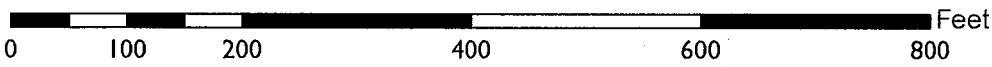
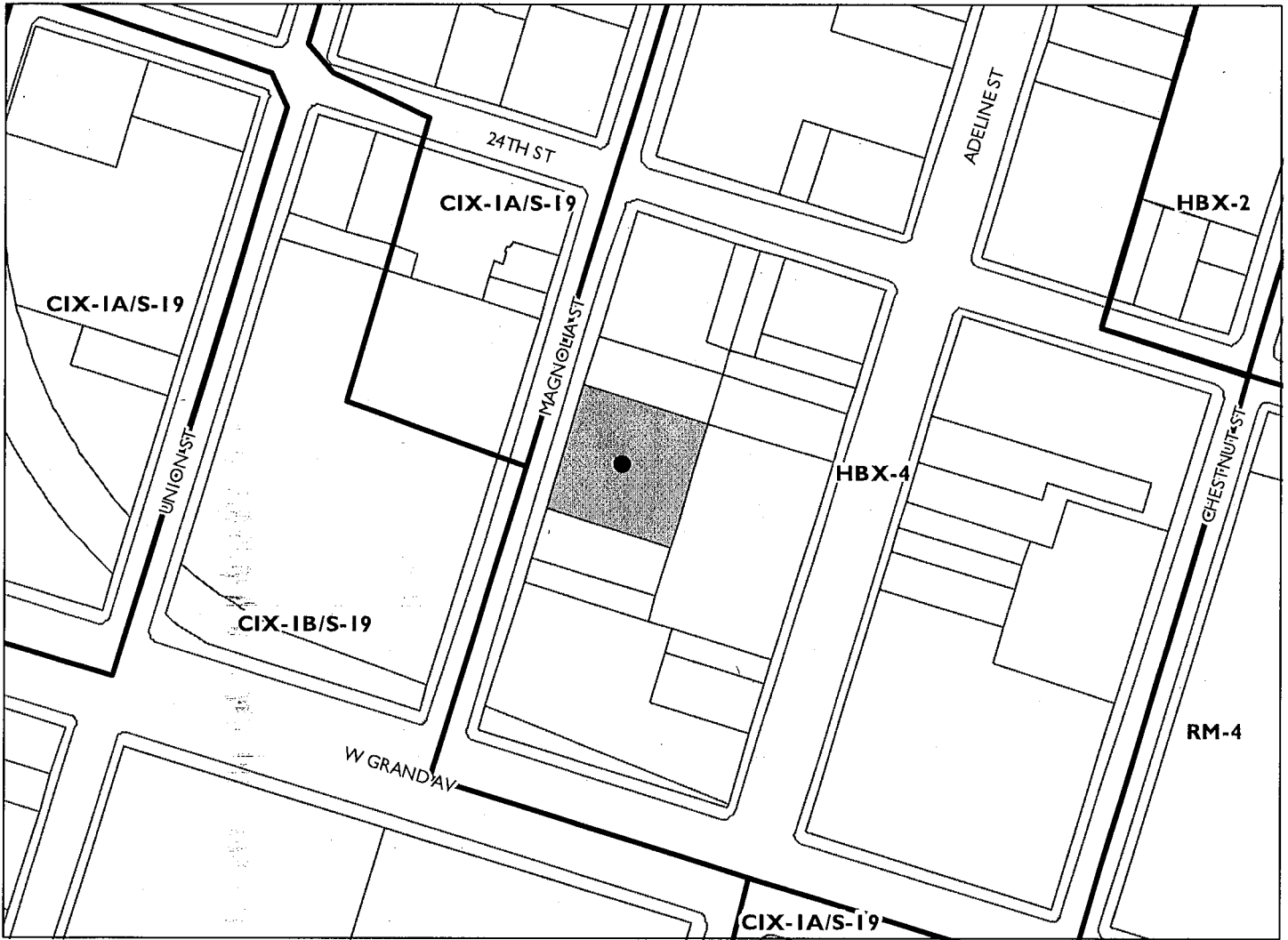


Location:	2242 Magnolia Street (APN's: 05-0426-022-01)
Proposal:	To subdivide a vacant lot into an eight mini-lot development with a shared-driveway access, and construct three-story buildings for sixteen residential dwelling units (two units per lot). There are two off-street parking spaces provided on each lot for a total of 16 parking spaces for this development.
Applicant: Phone Number:	Francesca Boyd for Dogtown Development Co., LLC (510) 301-9630
Owner:	Albert Sukoff
Case File Number:	PLNN15-060/ TTM8241
Planning Permits Required:	Tentative Tract Map for a subdivision of one vacant parcel into eight mini-lots; Minor Conditional Use Permit to establish an eight (8) mini-lots development and shared-access facility (driveway); Regular Design Review for new construction of 16 residential units (two residential units per lot).
General Plan:	Housing and Business Mix
Zoning:	HBX-4 I Zone.
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning.
Historic Status:	Not a Potential Designated Historic Property (PDHP) Survey Rating: None (vacant property)
Service Delivery District:	1
City Council District:	3
Date Filed:	April 26, 2016
Action to be Taken:	Decision by the Planning Commission based on staff report
Finality of Decision:	Appealable to City Council within 10 calendar days
For Further Information:	Contact Case Planner: Jason Madani at (510) 238-4790, or by email at jmadani@oaklandnet.com

