discharged directly into the drainage.
- During construction, storm inlets will be protected by silt barriers such as hay bales or straw wattles. Collected silt will be removed on an as-needed basis and disposed of in accordance with applicable regulations.
- Stockpiled soils will be placed away from the drainage course, and no dirt will be placed upslope from the drainage course. Runoff from areas of stockpiled soils will be controlled by covering or spraying with a soil binder and placing straw wattles around its perimeter.
- Disturbed areas will be protected from erosion prior to October 1 by seeding the slopes with an erosion control mix, covering the seeded area with erosion control fabric, and placing straw wattles around its perimeter.
- No construction debris, litter, or human waste material will be deposited into the buffer zone. If construction debris falls within the buffer zone it will be removed by hand on a daily basis.
- During construction, staging and storage areas for equipment, fuels, lubricants, solvents, and other chemicals will be located so that accidental spills do not directly run off into the wetland or drainage course setbacks.
- The contractor and foremen for major subcontractors will receive materials explaining the sensitivity of the drainage course area, the prohibitions contained in the Creek Protection Plan, and the possible consequences for violating the Plan. Sufficient copies will be given to these individuals so that they can be distributed to their work crews.

- The project will incorporate the following maintenance and monitoring procedures during the construction phase:
- Inspect and repair inlet and outlet stormwater structures.
- Stabilize and/or repair eroded areas or failures of embankments and slopes.
- Monitor buffer fencing in place during construction.
- Construct additional surface ditches, sediment traps as needed, and backfill of eroded gullies.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency; Environmental Services Division, Public Works.

Monitoring Timeframe: Prior to issuance of a grading and/or building permit and during all construction and grading activities.

Impact Biology – 4: **Non-native Plants.** Landscaping within the rear portions of proposed buildings could introduce invasive, low habitat value, plant species to the riparian corridor.

SCA 4: **Incorporation of Native Plants in Landscaping Plans**

Prior to the issuance of a building permit, the Applicant shall submit for review and approval to the City of Oakland a Landscape Plan that incorporates the planting of native tree and ground cover plants. The Landscape Plan should incorporate plants from the approved plant list (Table 5 of the FEIR) of commonly occurring native plant species.

The Landscaping Plan shall also demonstrate how any proposed landscaping within or near the Creek and Wetland Conservation Deed Restriction shall:

- Minimize removal of native vegetation and
- Replant where appropriate with native plants species.
- The following plants species shall be prohibited from use as landscaping material:
- Tree-of-heaven (Ailanthus altissima)
- English ivy (Hedra helix)
- Periwinkle (Vinca major)
- Himalayan blackberry (Rubus discolor)
- Giant reed (Arundo donax)
- Tamarisk (Tamarix sp.)
- Scotch broom (Cystisus scoparius)
- Cape ivy (Delairea odorata)
- Pampas grass (Cortaderia jubata/C. selloana)

The Project Applicant shall contact the California Exotic Pest Plant Council (CalEPPC) to identify other potential invasive plants prior to completing landscaping plans for the proposed residential units.

The selection of plants will also be compatible with the applied philosophy

of "defensible space," a term first coined in the 1980 Fire Safe Guide for Residential Development in California. Defensible space is the area within the perimeter of a parcel or development where basic wildland fire prevention practices and measures are implemented, providing the key point of defense from an approaching wildfire, encroaching wildlife, or for escaping structure fire. Fuel modification or fuels management plans are effective in defense of wildfires and the selection of plants for use in the riparian buffer should respond to the requirement that such plants be natives and relatively fire-resistant.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency; Environmental Services Division, Public Works.

Monitoring Timeframe: Prior to issuance of a grading and/or building permit and during all construction and grading activities.

Impact Biology 8;
Impact 4.e: **Protected Trees.** The project could adversely affect native oak trees and other protected trees.

SCA 4.e: **Tree Protection Plan.** A consulting arborist and the Tree Services division of the City's Office of Parks and Recreation will create a tree protection plan. This plan shall include measures such as surveying and mapping the trunk locations and elevations of individual tress and adjusting the grading plan where feasible to preserve individual trees. Removal of protect trees shall be avoided where ever possible. All feasible measures shall be taking, such as changes to grading, building footprints, or paving, to preserve protected trees. Specific practices for protecting trees during construction include:

- Grading and construction plans will delineate the tree protection zone.
- Trees remaining on-site will be protected by pre-construction tree protection fencing. The minimum tree protection zone for healthy trees is generally one foot of protection for each inch in diameter.
- The protection zone will be marked with readily visible fencing materials that remain in place for the duration of construction.
- A six-inch layer of mulch will be placed within the protection zone for the duration of construction. The soil should be moist prior to placement of the mulch.
- No materials, soils, vehicles, equipment, storage or traffic should be allowed within the protection zone.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency, Public Works Agency Tree Division Section.

Monitoring Timeframe: A Tree Protection Permit shall be submitted for review and approval prior to the issuance of a grading and/or building permit and the above conditions and any additional permit conditions shall be followed during all construction and grading activities.

5. CULTURAL RESOURCES

Impact 5.b: **Archaeological Resources.** Unknown archeological resources or human remains could be encountered during construction.

SCA 5.b: Should currently unknown cultural resources be encountered during construction, the contractor will immediately stop work in the vicinity and notify the City, who will contact a qualified Archaeologist. The Archaeologist will evaluate the resource and consult, if appropriate, with local Native American organizations. Should human remains be discovered, the City will contact the Coroner. The contractor will redirect work away from the area until notified by the Archaeologist. If the resource is found to be significant under CEQA, an appropriate mitigation plan will be developed and implemented. This measure will be enforced via construction contract specifications.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: During all construction and grading activities.

6. GEOLOGY AND SOILS

Impact 6.a(ii). **Ground Shaking.** Ground shaking of the intensity possible in the area could result in substantial adverse effects to structures and could expose people to rish from injury.

SCA 6.1(ii)—1: Project elements will meet Uniform Building Code Seismic Zone 4 design standards or better to withstand expected earthquake ground shaking, liquefaction, or other ground failures. Design will be in accordance with the recommendations of the final Geotechnical Report, and peer reviewer recommendations, and will be verified for seismic loading by California-registered Professional Civil and Geotechnical Engineers; recommendations by the same regarding site preparation and design will be incorporated into project plans.

SCA 6.1(ii)—2: Site stabilization activities will be conducted under the supervision of a California-registered Professional Geotechnical Engineer.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: Prior to the issues of a building and/or grading permit and during all construction and grading activities.

Impact 6.b: **Erosion.** Construction activities and increase impervious surfaces could increase erosion.

SCA 6.b—1: The contractor will employ all or any combination of the following to avoid and minimize erosion and to avoid sedimentation:

- Tops of fill or cut slopes will be graded to prevent water from flowing freely down the slopes
- Hydroseed or mulch cut slopes
- Use silt fences, hay wattles, or bales to contain sedimentation
- Street sweep to remove soil related to construction activities
- Plant low-water landscaping shortly after site preparation

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: Erosion control measures verified prior to the issuance of a building and/or grading permit and shall be followed during all construction and grading activities.

7. HAZARDS AND HAZARDOUS MATERIALS

Impact 7.a/b; **Hazardous Materials.** During construction small quantities of hazardous liquids or gaseous materials may be used.

SCA7.a/b; The contractor will prepare and implement a site-specific Health & Safety Plan submitted for approval to the City of Oakland. This plan will include plans, procedures, and controls to protect workers, the public and the environment, and will address the potential risk of exposure to hazardous materials associated with site preparation and with the transportation of hazardous materials from the project site during construction.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: Prior to the issues of a building and/or grading permit and during all construction and grading activities.

Impact 7.h: **Fire Hazards.** The project would introduce seven new single-family dwellings to an area known to experience wildland fires.

SCA 7.h: The following actions will be implemented to address safety needed and risks involved with the project[3]

- 70-foot diameter turnaround for fire trucks with a road grade not to exceed 70 percent shall be provided.
- Fire water flow shall meet fire code.
- Demonstrate water pressure meets fire flow requirements or use approved fire sprinkler system in new structures.
- Install four new fire hydrants.
- Use plant species for landscaping that comply with City's vegetation management program.

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3 Ibid (Phillip C. Basada).

- Fire apparatus turnaround will be dedicated and unobstructed at all times.
- Submit survey and site plans for fire department review, prior to issuance of building permits(s) for the first house.
- Road turnouts will be provided per City's draft access road standards for dead-end streets.
- All hydrants closest to any of the proposed building(s) will be operational before construction.
- All new homes will be provided with an approved residential sprinkler system.
- Each home will have steps on grade when on-site slopes to access the rear exterior walls exceed 15 percent.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: Prior to the issues of a building and/or grading permit and followed during all construction and grading activities.

8. HYDROLOGY AND WATER QUALITY

Impact 8.a: **Water Quality.** Altered stormwater runoff after project completion could increase erosion, sedimentation, and pollution levels.

SCA 8.a: The contractor will use any construction-generated water meeting regulatory standards for on-site dust suppression, and will discharge excess construction water meeting regulatory standards to the sanitary sewer system.

Impact 8.c: **Erosion.** On-site erosion may occur during construction activities.

SCA 8.c: A "small project" Storm Water Pollution Prevention Plan (SWPPP) will be developed and implemented, with appropriate BMPs for each stage of the project. The SWPPP will be submitted to the City and RWQCB for review and acceptance. During site preparation and construction, control measures could include silt fences, hay wattles, and filter fabric to prevent runoff of sediment into San Leandro Creek and the Bay. The SWPPP will include post-construction controls to address storm water runoff during the life of the project. To the extent applicable and feasible the SWPPP will utilize techniques found in Erosion and Sediment Control Field Manual (RWQCB 1999b) for construction BMPs, and Start at the Source, Design Guidance Manual for Stormwater Quality Protection (Bay Area Stormwater Management Agencies Association [BASMAA] 1999) for post-construction BMPs.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: Prior to the issues of a building and/or grading permit and followed during all construction and grading activities.

11. NOISE
Impact—1

IMPACT Violate the City of Oakland Noise Ordinance (Oakland Planning Code Section 17.120.050) regarding construction noise, except if an acoustical analysis is performed and all feasible mitigation measures imposed, including the standard City of Oakland noise measures adopted by the Oakland City Council on January 16, 2001.

SCA 11(1): Construction contractors will be required to limit standard construction activities as required by the City Building Department. Such activities are generally limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise generating activity permitted between 12:30 p.m. and 1:30 p.m. No construction activities will be allowed on weekends until after the building is enclosed, without prior authorization of the Building Services Division, and no extreme noise generating activities will be allowed on weekends and holidays.