PROJECT SUMMARY

The proposal is to subdivide one vacant lot into an eight mini-lot development, by providing a shared access easement off Magnolia Street. The development includes the construction of two rows of three-story buildings that will contain a total of sixteen residential dwelling units (two units per lot). There are two-off street parking spaces provided on each lot for a total of 16 parking spaces for this development. Planning Permit requirements include Conditional Use Permit to allow mini-lot development with a shared access easement and Tentative Tract Map to subdivide one lot into eight mini-lots. Regular Design Review to construct 16 residential units. As detailed below, staff finds that the project meets all of the required findings for approval (Attachment B). Therefore, staff recommends approval of the project subject to the attached conditions of approval (Attachment C).

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN15-060/TTM8241
Applicant: Francesca Boyd
Address: 2242 Magnolia Street
Zone: HBX-4

PROPERTY DESCRIPTION

The property is located at 2242 Magnolia Street between 24th Street and West Grand Avenue. The subject vacant parcel measure 16,028 square feet and is bounded by a two story residential building and a one story commercial structure , and industrial structures at the rear portion of the subject site.

PROJECT DESCRIPTION

The applicant proposes to subdivide one vacant lot into eight rectangular-shaped mini-lots served by a shared-access facility (driveway) at the center of the Magnolia Street frontage. The development includes the construction of two rows of three-story buildings that will contain a total of sixteen residential dwelling units (two units per lot). There are two-off street parking spaces provided on each lot for a total of 16 parking spaces for this development. The proposed driveway will provide the only vehicular access to and from the development. The following table lists the dimensions for the mini-lot subdivision:

	Lot Width	Lot Depth	Lot Size	Shared-Driveway 26 ft. wide x 128. ft. deep
Lot 1 (Building 1)	28 ft.	62.42 ft.	1,748 sq. ft.	Provided
Lot 2 (Building 2)	33.08 ft.	62.42 ft.	2,065 sq. ft.	Provided
Lot 3 (Building 3)	33.08 ft.	62.42 ft.	2,065 sq. ft.	Provided
Lot 4 (Building 4)	34.05 ft.	62.42 ft.	2,125 sq. ft.	Provided
Lot 5 (Building 5)	28 ft.	62.60 ft.	1,753 sq. ft.	Provided
Lot 6 (Building 6)	33.08 ft.	62.60 ft.	2,071 sq. ft.	Provided
Lot 7 (Building 7)	33.08 ft.	62.60 ft.	2,071 sq. ft.	Provided
Lot 8 (Building 8)	34.05 ft.	62.60 ft.	2,132 sq. ft.	Provided

GENERAL PLAN ANALYSIS

The property is located in the “Housing and Business Mix” classification of the Oakland General Plan Land Use and Transportation Element (LUTE). The intent of this classification is “to guide a transition from heavy industry to low impact light industrial and other businesses that can co-exist compatibly with residential development. Respect for environmental quality, coupled with opportunities for additional housing and a neighborhood-friendly business is desired, as well as the transition from industry that generates impacts detrimental to residences. The Housing and Business Mix General Plan area allows an FAR of 2.50 and a residential density of one dwelling

unit per 800 square feet of lot area. The total floor area for sixteen units residential units is 26,562 sq/ft and total lot area is 16,028 sq/ft. The proposed FAR for this project is 2.1. The subject site could have a maximum density of up to 20 dwelling units. The proposed density of 16 residential dwellings is therefore consistent with the General Plan. The proposed project is consistent with the General Plan by developing a large vacant parcel with a new residential development that provides a residential density to support activities along street corridors, the proposal is consistent with the following General Plan objectives and policies:

Objective N3- To encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community. The proposal provides sixteen new residential dwelling units for the Oakland community.

Policy N3.2- Encouraging Infill Development. In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland. The proposal is located in an established mixed-use neighborhood area and along a major street corridor. The new construction of sixteen residential unit's development on the vacant site will be an infill development.

Objective N6- Encourage a mix of housing costs, unit sizes, types and ownership structures. The proposal provides a mix of row house style residential units with building sizes that average from 1,366 square foot to 2,224 square foot.

Policy N6.2- Increase Home Ownership. Housing development that increase home ownership opportunities for households of all incomes are desirable. The proposal provides home ownership opportunities for a range of potential home buyers. The mini-lot development approach will make the sixteen residential dwelling units more affordable due to the smaller lot sizes.

ZONING ANALYSIS

The property is located in the HBX-4, Housing and Business Mix-4 Zone. The intent of the HBX-4 zone is intended to provide development standards for live/work, work/live, and housing in areas with a strong presence of industrial and heavy commercial activities. The Housing and Business Mix General Plan area allows an FAR of 2.50 and a residential density of one dwelling unit per 800 square feet of lot area. The subject site could have a maximum density of up to 20 dwelling units. The proposed density of 16 residential dwellings is therefore consistent with the Housing and Business Mix-4 Zone.

Under Sections 16.08.030 for Tentative Map and 16.24.040 for Lot Design Standards of the Oakland Subdivision Regulations, and Sections 17.134.050 for General Use Permit criteria, 17.142.012 for Conditional Use Permit for waiver of certain requirements in mini-lots, City Guidelines for Shared-Access Facilities, 17.136.050 for Regular Design Review, of the Oakland Planning Code, these required findings will be analyzed within the Findings section in this report. (See Attachment B)

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as Categorical Exemptions from environmental review. The development proposal is categorically exempt from the environmental review requirements pursuant to Section 15332 for In-Fill Development Projects and pursuant to Section 15183 for projects consistent with a Community Plan, General Plan or Zoning. The following CEQA categorical exemption criteria is summarized by staff in **bold** print below:

a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The development proposal is consistent with the General Plan designation of Housing and Business Mix by creating an eight mini-lot (16 residential units) development, and by meeting the development standards and the required findings applicable for this project.

b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The proposal takes place within city limits on a vacant parcel less than five acres (the site is 16, 028 square feet) and is surrounded by residential, commercial and industrial uses.

c) The project site has no value as habitat for endangered, rare or threatened species.

The proposal is on site that has been previously developed. The property is located in an urbanized mixed-use neighborhood, and does not pose a value for habitat to endangered, rare or threatened species.

d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

With implementation of standard conditions of approval related to construction management and noise reduction measures, the proposal would not result in any significant impacts on traffic, noise, air quality or water quality.

e) The site can be adequately served by all required utilities and public services.

The proposal is located on a previously-developed site (now vacant) that had served other commercial activities. The new development can be served by existing and/or improved utility and public services.

KEY ISSUES

The provision of Section 17.142 of the Oakland Planning Code (OPC) for Mini-Lot Development provides for certain properties to be developed such that each proposed building

can be on its own individual lot as long as the entire development site complies with the applicable development standards for the zone (in this case, HBX-4 Zone) in terms of density, lot area, height, minimum yard setbacks, parking, and open space. The subdivision (Tentative Tract Map) proposal includes the siting of the buildings (three-story high) two units per lot for total of sixteen (16) residential units within eight mini-lots development.

Site Design: The proposal is to construct three-story buildings duplexes on each of the eight proposed mini-lots. The eight lots (Lots 1-8) will use the shared-access facility (driveway) to accesses 16 enclosed attached car garages. The proposed 26' wide driveway surface area will be finished with permeable decorative pavers for visual appeal as well as an environmentally superior alternative that will minimize stormwater run-off. Landscape strips will be provided at appropriate areas to soften the edge of the easement.

Building Design: The proposal is to construct two rows of three-story contemporary buildings on both sides of a 26 foot wide shared-access facility (driveway). The project has been re-designed to eliminate the garage structures facing Magnolia Street. The proposed building measure 32 feet to 43 feet high to the top of the roof, 48'-6" feet deep and 26 feet wide for each lot. The main entry to these units will be from the front stairway, located adjacent to the shared-driveway. The proposed building exterior material is metal siding, vertical corrugated metal siding and black aluminum windows. The design incorporates various architectural elements to reduce scale, bulk and massing of the building. The building elevations are articulated to minimize perceived bulk and visual impacts on the street and neighboring properties. The project also includes wall-sconce light fixtures to the side of the garages and balconies.

The proposed project will create a design that is well-related to the setting, and would not have significant impacts on the adjacent buildings with respect to views, solar access and privacy.

Open Space: The open space requirement in HBX-4 is 75 square feet of usable open space per unit. The project provides open space at the rear portion of each dwelling and private open space as balconies are provided for the upper units. There is adequate open space are provided for this project. The open space requirement for this project is 1200 sq/ft where a total of 1,443 sq/ft is provided for this project.

CONCLUSION

The proposed project meets all of the required findings for approval (see Attachment B). Therefore, staff recommends approval of the project subject to the Conditions of Approval. (Attachment C)

RECOMMENDATIONS


1. Affirm staff's Environmental Determination.
2. Approve Tentative Tract Map, Conditional Use Permit, and Regular Design Review, subject to the attached findings and conditions of approval.

Prepared by:



Jason Madani
Planner II

Reviewed by:



Scott Miller
Zoning Manager

Reviewed by:



Darin Ranelletti, Deputy Director
Bureau of Planning and Building

Approved for forwarding to the
City Planning Commission:



Rachel Flynn, Director
Bureau of Planning and Building

ATTACHMENTS

- A. Project Plans, TTM8241, Photos
- B. Conditional Use Permit and Design Review and TTM Findings
- C. Conditions of Approval

ATTACHMENT A

This proposal meets the required findings and standards under Section 17.136.050, Regular Design Review criteria, Section 17.134.050, General Use Permit criteria, Section 17.102.320, Conditional Use Permit for waiver of certain requirements in mini-lot developments, Section 17.102.090, Conditional Use Permit for Shared Access Facilities, of the Oakland Planning Code, and Section 16.04.010, Purpose, Section 16.24.040, Lot Design Standards, and Section 16.08.030 Tentative Tract Maps, of the Oakland Subdivision Regulations, as set forth below. Required findings are shown in normal type; explanations as to why these findings can be made are in **bold type**.