SCA 11(2): To reduce daytime noise impacts due to construction, construction contractors will be required to implement the following measures:

- Equipment and trucks used for project construction will 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).
- Impact tools (*e.g.*, jack hammers, pavement breakers, and rock drills) used for project construction will be hydraulically or electrically powered wherever possible 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 will be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves will be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures will be used, such as drills rather than impact equipment, whenever feasible.
- Stationary noise sources will be located as far from adjacent receptors as possible, and they will be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.

SCA 11(3): To further reduce potential pile driving and/or other extreme noise generating construction impacts, a set of site-specific noise attenuation measures will be completed under the supervision of a qualified acoustical

consultant. Prior to commencing construction, a plan for such measures will be submitted for review and approval by the City to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures will include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around the construction site, to shield adjacent uses;
- 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;
- Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
- Monitor the effectiveness of noise attenuation measures by taking noise measurements.

SCA 11(4): Along with the submission of construction documents, a list of measures to respond to and track complaints pertaining to construction noise will be submitted to the City Building Department. These measures will include:

- A procedure for notifying the City Building Division staff and Oakland Police Department;
- A plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem;
- A listing of telephone numbers (during regular construction hours and off-hours);
- The designation of an on-site construction complaint manager for the project;
- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving and/or other extreme noise-generating activities about the estimated duration of the activity; and
- A preconstruction meeting will be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

Monitoring Responsibility: City of Oakland Community and Economic Development Agency.

Monitoring Timeframe: Prior to the issues of a building and/or grading permit and followed during all construction and grading activities.

16. UTILITIES AND SERVICE SYSTEMS

Impact 16.f-g: **Solid Waste.** Construction and operation of the project would generate solid waste.

SCA 16.f-g(1): The Project Sponsor shall submit and have approved a construction waste recycling plan to the Public Works Department to divert 50 percent or more of the project's construction waste from land fill disposal.

SCA16.f-g(1): The Project Sponsor will submit and have approved a residential waste recycling plan to the Public Works Department to minimize residential solid waste disposal to landfills over the operational life of the residences.

Monitoring Responsibility: Public Works Department.

Monitoring Timeframe: Prior to the issues of a building and/or grading permit and followed during all construction and grading activities.

FINDINGS FOR APPROVAL

This proposal meets the required findings under Oakland Municipal Code Sections 17.140.080 (Planned Unit Development Permit Criteria), 17.140.060 (Final Planned Unit Development Criteria), 13.16.200 (Creek Protection Criteria), and 16.080.030 (Tentative Parcel Map Criteria) as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report, the EIR and elsewhere in the record.

Section 17.140.080 (Preliminary Planned Unit Development Criteria)
The findings below apply to the revised Preliminary Development Plan for the Kenilworth Project

A. That the location, design, size, and uses are consistent with the Oakland Comprehensive Plan and with any other applicable plan, development control map, or ordinance adopted by the City Council.

The proposed project would provide for seven custom single family residential units and associated site and infrastructure improvements that are consistent with the Hillside Residential General Plan land use designation. The project is also consistent with the density (units per gross acre) allowed by the General Plan and Planning Code, as well as with General Plan policies regarding the provision of attractively designed residential hillside projects. The Project is also consistent with other general plan policies relating to housing construction, open space conservation, and safety, as detailed in the staff report. See also discussion in Tentative Parcel Map Findings A.

B. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding uses, that the location and design will adequately reduce the impact of the development.

The project site is in a low density, urbanized residential setting in the northern portion of the Oakland hills. The project site is surrounded by residential development, including single-family dwellings to the east, west and north and multi-family dwellings to the south. The prevalent lot size of the parcels located within 200' of the perimeter of is 7,072 square feet and the prevalent lot width is 58 feet. The proposed lots, which exceed the prevalent lot size and width of the neighborhood lots, are adequate in size to provide for the construction of single-family dwellings that would be consistent with neighboring dwellings. In addition to providing new home sites, the project includes adequate provisions for access, parking, sewage collection, drainage, and creek and tree protection. The scale of the project fits within the surrounding natural and built environment as an enhancement because it includes provisions for creek protection and landslide repairs.

C. That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will avoid traversing other local streets.

A traffic analysis prepared for the project found that traffic impacts of the project will be less than significant.

D. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or proposed facilities and services.

The proposed project site is surrounded by residential development that is adequately served by existing utilities and service systems including water supply, wastewater treatment, storm water drainage, and solid waste disposal. The proposed project will improve existing public infrastructure through its stormwater management and sanitary sewer system, paving of the Kenilworth Road extension, and the addition of a fire truck turn-around in the cul-de-sac.

E. That the location, design, size, and uses will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations.

The proposed project will result in an attractive setting for seven single-family dwellings compatible with the surrounding a single family hillside residential neighborhood by providing access, new drainage and sewer facilities, landslide repair, and new landscaping.

F. That the development will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices.

The proposed project will be well integrated into its setting, will not require excessive earth moving, will harmonize with surrounding areas, will not destroy desirable natural features and will enhance and protect a small creek, and will not substantially harm major views. Sufficient buffering will be provided in the form of spatial separation and landscaping.

Section 17.140.060 (Planning Commission Action for Final Planned Unit Development):
The findings below apply to the Final Development Plan for the Kenilworth Project.

The proposal conforms to all applicable criteria and standards and conforms in all substantial respects to the preliminary development plan, or, in the case of the design and arrangement of those portions of the plan shown in generalized, schematic fashion, it conforms to applicable design review criteria.

The proposed final development plan for the Kenilworth Residential PUD project conforms to all applicable criteria and standards. The site plan is appropriate for the location. The PUD includes all aspects of the proposed project except the design of each of the seven custom single-family dwellings. Prior to issuance of a building permit for the dwellings, the plans and design for each one will need to be reviewed for consistency with the terms and conditions of the PUD and for design review.

Creek Protection Findings:

Pursuant to OMC Section 13.16.200, the following findings are made in support of the decision to issue a Creek Protection Permit:

A. Will the proposed activity (during construction and after project is complete) (directly or indirectly) cause a substantial adverse impact on the creek?
☐Yes/No:☑

Creek 1: The project will not cause a substantial impact on the creeks since standard conditions of approval require that protection measures during and post construction shall be installed and

implemented to prevent sedimentation of the creek and erosion of the creek bank. The project includes specific practices for protecting the wetland and drainage course areas (See Attachment B).

Creek 2: The project will not cause a substantial impact on the creeks because of the 35 foot set-back from any grading activity and standard conditions of approval require that protection measures during and post construction shall be installed and implemented to prevent sedimentation of the creek and erosion of the creek bank. (See Attachment B).

In making the above finding, the Director of Building Services must, at a minimum, consider the following factors:

1. **Will the proposed activity discharge a substantial amount of pollutants into the creek?**
☐Yes/No☑

Creek 1: The applicant's submitted landslide stabilization plan specifies a combination of retaining walls, landslide re-grading, and subsurface drainage facilities as a means of providing structural slope stability. The site will be further stabilized by planting native riparian vegetation in the riparian zone of the creek one. Site runoff will be filtered through the new plantings to prevent pollutants and sediments from discharging directly into creek. In order to further pre-treat and to detain and slow the release of runoff, upslope bioswales would discharge to one of four inlets located on the upslope margin of Kenilworth Road (two inlets are associated with each project). The bioswales would pre-treat stormwater run-off to reduce pollutants. All of this will improve the existing conditions.

Creek 2: Grading would not occur within 35 feet of the top of bank of this creek and building construction would be 60-80 feet away. A silt fence and construction fence will be installed during construction to prevent loose soils from reaching the creek. In order to pre-treat and to detain and slow the release of runoff, upslope bioswales would discharge to one of four inlets located on the upslope margin of Kenilworth Road (two inlets are associated with each project). The bioswales would pre-treat stormwater run-off to reduce pollutants discharging into the creek.

2. **Will the proposed activity result in substantial modifications to the natural flow of water in the creek?**
☐Yes/No☑

Creek 1: The project will not result in substantial modifications to the natural flow of water in the creek, since the conditions of project approval require: that no physical access to the creek be provided, and that all ground-disturbing activities shall occur behind installed silt curtains and/or hay bales that will be placed at the maximum distance feasible from the delineated creek corridor. Essentially, there will be no work in the creek or the Riparian Corridor and conditions of approval will ensure that the work be performed in a manner that does not result in substantial modifications to the natural flow. In regard to drainage discharging from the hillside, the applicant's hydrology consultant has prepared a report which demonstrates that the flows of surface water and subdrain water collected and discharged at the street are not more than those which currently discharge at this point.

Creek 2: Stormwater runoff would be channeled through bioswales and energy dissipaters to reduce the rate of runoff allowing for infiltration before reaching the creek thereby preventing modification to the creek flow.

3. **Will the proposed activity deposit a substantial amount of new material into the creek or cause substantial bank erosion or instability?**
☐Yes/No☑

Creek 1. See #2 above.

Creek 2. See #2 above.

4. **Will the proposed activity result in substantial alteration of the capacity of the creek?**
☐Yes/No☑

Creek 1. The project will not expand or remove capacity of the creek. The applicant's hydrology consultant has prepared a report which demonstrates that the flows of surface water and subdrain water collected and discharged at the street are not more than to those which currently discharge at this point. The conditions of approval will ensure that the work be performed in a manner that does not result in substantial alterations to the capacity of the creek.

Creek 2. There will be no substantial alteration to capacity creek. Landscape irrigation from the proposed development and existing upslope development may contribute to a slight increase summer flow. This slight increase in summer flow would be beneficial to riparian vegetation.

5. **Are there any other factors which would indicate that the proposed activity will adversely affect the creek?**
☐Yes/No☑

Creek 1. As indicated in the FEIR for this project there are no other factors which would indicate that the project will adversely affect the creek.

Creek 2. There are no other known factors which would indicate that the project would adversely affect the creek.

B. **Will the proposed activity substantially adversely affect the riparian corridor, including riparian vegetation, animal wildlife or result in loss of wildlife habitat?**
☐Yes/No:☑

Creek 1. As explained above in # A2, the project will not impact the riparian corridor.

Creek 2. Landscape irrigation from the proposed development and existing upslope development may contribute to a slight increase summer flow. This slight increase in summer flow would be beneficial to riparian vegetation.

C. **Will the proposed activity substantially degrade the visual quality and natural appearance of the riparian corridor?**
☐Yes/No:☑

Creek 1. The project improves the surrounding setting through stabilization of the surrounding hillside slope and restoration of the creek and riparian habitat of Creek One. The project will have

improve the visual quality and natural appearance of the riparian corridor through the installation of native plant materials and appropriate conditions are imposed to ensure that site work and road construction does not impact the creek. Creek Two would not be altered.

Creek 2. The creek will remain in its natural condition.

D. Is the proposed activity inconsistent with the intent and purposes of OMC Chapter 13.16?
☐Yes/No:☑

Creek 1. Conditions of approval for the construction have been designed to prevent impacts to the creeks. The work is consistent with OMC section 13.16.020 by seeking to prevent damage to public and private property, drainage facilities, creeks and riparian corridors, and also protecting the public health and safety. The project also seeks to limit the discharge of materials into the creeks and maintain and enhance the creeks. The project further advances the goals of the Creek Protection Ordinance by stabilizing the loose soils on the site that might harm the creek corridor if there were to be another slide in the future.

Creek 2. The work is consistent with OMC section 13.16.020 by seeking to prevent damage to public and private property, drainage facilities, creeks and riparian corridors, and also protecting the public health and safety.

E. Will the proposed activity substantially endanger public or private property?
☐Yes/No:☑

Creek 1. The work will protect public and private property from future landslides and provide access to existing parcels. The work will stabilize a landslide that threatens existing dwellings and the creek. The current condition of the hillside presents a threat to the abutting and surrounding dwellings, roadway, utility systems, and the creek. The work will prevent further damage to and maintain provision of these essential services and dwellings.

Creek 2. The work will stabilize a landslide that threatens existing dwellings and the creek. The current condition of the hillside presents a threat to the abutting and surrounding dwellings, roadway, utility systems, and the creek. The work will prevent further damage.

F. Will the proposed activity (directly or indirectly) substantially threaten the public's health or safety?
☐Yes/No:☑

Creek 1. The work will protect the public's health and safety by repairing a landslide and will provide access to existing parcels. The current condition of the hillside presents a threat to the abutting and surrounding residences, roadway, utility systems, and the creeks. The work will prevent further damage to and maintain provision of these essential services to existing dwellings and provide an essential service and access to proposed dwellings.

Creek 2. The work will stabilize a landslide that threatens existing dwellings and the creek. The work would correct existing damage to the hillside while prevent further damage.

Tentative Parcel Map Findings

This proposal meets all the required findings under the Tentative Parcel Map criteria contained in Section 16.080.030 as set forth in the Subdivision Regulations as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

The Advisory Agency shall deny approval of a tentative map if it makes any of the following findings:

A. That the proposed map is not consistent with applicable general and specific plans.

The proposed tentative map would provide for a subdivision of a 2.9 acre parcel, currently consisting of 4 parcels, into a total of seven lots and one designated remainder. The Oakland General Plan designation for this site is Hillside Residential. This designation is intended to create, maintain, and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots, with typical lot size ranging from 8,000 square feet and one acre. The Guidelines for determining General Plan Conformity indicate that the minimum square feet of site area for a unit shall be 6,530 square feet. All of the proposed lots, ranging from approximately 17,000 to 8,500 square feet, exceed 6,530 square feet. In addition to exceeding the minimum lot area requirements of the General Plan, at 2.4 units per acre, the subdivision falls well below the maximum density of 5 units per acre. Given the size of the proposed lots, the subdivision clearly conforms to the General Plan. See also discussion in PUD findings A.

B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The design proposed for the subdivision provide for seven lots which exceed the minimum lot area requirement outlined in the General Plan. The subdivision includes provisions for access, drainage, creek protection, and hillside stabilization to accommodate the proposed development of seven single-family dwellings. See also discussion in PUD findings A.

C. That the site is not physically suitable for the type of development.

The project incorporates numerous components and conditions of approval to ensure that the site is physically suitable for the proposed residential development, which is typical of the area. All proposed provisions for access, drainage, creek protection, and hillside stabilization will be implemented prior to the construction of a dwelling unit.

D. That the site is not physically suitable for the proposed density of development

The project incorporates numerous components and conditions of approval to ensure that the site is physically suitable for the proposed seven residential units, which is typical of the area. All proposed provisions for access, drainage, creek protection, and hillside stabilization will be implemented prior to the construction of a dwelling unit.

E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The potential environmental impacts of the proposed Kenilworth Residential PUD were evaluated in and EIR and it was determined that the project, with standard conditions of approval and mitigation measures, would not have significant effects on the environment.

F. That the design of the subdivision or the type of improvements is likely to cause serious public health or safety problems.

The potential public health or safety problems of the proposed Kenilworth Residential PUD were evaluated and it was determined that the project, including with standard conditions of approval and mitigation measures, would not have significant effects on the environment.

G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

The proposed division would not conflict with existing easements.

H. That the design of the subdivision does not provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Examples of passive or natural heating and cooling opportunities include subdivision design which permits orientation of a structure in an east-west alignment for southern exposure and subdivision design which permits orientation of a structure to take advantage of shade and prevailing breezes. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided and to other design and improvement requirements, and such provisions shall not result in reducing allowable densities or the provisions of a lot which may be occupied by a building or structure under applicable zoning in force at the time the tentative map is filed. For the purposes of this section "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

The proposed design not conflict with passive or natural heating or cooling opportunities in the subdivision.

SECTION 17.148.050(a) - MINOR VARIANCE FINDINGS FOR SIDE YARD SET-BACK:

This proposal meets all the required findings under Minor Variance contained in Section 17.148.050 as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

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

A minor variance is required to allow minimum 5-foot side yard setbacks on the two creek side properties (Lots 1 and 2) where the greater of 5 feet or 10 percent of the lot width as required by the R-30 zone. The reduction in the normally required setback of 10 percent of the lot width, which would be between 9-12 feet, would allow greater separation between the creek bank and the proposed structures. The proposed setback variance would be a superior design solution intended to preserve

and protect the creek, thus improving the functioning of creek and its appearance. The reduced setback would only apply to the side lot lines opposite the creek.

B. 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.

Strict compliance would preclude a superior design solution intended to preserve and protect the creek.

C. 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 proposed minor reduction in the side yard setback would not adversely affect abutting properties and is intended only to provide a greater creek buffer.

D. 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.

Lots 1 and 2 of the proposed development are traversed by a creek. The variances would allow proposed dwelling for these lots to be setback further away from this creek. The presence of a creek on the site warrants the proposed setback variance. Therefore the proposal would not constitute a special privilege.

E. For proposals involving one or two dwelling units on a lot: That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the design review criteria set forth in the design review procedure at Section 17.136.070.

The design of the future proposed dwellings will be evaluated at a latter time. The dwellings will be will be subject to the design review criteria set forth in the design review procedure at Section 17.136.070.

F. For proposals involving one or two dwelling units on a lot and not requiring design review or site development and design review: That all elements of the proposal conform to the "Special Residential Design Review Checklist Standards and Discretionary Criteria" as adopted by the City Planning Commission.

The design of the future proposed dwellings will be evaluated at a latter time. The dwellings will be will be subject to the design review criteria set forth in the design review procedure at Section 17.136.070.

G. 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 <u>at least one</u> 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 by the additional height; or

The minor reduction in the setback would not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy given the topographic changes and existing setbacks of the abutting dwellings. Abutting dwellings are situated at higher elevations and well over 20 feet from the affected lot lines, therefore views would not be blocked and solar access and privacy would not be affected.

b. **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 the 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 (see Illustration I-4b); 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.**

CEQA Findings for Approval of the Kenilworth Project

I. INTRODUCTION

1. These findings are made pursuant to the California Environmental Quality Act (Pub. Res. Code section 21000 et seq; "CEQA") and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 et seq.) by the City of Oakland Planning Commission in connection with the EIR prepared for the Kenilworth Project ("the Project"), EIR SCH # 2005092011.

2. These findings are attached and incorporated by reference into the November 1, 2006 staff report prepared for the approval of the Project. These findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings.

II. PROJECT DESCRIPTION

3. The Project, which is the subject of the EIR, is approximately 2.9 acres located in the Oakland hills, on Kenilworth Road, off of Strathmoor Drive in the general area between Drury Road and Norfolk Road.

4. The maximum Project analyzed in the EIR would result in seven new single-family dwellings.

5. The project also includes the following components: (1) development of the project site and facilities; footprints for seven single-family dwellings, including parking, landscaping, and post-construction stormwater management landscaping, and post-construction stormwater management facilities; (2) roadway improvements, including widening and paving the unpaved portion of Kenilworth Road; (3) wildland fire protection; (4) geotechnical stabilization of the site and of upslope properties; and (5) enhancement and protection of a small on-site wetland and drainage course, including establishment of a creek boundary deed restriction, protection of an off-site creek.

III. ENVIRONMENTAL REVIEW OF THE PROJECT

6. Pursuant to CEQA and the CEQA Guidelines, the City determined that an EIR would be required for the Project. On July 29, 2005, the City issued a Notice of Preparation for the EIR and an Initial Study, which was circulated to responsible agencies and interested groups and individuals for review and comment. A copy of this Notice and the comments thereon are included in Appendix A of the Draft EIR.

7. A Draft EIR was prepared for the Project to analyze its environmental impacts. The Draft EIR was properly circulated for the legally required 45-day comment period from December 5, 2005 to January 19, 2005. The Planning Commission held hearings on the Draft EIR on January 18, 2006.

8. The City received written and oral comments on the Draft EIR. The City prepared responses to comments on environmental issues and made changes to the Draft EIR. The responses to comments, changes to the Draft EIR and additional information were published in a Final EIR on October 20, 2006. The Draft EIR, the Final EIR and all appendices thereto constitute the "EIR" referenced in these findings.

IV. THE ADMINISTRATIVE RECORD

9. The record, upon which all findings and determinations related to the approval of the Project are based, includes the following:

a. The EIR and all documents referenced in or relied upon by the EIR.

b. All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the approvals, and the Project.

c. All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the EIR or incorporated into reports presented to the Planning Commission.

d. All information (including written evidence and testimony) presented to the City from other public agencies relating to the Kenilworth project or the EIR.

e. All final applications, letters, testimony and presentations presented by the project sponsor and its consultants to the City in connection with the Project.

f. All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Project and the EIR.

g. For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation general plans, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area.

h. The Mitigation Monitoring and Reporting Program for the Project.

i. All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

10. The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is Claudia Cappio, Development Director, Community and Economic Development Agency, or her designee. Such documents and other materials are located at Frank H. Ogawa Plaza, Suite 2214, Oakland, California, 94612.