SECTION 17.136.050(a)

REGULAR DESIGN REVIEW FINDINGS:

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures.

The proposal is to subdivide one vacant lot (16,028 sq.ft.) into eight mini-lots development, by providing shared-access easement off Magnolia Street. The development includes the construction of two rows of three-story buildings that will contain a total of sixteen residential dwelling units (two units per lot). The proposed building has Contemporary designs with elements typical of the mixture of recent designs in the neighborhood. There are 16 parking spaces are provided on the site. The three -story structures apply exterior materials and treatments such as metal-siding and powder-coated corrugated metal, and metal windows. The design incorporates various architectural elements and detailing such as projecting wings, eaves, decks, etc. to achieve a series of building volumes. The building elevations are articulated to minimize perceived bulk and visual impacts on the street and neighboring properties. The building height is 32' and 42' and is below maximum 55' height limit in the HBX-4 zone. The proposed project will create a design that is well-related to the setting, and would not have significant impacts on adjacent buildings with respect to views and solar amenities. The proposed design will complement the surrounding mixed use buildings.

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

The proposed development will preserve the Housing and Business Mix character of the neighborhood. The proposed Contemporary designs will also be consistent with both the traditional and non-traditional buildings in the neighborhood. The new residents will serve as potential new patrons to the local businesses in West Oakland.

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

The subject site is a relatively flat lot located in an urbanized area and will involve minimum grading.

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

FINDINGS

The subject lot is not situated on a hill.

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

The subject site is located in the Housing and Business Mix land use classification according to the City of Oakland General Plan Land Use and Transportation Element (LUTE). According to the LUTE, the intent of the Housing and Business Mix is to guide a transition from heavy industry to low impact light industrial and other businesses that can co-exist compatibly with residential development. Respect for environmental quality, coupled with opportunities for additional housing and neighborhood-friendly businesses are desired, as well as the transition from industry that generates impacts detrimental to residences. The proposed project is residential in nature and therefore consistent with the intent of the General Plan as well as the following objectives and policies:

Section 17.134.050 General Use Permit criteria.

Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all of the following general use permit criteria, as well as to any and all other applicable use permit criteria:

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

The two Conditional Use Permits required for the proposed project are: 1.) To allow a mini-lot development and 2.) A Shared Access Facilities to provide vehicular access to eight proposed mini lots. The mini-lot development allows the site to be improved as sixteen (16) residential units located on eight separate lots (two residential units per lot). The project has been designed to provide a convenient living environment that allows private ownership. The development will not adversely affect the availability of civic facilities and utilities.

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

The proposed development allows the site to be developed within the prescribed density and at the same time allows each duplex building to have its own lot. It allows shared access facilities for vehicular access to sixteen (16) parking spaces within eight lots. The Private access easement will be required to incorporate pavers and landscape strips to enhance the shared space and contribute to the visual appeal of the proposed development.

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

The surrounding area of the subject site is characterized by a mixture of single family, commercial and industrial establishments. The proposed sixteen residential units will be in keeping with the character of the community and provide additional housing for the City at large.

- D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;

The project conforms to the regular design review criteria at Section 17.136.050. See findings below.

- E. For proposals involving a One- or Two-Family Residential Facility: If the conditional use permit concerns a regulation governing maximum height, minimum yards, or maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:

1. 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 conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

N/A

2. At least sixty (60) percent of the lots in the immediate context are already developed and the proposal would not exceed the corresponding as-built condition on these lots, and, for conditional use permits that allow height increases, 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

FINDINGS

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 conditional use permit.

N/A

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

The subject site is located in the Housing and Business Mix General Plan area which permits one unit for every 800 square feet of site area and would allow a maximum of 20 units for the subject site. Therefore, the proposed sixteen (16) units are below the maximum residential density allowed by the Housing and Business Mix. The proposed project is consistent with the intended character, land uses, and densities of the General Plan.

Section 17.102.320 Conditional Use Permit for waiver of certain requirements in Mini-lot Developments

- A. Basic Provisions. Subject to the provisions of subsections B and C of this section, the maximum height and minimum yard, lot area, width, and frontage requirements otherwise applying to individual lots may be waived or modified within a mini-lot development, and floor area, parking, and other facilities may be located within said development without reference to lot lines, upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 and upon determination:

1. That there is adequate provision for maintenance of the open space and other facilities within the development; and

The proposed mini-lot development also involves a private access easement that will be improved as a Shared Access Facility for vehicular ingress and egress and also serve as a utilities easement. A condition of approval has been added to this approval to require a maintenance agreement that ensures that adequate maintenance for all common areas is in place.