V. CERTIFICATION OF THE EIR

11. In accordance with CEQA, the Planning Commission certifies that the EIR has been completed in compliance with CEQA. The Planning Commission has independently reviewed and considered the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Planning Commission confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the City and the Planning Commission.

12. The Planning Commission recognizes that the EIR may contain clerical errors. The Planning Commission reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

13. The Planning Commission certifies that the EIR is adequate to support the approval of the Planned Unit Development (PUD), Creek Protection Permits, Tentative Parcel Map, Minor Variance and taking all other actions and recommendations that is the subject of the staff report to which these CEQA findings are attached. The Planning Commission certifies that the EIR is adequate to support approval of the project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants described in the EIR and the components of the Project.

VI. ABSENCE OF SIGNIFICANT NEW INFORMATION

14. The Planning Commission recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was completed, and that the EIR contains additions, clarifications, and modifications. The Planning Commission has reviewed and considered the Final EIR and all of this information. The Final EIR does not add significant new information to the Draft EIR that would require recirculation of the EIR under CEQA. The new information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure or alternative considerably different from others previously analyzed that the project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR. Thus, recirculation of the EIR is not required.

15. The Planning Commission finds that the changes and modifications made to the EIR after the Draft EIR was circulated for public review and comment do not individually or collectively constitute significant new information within the meaning of Public Resources Code section 21092.1 or the CEQA Guidelines section 15088.5.

VII. MITIGATION MEASURES, CONDITIONS OF APPROVAL, AND MITIGATION MONITORING AND REPORTING PROGRAM

16. Public Resources Code section 21081.6 and CEQA Guidelines section 15097 require the City to adopt a monitoring or reporting program to ensure that the mitigation measures and revisions to the Project identified in the EIR are implemented. The Mitigation Monitoring and Reporting Program ("MMRP") is attached and incorporated by reference into the November 1, 2006 staff report prepared for the approval of the Project, is included in the conditions of approval for the Project, and is adopted by the Planning Commission. The MMRP satisfies the requirements of CEQA.

17. The mitigation measure and conditions of approval set forth in the MMRP are specific and enforceable and are capable of being fully implemented by the efforts of the City of Oakland, the applicant, and/or other identified public agencies of responsibility. As appropriate, some conditions of approval and best management practices define performance standards to ensure no significant environmental impacts will result. The MMRP adequately describes implementation procedures, monitoring responsibility, reporting actions, compliance schedule, non-compliance sanctions, and verification of compliance in order to ensure that the Project complies with the conditions of approval and best management practices.

18. The Planning Commission will adopt and impose the feasible mitigation measures and conditions of approval as set forth in the MMRP as enforceable conditions of approval. The City has adopted measures to substantially lessen or eliminate all significant effects where feasible.

19. The mitigation measures and standards conditions of approvals incorporated into and imposed upon the Project approval will not have new significant environmental impacts that were not analyzed in the EIR. In the event a mitigation measure and/or condition of approval recommended in the EIR has been inadvertently omitted from the conditions of approval or the MMRP, that mitigation measure and/or condition of approval is adopted and incorporated from the EIR into the MMRP by reference and adopted as a condition of approval.

VIII. FINDINGS REGARDING IMPACTS

20. In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the Planning Commission adopts the findings and conclusions regarding impacts and conditions of approval that are set forth in the EIR and summarized in the MMRP. These findings do not repeat the full discussions of environmental impacts contained in the EIR. The Planning Commission ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments and conclusions of the EIR. The Planning Commission adopts the reasoning of the EIR, staff reports, and presentations provided by the staff and the project sponsor as may be modified by these findings.

21. The Planning Commission recognizes that the environmental analysis of the Project raises controversial environmental issues, and that a range of technical and scientific opinion exists with respect to those issues. The Planning Commission acknowledges that there are differing and potentially conflicting expert and other opinions regarding the Project. The Planning Commission has, through review of the evidence and analysis presented in the record, acquired a better understanding of the breadth of this technical and scientific opinion and of the full scope of the environmental issues presented. In turn, this understanding has enabled the Planning Commission to make fully informed, thoroughly considered decisions after taking account of the various viewpoints on these important issues and reviewing the record. These findings are based on a full appraisal of all viewpoints expressed in the EIR and in the record, as well as other relevant information in the record of the proceedings for the Project.

22. As a separate and independent basis from the other CEQA findings, pursuant to CEQA section 21083.3 and Guidelines section 15183, the Planning Commission finds: (a) the project is consistent with Land Use and Transportation Element (LUTE) of the General Plan, for which an EIR was certified in March 1998; (b) feasible mitigation measures identified in the LUTE EIR were adopted and have been, or will be, undertaken; (c) the EIR evaluated impacts peculiar to the project and/or project site, as well as off-site and cumulative impacts; (d) uniformly applied development policies and/or standards (Standard Conditions of Approval) have previously been adopted and found to, that when applied to future projects, substantially mitigate impacts. To the extent that no such findings were previously made, the City Planning Commission hereby finds and determines that the Standard Conditions of Approval substantially mitigate environmental impacts; and (e) substantial new information does not exist to show that the Standard Conditions of Approval will not substantially mitigate the project and cumulative impacts.

SIGNIFICANT BUT MITIGATABLE IMPACTS

23. Under Public Resources Code section 21081(a)(1) and CEQA Guidelines sections 15091(a)(1) and 15092(b), and to the extent reflected in the EIR and the MMRP, the Planning Commission finds that changes or alterations have been required in, or incorporated into, the components of the Project that avoid potentially significant effects on the environment. Thus, there are no significant unavoidable project or cumulative impacts. The following potentially significant impacts will be reduced to a less than significant level through the implementation of Project mitigation measures, or where indicated through the implementation of standard conditions of approval (which are treated as mitigation measures and an integral part of the MMRP):

a. Biology: Impact Biology – 1 finds that the project may result in inadvertent mortality or injury to Alameda Whipsnake moving through the project site from adjacent whipsnake areas. This impact will be mitigated through the implementation of Mitigation Measure Biology – 1 which requires a pre-construction survey and installation of protective fencing.

Impact Biology – 2 finds that construction activity and noise from the project may result in disturbance of raptor nesting or direct impact on raptor breeding success. This impact will be mitigated through the implementation of Mitigation Measure Biology – 2 which requires pre-construction Nesting Raptor Survey and should the surveys find nesting birds, postponed of disruptive construction activity through the end of the nesting season in consultation with a qualified biologist.

Impact Biology – 3 finds that the project may result in potential degradation of riparian habitat resulting from discharge of sediments and other materials. This impact will be mitigated through the implementation of Mitigation Measure Biology – 3 which requires the implementation of best management practices and the conditions of approval of the creek protection plan.

Impact Biology – 4 finds that landscaping within the rear portions of proposed buildings could introduce invasive, low habitat value, plant species to the riparian corridor. This impact will be mitigated through the implementation of Mitigation Measure Biology – 4 which requires the incorporation of native plants in Landscaping Plans.

Impact Biology – 8: finds that Injury to Coast Live Oak and California Bay Laurel Trees Protected by Oakland's Tree Protection Ordinance may result from the project. This impact will be mitigated through the implementation of Best Management Tree Protection practices.

The following potentially significant impacts will be reduced to a less than significant level through the implementation of standard conditions of approval (which are treated as mitigation measures and an integral part of the MMRP):

b. Aesthetics. Impact 1.d finds that the project would introduce a new source of light. This impact will be reduced to a less than significant level through the implementation of standard condition of approval 1.d which required the approval of a lighting plan.

c. Air Quality. Impact 3.b finds that construction of the project could expose nearby residents to substantial pollutant concentrations and objectionable odors. This impact will be reduced to a less than significant level through the implementation of standard condition of approval SCA 3.b which requires that all basic BAAQMD PM10 (fugitive dust) control measures be implemented during all construction and grading activities.

Impact 3.d finds that construction of the project could expose nearby residents to substantial levels of toxic air contaminants. This impact will be reduced to a less than significant level through the implementation of standard condition of approval SCA 3.d which requires that exhaust control measures as recommended by the BAAQMD be implemented to reduce the less-than-significant PM_{10} emissions from diesel fuel.

d. Cultural Resources. Impact 5.b finds that unknown archeological resources or human remains could be encountered during construction. This impact will be reduced to a less than significant level through the implementation of standard condition of approval SCA 5.b requiring that should currently unknown cultural resources be encountered during construction, the contractor shall immediately stop work in the vicinity and notify the City, who will contact a qualified Archaeologist. The Archaeologist will evaluate the resource and consult, if appropriate, with local Native American organizations. Should human remains be discovered, the City will contact the Coroner. The contractor will redirect work away from the area until notified by the Archaeologist. If the resource is found to be significant under CEQA, an appropriate mitigation plan will be developed and implemented. This measure will be enforced via construction contract specifications.

e. Geology and Soils. Impact 6.a(ii) finds that ground shaking of the intensity possible in the area could result in substantial adverse effects to structures and could expose people to risk from injury. This impact will be reduced to a less than significant level through the implementation of standard condition of approval SCA 6.1(ii)—1 requiring that project elements will meet Uniform Building Code Seismic Zone 4 design standards or better to withstand expected earthquake ground shaking, liquefaction, or other ground failures. Design will be in accordance with the recommendations of the final Geotechnical Report, as well as the peer reviewer recommendations, and will be verified for seismic loading by California-registered Professional Civil and Geotechnical Engineers; recommendations by the same regarding site preparation and design will be incorporated into project plans. SCA 6.1(ii)—2 requires that stabilization activities will be conducted under the supervision of a California-registered Professional Geotechnical Engineer.

Impact 6.b finds that construction activities and increase impervious surfaces could increase erosion. This impact will be reduced to a less than significant level through the implementation of standard condition of approval SCA 6.b—1 requiring that the the contractor will employ erosion control measures to avoid and minimize erosion and to avoid sedimentation.

f. Hazards and Hazardous Materials. Impact 7.a/b finds that during construction small quantities of hazardous liquids or gaseous materials may be used. This impact will be reduced to a less than significant level through the implementation of standard condition of approval SCA7.a/b which requires that the contractor prepare and implement a site-specific Health & Safety Plan submitted for approval to the City of Oakland. This plan will include plans, procedures, and controls to protect workers, the public and the environment, and will address the potential risk of exposure to hazardous materials associated with site preparation and with the transportation of hazardous materials from the project site during construction.