2. That the total development meets all the requirements that would apply to it if it were a single lot.

The proposed development complies with the density, setbacks, height limits, useable open space, off-street parking, and all other requirements that would apply if the site were developed as a single lot.

- B. Zones in Which Requirements May Be Waived. A conditional use permit pursuant to subsection A of this section may be granted only in the S-1 or S-2 zone or in any residential or commercial zone other than RH zones or the RD-1 zone.

FINDINGS

The subject site is zoned HBX-4 Zone and therefore complies with above criterion.

- C. Maximum Size for Which Requirements May Be Waived. A conditional use permit pursuant to subsection A of this section may be granted only if the total land area of the mini-lot development is less than sixty thousand (60,000) square feet.

The subject site is 16,028 square feet and therefore complies with the above criterion.

Section 17.102.090 Conditional Use Permit for Shared Access Facilities

- A. Use Permit Required. A shared access facility shall be allowed only upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134.

The proposed application involves a Minor Conditional Use Permit pursuant to Section 17.134. See findings above.

- B. Use Permit Criteria. A conditional use permit under this section may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:

1. Compliance with Guidelines. Each shared access facility proposal shall be in compliance with the City Planning Commission guidelines for development and evaluation of shared access facilities.

The proposed shared access facility has adequate width (26') for maneuverability for vehicles and is therefore consistent with the guidelines for development and evaluation of shared access facilities.

2. Public Safety. The width of a shared access facility shall be adequate to ensure unimpeded emergency and nonemergency ingress and egress at all times. Additionally, the shared access facility shall conform to city standards for roadway layout and design.

The width of the proposed shared access facility is 26 feet where they serve sixteen residential units for total of 16 parking spaces. Typically, a 20-foot travel width provides adequate emergency and non-emergency ingress and egress while a 26-foot width provide adequate maneuverability for turning. The relatively short length of the shared access facility also provides easy access to all units served.

3. Aesthetics. A shared access facility shall be designed to provide the environmentally superior alternative to other approaches for the development of the property and shall be designed to be visually compatible with its surroundings, as set forth in the City Planning Commission guidelines;

FINDINGS

necessary retaining walls shall not be of excessive height and shall not be visibly obtrusive, as such are defined in the City Planning Commission guidelines.

The proposed shared access facilities are located at a relatively flat site and will not involve any retaining walls. The surface of the facilities would be required to be finished with permeable decorative pavers for visual appeal as well as an environmentally superior alternative that will minimize stormwater run-off. Landscape strips shall be required to be provided at appropriate areas to soften the edges of the easement.

4. On-Going Owner Responsibility. Applicants for a shared access facility shall submit, for approval, an agreement for access facility maintenance, parking restrictions, and landscape maintenance. Upon staff approval, the proposed agreement shall be recorded by the applicant within thirty (30) days with the Alameda County Recorder. In addition, applicants for a shared access facility shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the city thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage.

As a condition of approval, the applicant is required to prepare and submit a maintenance agreement for the proposed development to the Bureau of Planning for review and approval prior to issuance of a certificate of occupancy for the first unit.

5. Certification. Prior to construction, applicants for a shared access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was constructed in accordance with the approved plans and construction standards. This requirement may be modified or waived at the discretion of the Director of Public Works, based on the topography or geotechnical considerations. An applicant may also be required to show assurance of performance bonding for grading and other associated improvements. In addition, prior to the installation of landscaping, an applicant shall retain a landscape architect or other qualified individual to certify, upon completion, that landscaping was installed in accordance with the approved landscape plan.

Staff has added a condition of approval to this report for the project to meet this criterion.

Section 16.04.010, Purpose:

“...ensure that the development of subdivisions is consistent with the goals and policies of the Oakland General Plan.”

The subject site is located in the Housing and Business Mix land use classification which is intended to serve as a buffer between industrial and residential uses. The proposed sixteen-unit residential development is consistent with the intent of the General Plan objectives and policies which encourage the construction of housing resources in order to meet the current and future housing needs of the Oakland community.

FINDINGS

Section 16.24.040 Lot design standards.

Lot design shall be consistent with the provisions of Section 16.04.010, Purpose, and the following provisions:

A. No lot shall be created without frontage on a public street, as defined by Section 16.04.030, except:
1. Lots created in conjunction with approved private access easements; or

2. A single lot with frontage on a public street by means of a vehicular access corridor provided that in all cases the corridor shall have a minimum width of twenty (20) feet and shall not exceed three hundred (300) feet in length. Provided further, the corridor shall be a portion of the lot it serves, except that its area (square footage) shall not be included in computing the minimum lot area requirements of the zoning district.

Of the proposed eight mini-lots, two lots has frontage on public streets (Magnolia Street). The remaining lots that do not have frontage on a public street are being created in conjunction with a proposed Private Access Easements (Shared Access Facilities), which provide vehicular access to all lots. The widths of the portions of the Shared Access Easements are at least 26 feet.

B. The side lines of lots shall run at right angles or radially to the street upon which the lot fronts, except where impractical by reason of unusual topography.