Impact 7.h finds that the project would introduce seven new single-family dwellings to an area known to experience wildland fires. This impact will be reduced to a less than significant level through the implementation of standard condition of approval SCA 7.h requiring a 70-foot diameter turnaround for fire trucks with a road grade not to exceed 70 percent shall be provided, fire water flow shall meet fire code, water pressure shall meet fire flow requirements or use approved fire sprinkler system in new structures, installation of four new fire hydrants, use plant species for landscaping that comply with City's vegetation management program, fire apparatus turnaround will be

dedicated and unobstructed at all times, submittal of survey and site plans for fire department review, prior to issuance of building permits(s) for the first house, road turnouts shall be provided per City's draft access road standards for dead-end streets, all hydrants closest to any of the proposed building(s) will be operational before construction, sll new homes will be provided with an approved residential sprinkler system, and each home will have steps on grade when on-site slopes to access the rear exterior walls exceed 15 percent.

g. Hydrology and Water Quality. Impact 8.a finds that altered stormwater runoff after project completion could increase erosion, sedimentation, and pollution levels. This impact will be reduced to a less than significant level through the implementation of standard condition of approval SCA 8.a requiring that the contractor will use any construction-generated water meeting regulatory standards for on-site dust suppression, and will discharge excess construction water meeting regulatory standards to the sanitary sewer system.

Impact 8.c finds that on-site erosion may occur during construction activities. This impact will be reduced to a less than significant level through the implementation of standard condition of approval SCA 8.c required that a "small project" Storm Water Pollution Prevention Plan (SWPPP) will be developed and implemented, with appropriate BMPs for each stage of the project. The SWPPP will be submitted to the City and RWQCB for review and acceptance. During site preparation and construction, control measures could include silt fences, hay wattles, and filter fabric to prevent runoff of sediment into San Leandro Creek and the Bay. The SWPPP will include post-construction controls to address storm water runoff during the life of the project. To the extent applicable and feasible the SWPPP will utilize techniques found in Erosion and Sediment Control Field Manual (RWQCB 1999b) for construction BMPs, and Start at the Source, Design Guidance Manual for Stormwater Quality Protection (Bay Area Stormwater Management Agencies Association [BASMAA] 1999) for post-construction BMPs.

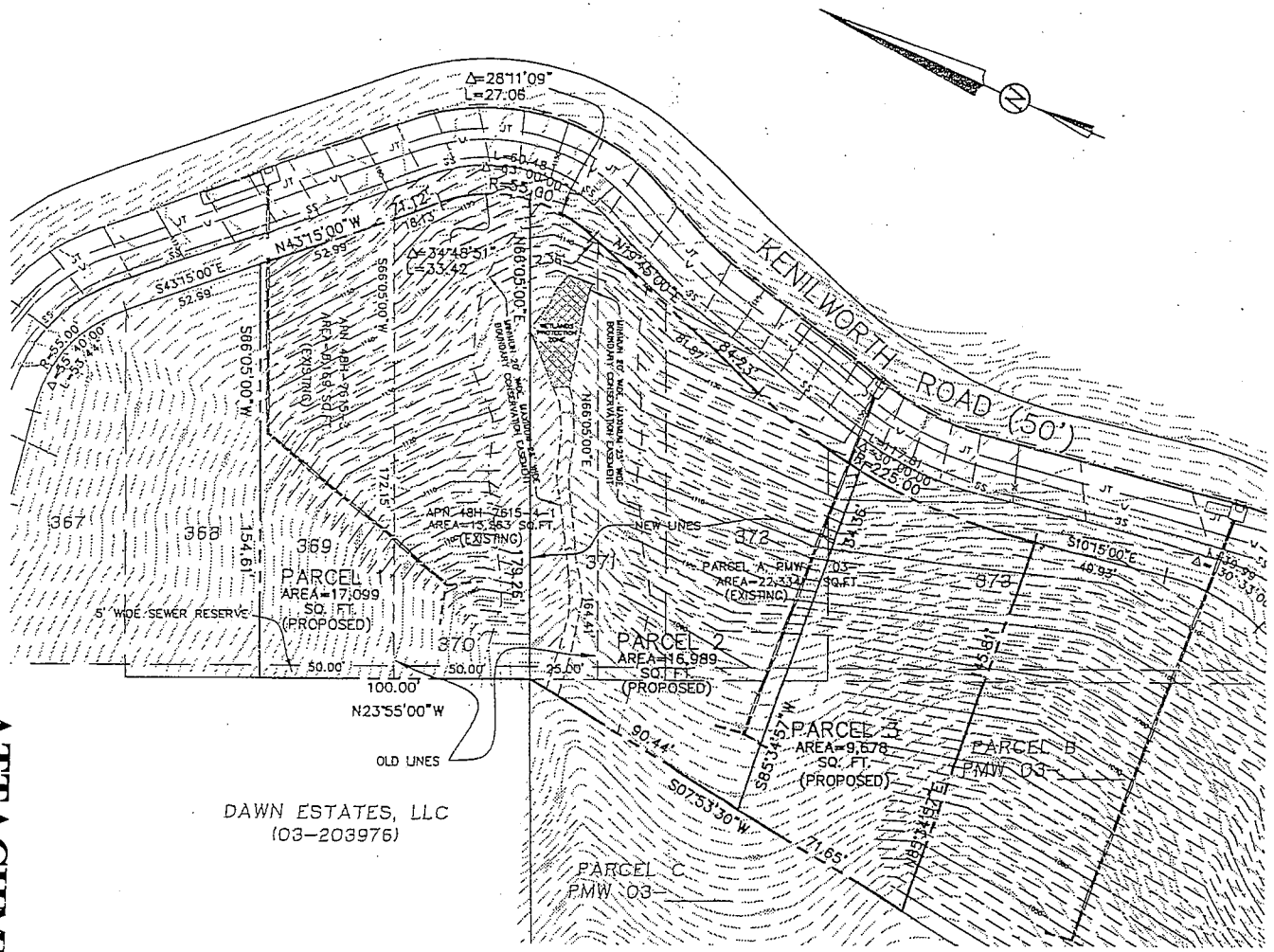
g. Noise. Impact 1-4 finds that development of the four lots under the proposed plan could cause the project to violate City of Oakland noise standards during construction. This impact will be mitigated by a standard condition of approval that shall require the project sponsor to direct construction contractors to limit standard construction activities as required by the City Building Department, including (1) limiting construction days and hours as well as hours for pile driving, (2) using best available sound muffling on equipment, (3) use of hydraulic or electrically powered tools whenever possible, and (4) ensuring that noise sources are located as far from adjacent properties as possible. All pile driving shall be completed under the supervision of a qualified acoustical consultant and plans will be submitted to the City of Oakland to ensure that the maximum feasible noise attenuation standards are met. Finally the applicant will submit to the City of Oakland a list of measures to respond to and track complaints related to construction noise.

h. Utilities and Service Systems. Impact 16.f-g finds that construction and operation of the project would generate solid waste. This impact will be reduced to a less than significant level through the implementation of standard condition of approval SCA 16.f-g(1) requiring that the Project Sponsor submit and have approved a construction waste recycling plan to the Public Works Department to divert 50 percent or more of the project's construction waste from land fill disposal, and SCA 16.f-g(1) requiring that the Project Sponsor submit and have approved a residential waste recycling plan to the Public Works Department to minimize residential solid waste disposal to landfills over the operational life of the residences.

24. Because there are no significant unavoidable impacts, there is no legal requirement to adopt a Statement of Overriding Considerations or to reject alternatives as being infeasible.

Attachment D

ATTACHMENT C



GRAPHIC SCALE

0 15 30 60 120

(IN FEET)

1 INCH = 30 FEET

BASIS OF BEARINGS:
THE BEARING OF S82°57'00"E BETWEEN THE MONUMENTS FOUND IN STRATHMOOR DRIVE AS SHOWN ON GWIN UNIT OF THE HIGHLANDS OF OAKLAND (5 M 39) WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

GENERAL NOTES
ELEVATIONS ARE BASED UPON CITY OF OAKLAND DATUM.

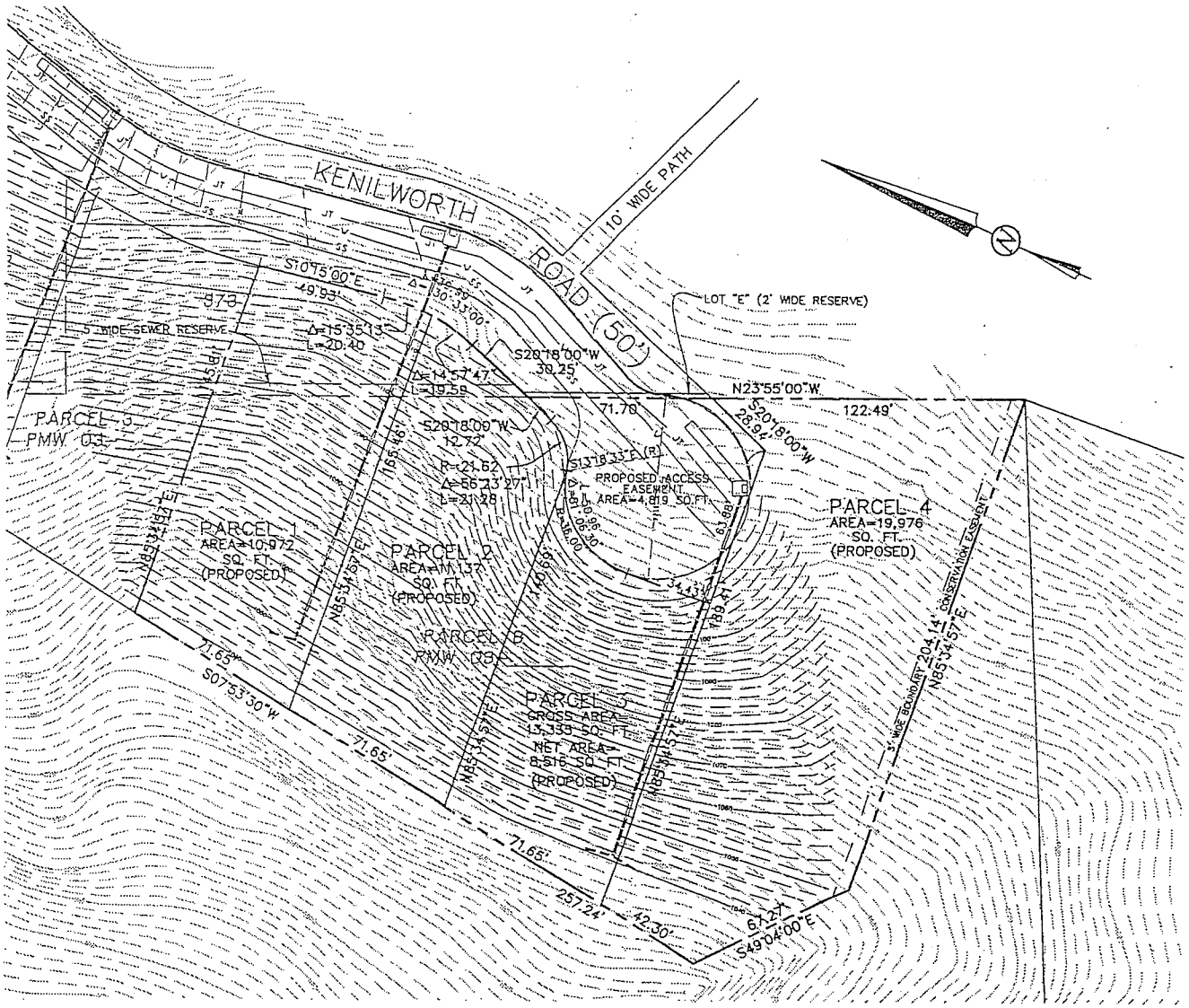
PLANNED UNIT DEVELOPMENT

LOTS 369-370 AND A PORTION OF LOT 371,
GWIN UNIT OF THE HIGHLANDS OF OAKLAND (5 M 39)
AND PARCEL A, PMW 03-_____
CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA
JULY, 2003 SCALE: 1" = 30'

MORAN ENGINEERING, INC.

CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848-1930

F.B. NO. 791/771.1 KENILWORTH-PMW2.DWG JOB NO. 03-4512



GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)

1 INCH = 30 FEET

BASIS OF BEARINGS:
THE BEARING OF S82°57'00"E BETWEEN THE MONUMENTS FOUND IN STRATHMOOR DRIVE AS SHOWN ON GWN UNIT OF THE HIGHLANDS OF OAKLAND (5 M 39) WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

GENERAL NOTES
ELEVATIONS ARE BASED UPON CITY OF OAKLAND DATUM.

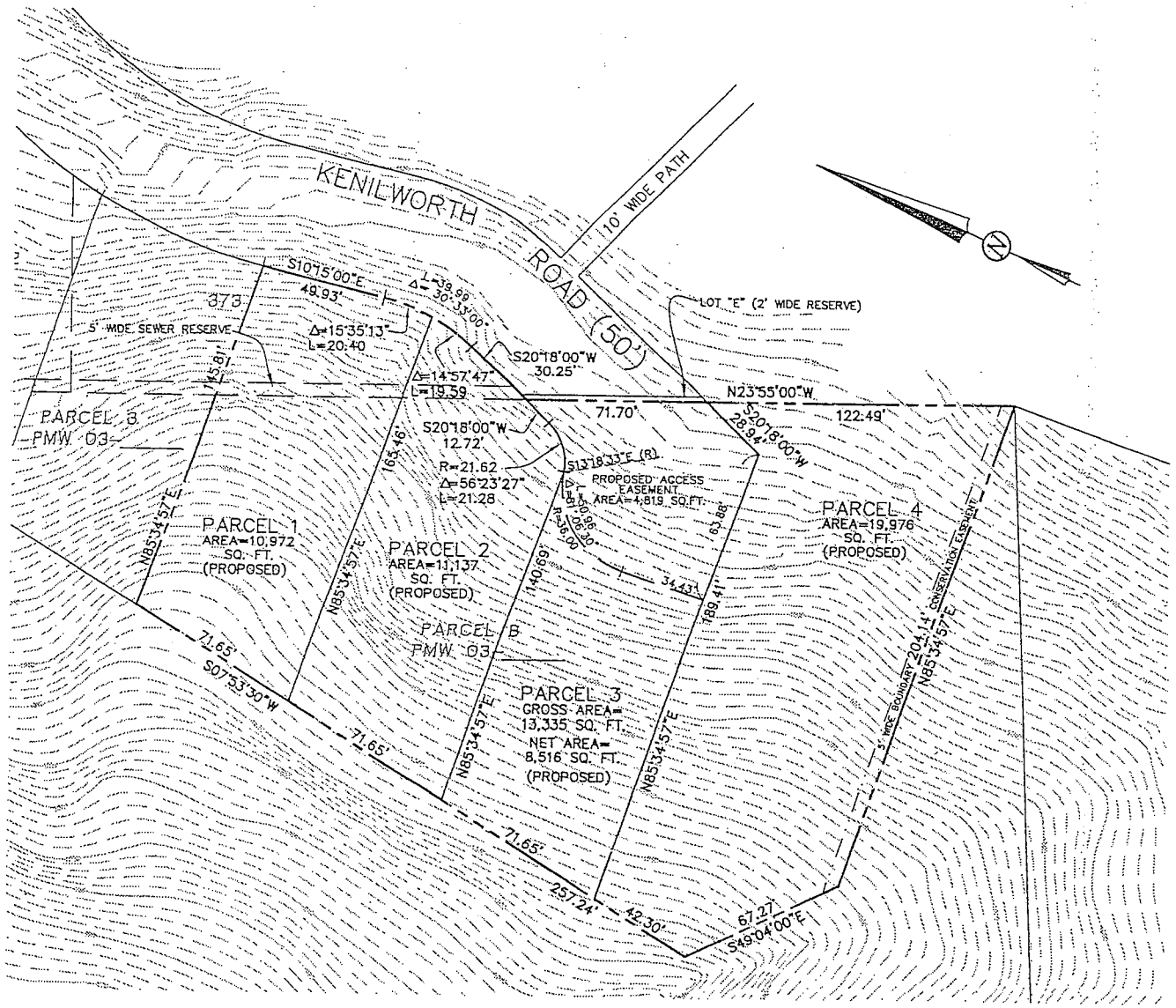
PLANNED UNIT DEVELOPMENT

PARCEL B, PMW 03-_____
CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA
JULY, 2003 SCALE: 1" = 30'

MORAN ENGINEERING, INC.

CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848-1930

F.B. NO. 791/771.1 KENILWORTH-PMWM2.DWG JOB NO. 03-4512



GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)

1 INCH = 30 FEET

BASIS OF BEARINGS:
THE BEARING OF S82°57'00"E BETWEEN THE MONUMENTS FOUND IN STRATHMOOR DRIVE AS SHOWN ON GWIN UNIT OF THE HIGHLANDS OF OAKLAND (5 M 39) WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

GENERAL NOTES
ELEVATIONS ARE BASED UPON CITY OF OAKLAND DATUM.

OWNER / SUBDIVIDER
DAVID McDONALD
9333 RED TAIL HAWK LANE
COTATI, CA 94931
707\483-6905

TENTATIVE PARCEL MAP 8228

PARCEL B, PMW 03-
CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA
JULY, 2003 SCALE: 1" = 30'

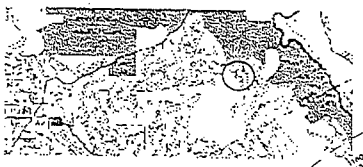
MORAN ENGINEERING, INC.

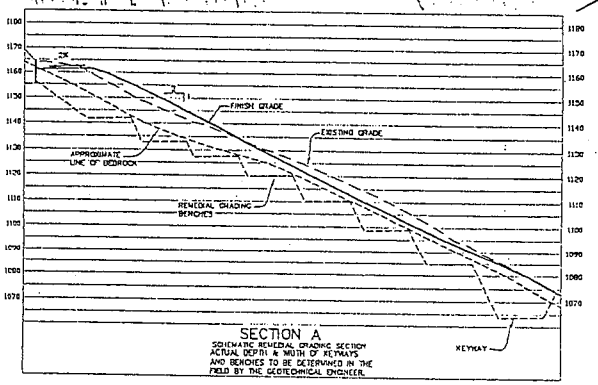
CIVIL ENGINEERS \ LAND SURVEYORS
1930 SHATTUCK AVENUE, SUITE A
BERKELEY, CALIFORNIA 94704
(510) 848-1930

F.B. NO. 791/771.1 KENILWORTH-PMWM2.DWG JOB NO. 03-4512

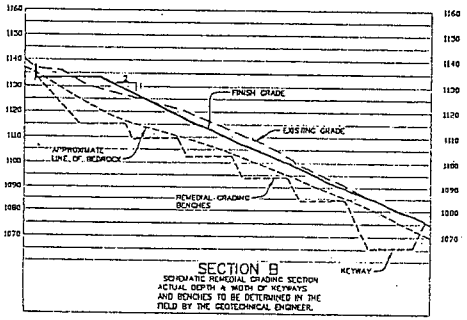
GRADING PLAN FOR SLIDE REPAIR

KENILWORTH ROAD
OAKLAND, CALIFORNIA

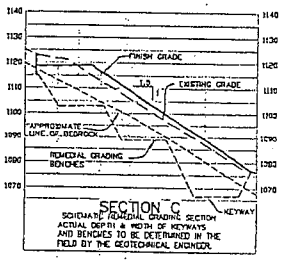




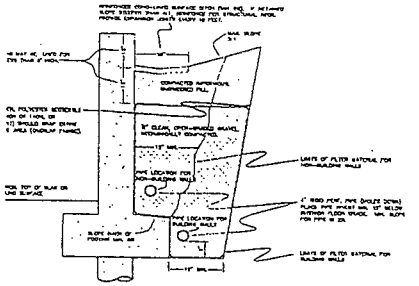
SECTION A
SCHEMATIC REMEDIAL GRADING SECTION
ACTUAL DEPTH & WIDTH OF KEYWAYS AND BENCHES TO BE DETERMINED IN THE FIELD BY THE GEOTECHNICAL ENGINEER.



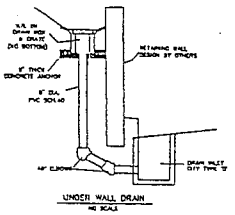
SECTION B
SCHEMATIC REMEDIAL GRADING SECTION
ACTUAL DEPTH & WIDTH OF KEYWAYS AND BENCHES TO BE DETERMINED IN THE FIELD BY THE GEOTECHNICAL ENGINEER.



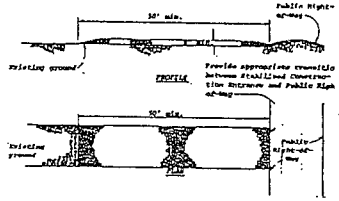
SECTION C
SCHEMATIC REMEDIAL GRADING SECTION
ACTUAL DEPTH & WIDTH OF KEYWAYS AND BENCHES TO BE DETERMINED IN THE FIELD BY THE GEOTECHNICAL ENGINEER.