Two of the eight proposed lots have side lot lines that run at right angles to the street upon which they front. The remaining six lots do not front on streets but have lot lines that run at right angles similar to the other lots.

C. All applicable requirements of the zoning regulations shall be met.

The subject 16,028 square-foot site complies with the HBX-4 setbacks in its entirety however the mini-lot standards waive certain zoning requirements such as minimum lot size, width for the new individual micro lots.

ATTACHMENT B: CONDITIONS OF APPROVAL

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

1. Approved Use

Ongoing

The project shall be constructed and operated in accordance with the authorized use as described in the application materials, letter, and the plans dated **April 14, 2016** and **June 21, 2016** and submitted on **April 26, 2016** and **June 27, 2016** as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

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

Tentative Tract Map for a subdivision of one vacant parcel into eight mini-lots; Minor Conditional Use Permit to establish a eight (8) mini-lot development and shared-access facility (driveway); Regular Design Review for new construction of 16 residential units (two units per lot)

2. Effective Date, Expiration, Extensions and Extinguishment

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

3. Compliance with Other Requirements

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

4. Minor and Major Changes

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

5. Compliance with Conditions of Approval

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

CONDITIONS OF APPROVAL

6. **Signed Copy of the Approval/Conditions**

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

7. **Blight/Nuisances**

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

8. **Indemnification**

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

9. **Severability**

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

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

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The

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project applicant shall establish a deposit with the Bureau of Building, if directed by the Building Official, Director of City Planning, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

11. Public Improvements

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

12. Compliance Matrix

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

13. Construction Management Plan

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

14. Regulatory Permits and Authorizations from Other Agencies

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Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

15. Graffiti Control

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
 - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
 - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
 - iii. Use of paint with anti-graffiti coating.
 - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
 - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
 - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
 - ii. Covering with new paint to match the color of the surrounding surface.
 - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. Landscape Plan

a. ***Landscape Plan Required***

Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. ***Landscape Installation***

Requirement: The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. ***Landscape Maintenance***

Requirement: All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

17. **Lighting**

Requirement: Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. **Construction-Related Air Pollution Controls (Dust and Equipment Emissions)**

Requirement: The project applicant shall implement all of the following applicable air pollution control measures during construction of the project:

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering

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frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.

- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.
- e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").
- i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.

19. Exposure to Air Pollution (Toxic Air Contaminants)

a. ***Health Risk Reduction Measures***

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

- i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk

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reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.

- or -

- ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:
- Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
 - Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).
 - Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
 - The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.
 - Sensitive receptors shall be located on the upper floors of buildings, if feasible.
 - Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwood (*Sequoia sempervirens*).
 - Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.
 - Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.
 - Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:
 - Installing electrical hook-ups for diesel trucks at loading docks.
 - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
 - Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.
 - Prohibiting trucks from idling for more than two minutes.

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- Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

b. ***Maintenance of Health Risk Reduction Measures***

Requirement: The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

20. **Tree Removal During Bird Breeding Season**

Requirement: To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

When Required: Prior to removal of trees

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

21. **Archaeological and Paleontological Resources – Discovery During Construction**

Requirement: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as

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applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

22. Archaeologically Sensitive Areas – Pre-Construction Measures

Requirement: The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources.

Provision A: Intensive Pre-Construction Study.

The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive

archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:

- a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.
- b. A report disseminating the results of this research.
- c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.

If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.

Provision B: Construction ALERT Sheet.

The project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.

The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.

When Required: Prior to approval of construction-related permit; during construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

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23. Human Remains – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

24. Construction-Related Permit(s)

Requirement: The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

25. Hazardous Materials Related to Construction

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:

- a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;
- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and

- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

26. Site Contamination

a. *Environmental Site Assessment Required*

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

When Required: Prior to approval of construction-related permit

Initial Approval: Oakland Fire Department

Monitoring/Inspection: Oakland Fire Department

b. *Health and Safety Plan Required*

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

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

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

- i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable

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reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.

- ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

27. Source Control Measures to Limit Stormwater Pollution

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:

- a. Stencil storm drain inlets "No Dumping – Drains to Bay;"
- b. Minimize the use of pesticides and fertilizers;
- c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;
- d. Cover trash, food waste, and compactor enclosures; and
- e. Plumb the following discharges to the sanitary sewer system, subject to City approval:
- f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
- g. Dumpster drips from covered trash, food waste, and compactor enclosures;
- h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
- i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
- j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

28. NPDES C.3 Stormwater Requirements for Small Projects

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate one or more of the following site design measures into the project:

- a. Direct roof runoff into cisterns or rain barrels for reuse;
- b. Direct roof runoff onto vegetated areas;

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- c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas;
- d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas;
- e. Construct sidewalks, walkways, and/or patios with permeable surfaces; or
- f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

The project drawings submitted for construction-related permits shall include the proposed site design measure(s) and the approved measure(s) shall be installed during construction. The design and installation of the measure(s) shall comply with all applicable City requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

29. Construction Days/Hours

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
- c. No construction is allowed on Sunday or federal holidays.

Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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30. Construction Noise

Requirement: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

- a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.
- b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c. Applicant shall use temporary power poles instead of generators where feasible.
- d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

31. Extreme Construction Noise

a. ***Construction Noise Management Plan Required***

Requirement: Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:

- i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- ii. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;

CONDITIONS OF APPROVAL

- iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. *Public Notification Required*

Requirement: The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

32. Project-Specific Construction Noise Reduction Measures

Requirement: The project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction noise impacts. The project applicant shall implement the approved Plan during construction

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

33. Construction Noise Complaints

Requirement: The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:

- a. Designation of an on-site construction complaint and enforcement manager for the project;
- b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;

CONDITIONS OF APPROVAL

- c. Protocols for receiving, responding to, and tracking received complaints; and
- d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

34. Exposure to Community Noise

Requirement: The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:

- a. 45 dBA: Residential activities, civic activities, hotels
- b. 50 dBA: Administrative offices; group assembly activities
- c. 55 dBA: Commercial activities
- d. 65 dBA: Industrial activities

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

35. Operational Noise

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

36. Exposure to Vibration

Requirement: The project applicant shall submit a Vibration Reduction Plan prepared by a qualified acoustical consultant for City review and approval that contains vibration reduction measures to reduce groundborne vibration to acceptable levels per Federal Transit Administration (FTA) standards. The applicant shall implement the approved Plan during construction. Potential vibration reduction measures include, but are not limited to, the following:

- a. Isolation of foundation and footings using resilient elements such as rubber bearing pads or springs, such as a "spring isolation" system that consists of resilient spring

supports that can support the podium or residential foundations. The specific system shall be selected so that it can properly support the structural loads, and provide adequate filtering of groundborne vibration to the residences above.

- b. Trenching, which involves excavating soil between the railway and the project so that the vibration path is interrupted, thereby reducing the vibration levels before they enter the project's structures. Since the reduction in vibration level is based on a ratio between trench depth and vibration wavelength, additional measurements shall be conducted to determine the vibration wavelengths affecting the project. Based on the resulting measurement findings, an adequate trench depth and, if required, suitable fill shall be identified (such as foamed styrene packing pellets [i.e., Styrofoam] or low-density polyethylene).

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

37. Construction Activity in the Public Right-of-Way

a. ***Obstruction Permit Required***

Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. ***Traffic Control Plan Required***

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

c. ***Repair of City Streets***

Requirement: The project applicant shall repair any damage to the public right-of-way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

When Required: Prior to building permit final

CONDITIONS OF APPROVAL

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

38. Bicycle Parking

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

39. Construction and Demolition Waste Reduction and Recycling

Requirement: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

40. Underground Utilities

Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

41. Recycling Collection and Storage Space

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

42. Green Building Requirements

a. *Compliance with Green Building Requirements During Plan-Check*

Requirement: The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).

- i. The following information shall be submitted to the City for review and approval with the application for a building permit:
 - Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
 - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
 - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
 - Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
 - Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
 - Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- ii. The set of plans in subsection (i) shall demonstrate compliance with the following:
 - CALGreen mandatory measures.
 - All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building

measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit.

- per the appropriate checklist approved during the Planning entitlement process.
- All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
- The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. ***Compliance with Green Building Requirements During Construction***

Requirement: The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.

The following information shall be submitted to the City for review and approval:

- Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
- Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
- Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

c. ***Compliance with Green Building Requirements After Construction***

Requirement: Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to and attain the minimum required certification/point level. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.

When Required: After project completion as specified

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

43. **Sanitary Sewer System**

Requirement: The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland

CONDITIONS OF APPROVAL

Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Department of Engineering and Construction

Monitoring/Inspection: N/A

44. Storm Drain System

Requirement: The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

Site Specific Conditions of Approval

45. Submittal of Final Map and Final Map Requirements

Within two years of the effective date of approval, and ongoing

A Final Map shall be submitted to the Building Services Department, within 2 years of the approval of this permit. The final submittal for the map shall include all common areas, pathways, and dedicated sewer and storm drain easements in a form acceptable to the City Engineer and acceptance language by the City Engineer. The applicant shall record the Final Map and a written legal description of the reconfigured parcels as part of the deed with the Alameda County Recorder's Office and proof of such recordation shall be provided to the Planning Department prior to issuance of Building Permits. Failure to file a Final Parcel Map within these time limits shall nullify the previous approval or conditional approval of the Tentative Parcel Map.

46. Engineering and Fire Services comments

Ongoing

The project shall comply with the Engineering Services (see attachment) and Fire Prevention Bureau Requirements.

47. Common Driveway surface material.

Prior issuance of building permit

CONDITIONS OF APPROVAL

The applicant shall submit revised site plan and approved by Planning Department staff showing that the proposed 26 foot wide common driveway surface area shall be finished with permeable decorative pavers for visual appeal as well as an environmentally superior alternative that will minimize stormwater run-off. Landscape strips shall be provided at appropriate areas to soften the edges of the easement.

48. Common Driveway Access Easement.
Prior to finalization of Parcel Map

- a. The property owner shall submit easement agreement for common driveway and nine off-street parking spaces between Lot #1 to lot #8 for Planning Bureau approval and record with the Alameda County Recorder's Office.
- b. Each new parcel shall provide two (2) designated non tandem off-street parking spaces, one parking space per unit. For a total of 16 parking spaces for entire development.

49. Homeowners Association

Ongoing

A homeowners association or other acceptable legal entity, shall be established to maintain the building and all common open space, landscaping or facilities, including pedestrian access ways, 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 until all units are sold and for one year thereafter. The Declaration of Restrictions for the development's (CC&Rs) shall include the following requirements and restrictions:

- Each parcel shall provide two (2) designated non tandem off-street parking spaces, one parking space per unit.
- There shall be no storage of large items that would prohibit the use of automobile parking within designated parking and driveway areas. Those areas shall be kept free of obstruction and available for their designated use at all times. Boats, trailers, camper tops, inoperable vehicles and the like shall not be parked or stored within these designated parking and driveway areas.

50. Encroachment Permit

Prior to issuance of building permit.

The applicant shall obtain any encroachment permits, waiver of damages or other approvals required by the Bureau of Building, for any privately constructed public improvements, or any permanent or temporary elements located in the public right of way.

51. Window and Door Details.

Prior to issuance of building permit.

CONDITIONS OF APPROVAL

The applicant shall submit to the Planning and Zoning Division for review and approval, a window and door schedule, including cross-sections and elevations, and final architectural details of the front and side elevations.

52. Meter Shielding.

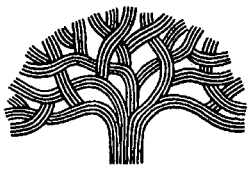
Prior to issuance of building permits.

The applicant shall submit for review and approval by the Planning and Zoning Division, plans showing the location of any and all utility meters, transformers, and the like located within a box set within the building, located on a non-street facing elevation, or screened from view from any public right of way.

53. Street Trees.

Prior to issuance of building permit.

The applicant shall provide street trees in front of the building on Magnolia Street (4 Street trees) with review and approval of species, size at time of planting, and placement in the right-of-way, subject to review and approval by the Planning and Building Department.



CITY OF OAKLAND
Oakland Fire Department
Fire Prevention Bureau

250 Frank Ogawa Plaza, Suite 3341 Oakland, CA 94612
(510) 238-3851 - VOICE (510) 238-6739 - FAX

MEMORANDUM

To: City Planning
Attn: Jason Madani
From: Philip C. Basada, P.E.
Date: 02.18.15 (Rev. 0)
Re: 2242 Magnolia Street – PLN15060, Mini Lot Development for 8 Single Family Dwellings

Approval: Fire Marshal Miguel Trujillo

Summary:

The applicant wishes to subdivide an existing large lot into 8 residential parcels with a shared common driveway. Only two lots have property frontages facing the public street suited for fire truck access and access to public hydrants. The proposed development will have 26 feet shared common driveway that is effectively only 20 feet wide due to overhangs along the shared driveway at less than 13' 6" high. The proposed parcels are located in a built-up neighborhood with (1) existing adequately spaced hydrants and (2) all-weather public fire access roads.

If the project is to be approved by the advisory agency please attach the following conditions of approval:

On-site Improvements required or to be maintained:

Lots 1 and 5, addresses as designated by Planning and Building Department:

1. Provide smoke detectors and smoke alarms per California State Fire Marshal requirements for new residential dwelling.
2. Bedroom escape windows shall meet net clear openings per current code. Ref.: CFC Section 1029 with 5.7 square feet minimum opening
3. Provide property address signs. Ref.: CFC 505
4. The buildings (new R3 dwelling units) shall be protected by a residential fire sprinkler system per City Ordinance 13208.
5. Domestic water services to each unit are permitted to be dual-water service meters (meaning the water service purveyor may allow each property to utilize the water service for both domestic plumbing and fire protection).

Lots 2, 3, 4, 6, 7, addresses as designated by Planning and Building Department:

6. Provide smoke detectors and smoke alarms per California State Fire Marshal requirements for new residential dwelling.
7. New bedroom escape windows shall meet net clear openings per current code. Ref.: CFC Section 1029 with 5.7 square feet minimum opening

8. Provide property address signs visible along Magnolia Street. Ref.: CFC 505
9. The building (new R2 dwelling unit) shall be protected by a residential fire sprinkler system per City Ordinance 13208.
10. Domestic water services to each unit are permitted to be dual-water service meters (meaning the water service purveyor may allow each property to utilize the water service for both domestic plumbing and fire protection).

Lots 1, 2, 3, 4, 5, 6, 7, and 8:

11. An approved fire code variance (AMMR) is required to address mitigations to inadequate fire access road width per 2013 CFC Appendix D. The elevations of the roofs of the buildings slope upwards from 30 feet at driveway frontages to 32' 6" at the rear.
12. Electrical power lines shall be undergrounded along the shared common driveway.

Off-site Improvements Required:

13. Electrical power lines shall be undergrounded along the public street frontage of the property.