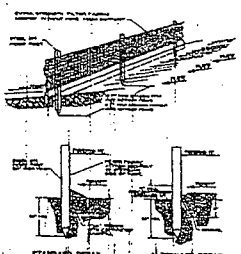
RETAINING WALL SUBDRAIN DETAIL
NO SCALE



UNDER WALL DRAIN
NO SCALE



CONSTRUCTION ENTRANCE



SILT FENCE

GENERAL NOTES:

1. ELEVATIONS ARE BASED ON THE DATUM OF THE CITY OF OAKLAND.
2. IMPROVEMENTS SHALL BE CONSTRUCTED UNDER THE DIRECTION OF AND IN ACCORDANCE WITH:
   A. THE CITY OF OAKLAND COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY.
   B. THE GEOTECHNICAL INVESTIGATION FOR THE SITE PREPARED BY ENGEO INCORPORATED, DATED JUNE 28, 2002, PROJ. NO. 5410.1.002.01.
3. THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT, (800) 642-2444 48 HOURS PRIOR TO ANY EXCAVATION. THE USA AUTHORIZATION NUMBER SHALL BE KEPT AT EACH SITE.
4. SHOULD IT APPEAR THAT THE WORK TO BE DONE, OR ANY MATTER RELATIVE THERETO, IS NOT SUFFICIENTLY DETAILED OR EXPLAINED ON THESE PLANS, THE CONTRACTOR SHALL CONTACT MORAN ENGINEERING AT 510-848-1930 FOR SUCH FURTHER EXPLANATIONS AS MAY BE NECESSARY.
5. THE GEOTECHNICAL ENGINEER SHALL BE NOTIFIED 72 HOURS PRIOR TO EARTHWORK OPERATIONS.
6. MINIMUM COVER OVER DRAIN PIPE WITHIN THE CITY RIGHT OF WAY IS 3.5 FEET AND ON PRIVATE PROPERTY 2 FEET. WHERE SLOPE OF SOLID PIPE IS NOT INDICATED MINIMUM SLOPE IS 2%. MINIMUM SLOPE OF SUBDRAIN PIPE IS 1.0%.
7. NO GRADING SHALL BE ALLOWED BETWEEN OCTOBER 15 AND APRIL 15, WITHOUT AN APPROVED EROSION CONTROL PLAN PREPARED BY A REGISTERED CIVIL ENGINEER.
8. THE CONTRACTOR SHALL CONSTRUCT THE PROJECT USING APPLICABLE BEST MANAGEMENT PRACTICES TO PREVENT POLLUTANTS AND SEDIMENTS FROM ENTERING INTO THE STORM WATER SYSTEM IN ACCORDANCE WITH THE CITY OF OAKLAND STORM WATER ORDINANCE 11690 CMS AND THE CLEAN WATER ACT.
9. A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE CONSTRUCTION OF RETAINING WALLS.
10. REFER TO FIGURES 3, 6, 7 & 8 OF THE SUPPLEMENTAL GEOTECHNICAL EXPLORATION FOR DETAILS FOR KEYWAYS, BENCHES AND SUBDRAINS.
11. FILL SLOPES DOWN SLOPE OF THE PROPOSED HOUSES AND WHERE THE GRADES ARE STEEPER THAN 2:1 (HORIZONTAL : VERTICAL) SHOULD BE CONSTRUCTED WITH GEOGRID REINFORCEMENT AS SPECIFIED BY THE GEOTECHNICAL ENGINEER.
12. RECOMPACT ALL LOOSE SOIL WITHIN EXPLORATORY TEST PITS WHERE IT WILL REMAIN BELOW FINAL GRADE AND IS LOCATED WITHIN THE PROPOSED IMPROVEMENT AREAS.
13. IT IS RECOMMENDED THAT A LICENSED LAND SURVEYOR LOCATE THE FINAL AS BUILT LOCATIONS OF THE KEYWAYS AND BENCHES SUBDRAIN SYSTEM TO AVOID FUTURE CONFLICTS WITH BUILDING FOUNDATIONS AND PIERS.
14. IT IS RECOMMENDED THAT ALL UTILITY TRENCH BACKFILL BE DONE UNDER THE OBSERVATION OF A GEOTECHNICAL ENGINEER.
15. CONSTRUCT RETAINING WALLS ALONG THE UPPER LIMIT OF THE REMEDIAL GRADING PRIOR TO OVEREXCAVATION OF LANDSLIDE DEBRIS.
16. DURING THE RAINY SEASON PROVIDE EROSION AND SEDIMENTATION CONTROL MEASURES IN ACCORDANCE WITH THE MANUAL OF STANDARDS FOR THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG). THE MEASURES INCLUDE: STABILIZED CONSTRUCTION ENTRANCE, STRAW BALE DIKE OR SILT FENCE AROUND CONSTRUCTION SITE, DROP INLET SEDIMENTATION FILTERS, TEMPORARY DIVERSION DIKES OR ANY OTHER MEASURES AS REQUIRED BY THE CITY OF OAKLAND PUBLIC WORKS DEPARTMENT.
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DRAWING	KenGrading.dwg
F.B. NO.	791
SCALE	HORIZ: 1" = 20' VERT: 1" = 20'
DATE	AUGUST 5, 2002
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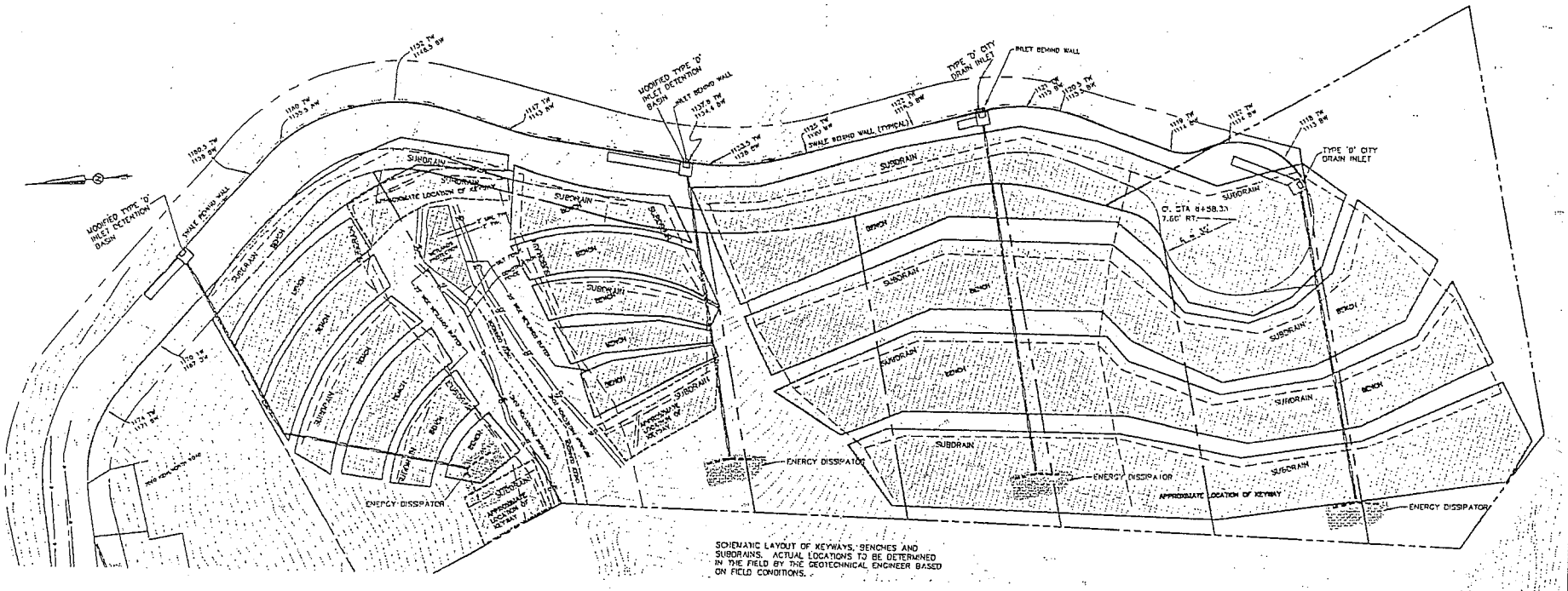
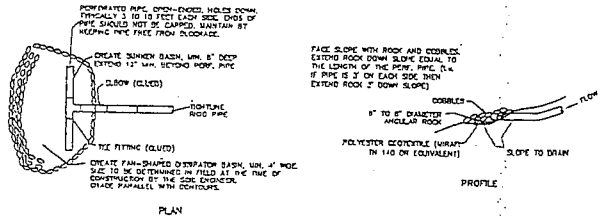
JOB NO.	02-4512
SHEET NO.	1 OF 2

GRADING PLAN FOR SLIDE REPAIR

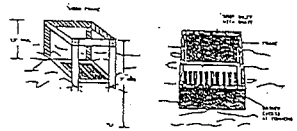
KENILWORTH ROAD
OAKLAND, CALIFORNIA



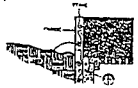
SCHEMATIC LAYOUT OF KEYWAYS, BENCHES AND SUBDRAINS. ACTUAL LOCATIONS TO BE DETERMINED IN THE FIELD BY THE GEOTECHNICAL ENGINEER BASED ON FIELD CONDITIONS.



TYPICAL ENERGY DISSIPATOR DETAIL
NO SCALE



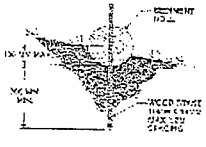
PERSPECTIVE VIEWS



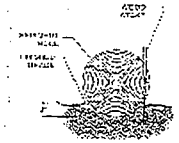
ELEVATION OF STAKE AND FABRIC ORIENTATION

DETAIL 'A'

INLET PROTECTION

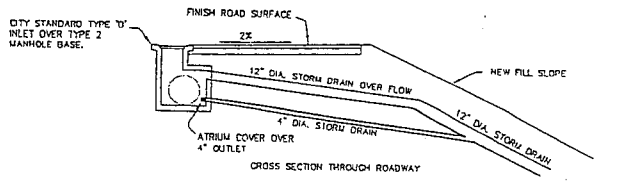


EMBEDMENT DETAIL IN SLOPE AREA

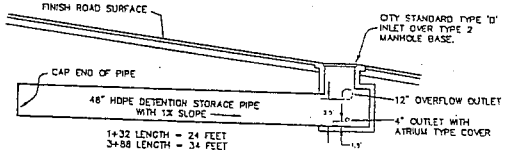


EMBEDMENT DETAIL IN FLAT AREA

STRAW ROLL



CROSS SECTION THROUGH ROADWAY



LENGTH OF PIPE DEPENDENT ON RUNOFF FOR EACH AREA. SEE DETENTION BASIN SIZING CALCULATIONS.

LONGITUDINAL SECTION ALONG ROADWAY

MODIFIED TYPE 'D' INLET DETENTION SYSTEM
NOT TO SCALE

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JOB NO.: 02-4512
SHEET NO.: 2 OF 2

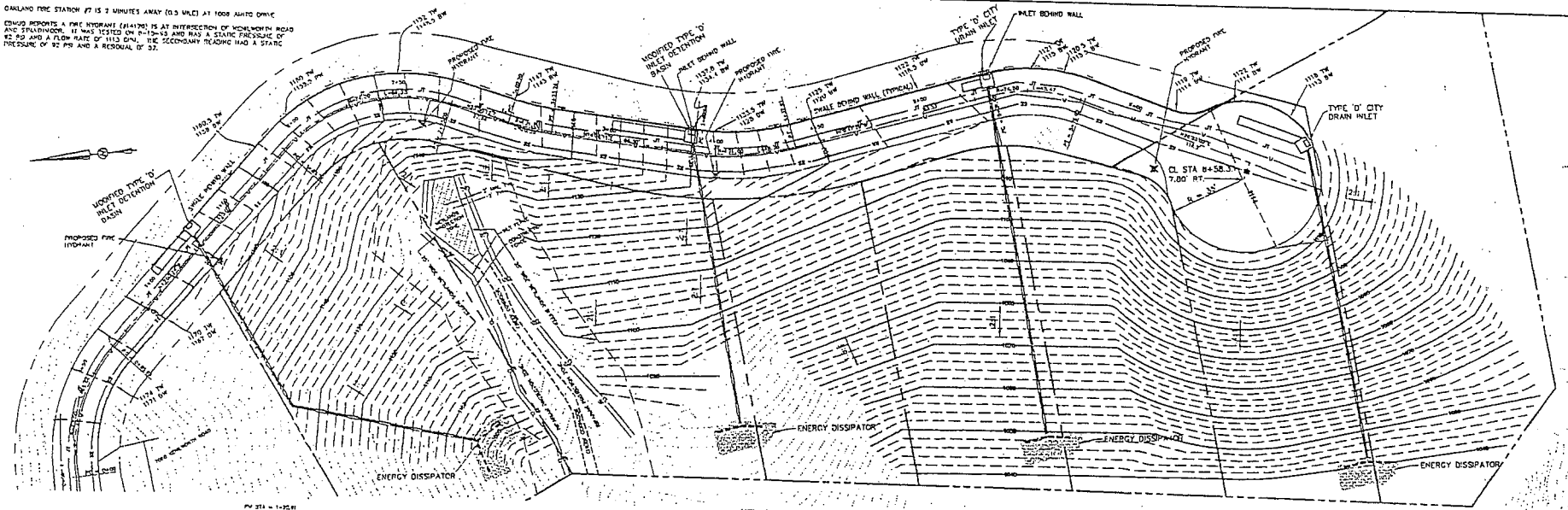
KENILWORTH ROAD IMPROVEMENT PLAN

KENILWORTH ROAD
OAKLAND, CALIFORNIA

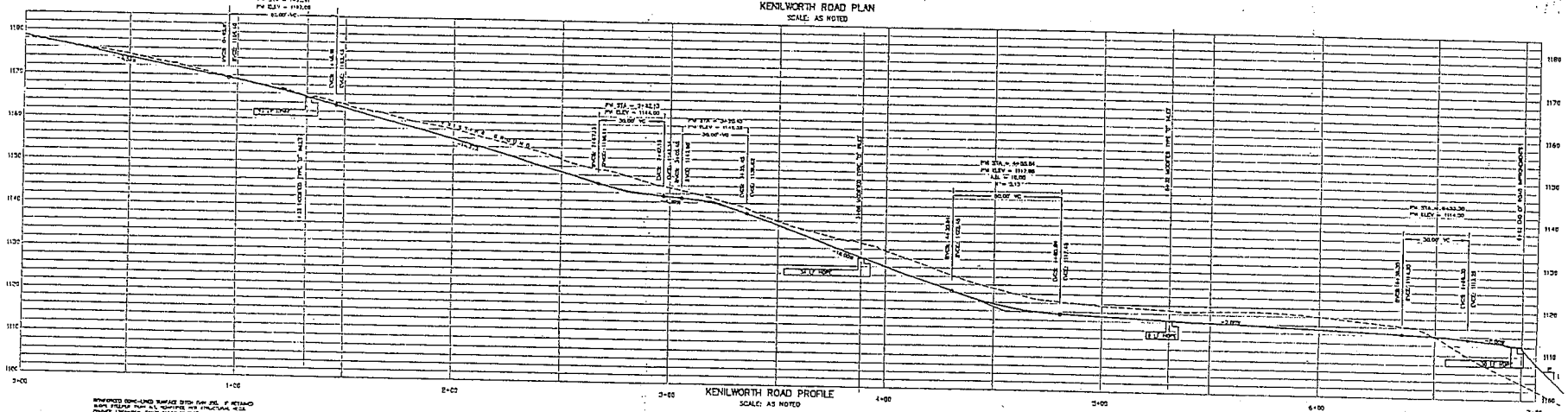
SERVICES

OAKLAND FIRE STATION #7 IS 2 MINUTES AWAY (0.5 MILE) AT 1008 ALMATO DRIVE

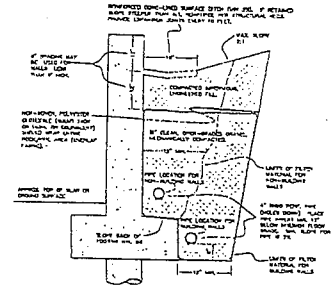
EBMUD REPORTS A FIRE HYDRANT (#141701) IS AT INTERSECTION OF KENILWORTH ROAD AND STRADIVINCOR. IT WAS TESTED ON 9-13-93 AND HAS A STATIC PRESSURE OF 82 PSI AND A FLOW RATE OF 1113 GPM. THE SECONDARY READING HAD A STATIC PRESSURE OF 92 PSI AND A RESIDUAL OF 32.



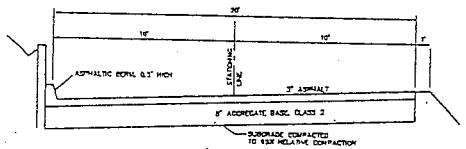
KENILWORTH ROAD PLAN
SCALE: AS NOTED



KENILWORTH ROAD PROFILE
SCALE: AS NOTED



RETAINING WALL SUBDRAIN DETAIL
NO SCALE



KENILWORTH ROAD TYPICAL SECTION
NO SCALE

GENERAL NOTES:

1. ELEVATIONS ARE BASED ON THE DATUM OF THE CITY OF OAKLAND.
2. IMPROVEMENTS SHALL BE CONSTRUCTED UNDER THE DIRECTION OF AND IN ACCORDANCE WITH:
   A. THE CITY OF OAKLAND COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY.
   B. THE GEOTECHNICAL INVESTIGATION FOR THE SITE PREPARED BY ENGEO INCORPORATED, DATED JUNE 28, 2002, PROJ. NO. 5410.1.003.01.
3. THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT, (800) 642-2444 48 HOURS PRIOR TO ANY EXCAVATION. THE USA AUTHORIZATION NUMBER SHALL BE KEPT AT JOB SITE.
4. SHOULD IT APPEAR THAT THE WORK TO BE DONE, OR ANY MATTER RELATIVE THERETO, IS NOT SUFFICIENTLY DETAILED OR EXPLAINED ON THESE PLANS, THE CONTRACTOR SHALL CONTACT MORAN ENGINEERING AT 510-848-1930 FOR SUCH FURTHER EXPLANATIONS AS MAY BE NECESSARY.
5. THE GEOTECHNICAL ENGINEER SHALL BE NOTIFIED 72 HOURS PRIOR TO EARTHWORK OPERATIONS.
6. MINIMUM COVER OVER DRAIN PIPE WITHIN THE CITY RIGHT OF WAY IS 3.5 FEET AND ON PRIVATE PROPERTY 2 FEET. WHERE SLOPE OF SOLID PIPE IS NOT INDICATED MINIMUM SLOPE IS 2% MINIMUM SLOPE OF SUBDRAIN PIPE IS 1.0%.
7. NO GRADING SHALL BE ALLOWED BETWEEN OCTOBER 15 AND APRIL 15, WITHOUT AN APPROVED EROSION CONTROL PLAN PREPARED BY A REGISTERED CIVIL ENGINEER.
8. THE CONTRACTOR SHALL CONSTRUCT THE PROJECT USING APPLICABLE BEST MANAGEMENT PRACTICES TO PREVENT POLLUTANTS AND SEDIMENTS FROM ENTERING INTO THE STORM WATER SYSTEM IN ACCORDANCE WITH THE CITY OF OAKLAND STORM WATER ORDINANCE 11560 CMS AND THE CLEAN WATER ACT.
9. A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE CONSTRUCTION OF RETAINING WALLS.
10. REFER TO FIGURES 5, 6, 7 & 8 OF THE SUPPLEMENTAL GEOTECHNICAL EXPLORATION FOR DETAILS FOR KEYWAYS, BENCHES AND SUBDRAINS.
11. FILL SLOPES DOWN SLOPE OF THE PROPOSED HOUSES AND WHERE THE GRADES ARE STEEPER THAN 2:1 (HORIZONTAL : VERTICAL) SHOULD BE CONSTRUCTED WITH GEOGRID REINFORCEMENT AS SPECIFIED BY THE GEOTECHNICAL ENGINEER.
12. RECOMPACT ALL LOOSE SOIL WITHIN EXPLORATORY TEST PITS WHERE IT WILL REMAIN BELOW FINAL GRADE AND IS LOCATED WITHIN THE PROPOSED IMPROVEMENT AREAS.
13. IT IS RECOMMENDED THAT A LICENSED LAND SURVEYOR LOCATE THE FINAL AS BUILT LOCATIONS OF THE KEYWAYS AND BENCHES SUBDRAIN SYSTEM TO AVOID FUTURE CONFLICTS WITH BUILDING FOUNDATIONS AND PIERS.
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CITY P JOB NO.

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DRAWING	KenGrading.dwg
F.R. NO.	721
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JOB NO.	02-4512
SHEET NO.	1 OF 1