



PLANNING APPLICATION FOR MINISTERIAL APPROVAL OF TWO-UNIT RESIDENTIAL DEVELOPMENT OR PARCEL SUBDIVISION RESULTING IN TWO LOTS WITH RESIDENTIAL UNITS ON EACH LOT (SB-9)¹

GENERAL INFORMATION

APPLICANT'S NAME/COMPANY: _____

PROPERTY ADDRESS: _____

EXISTING USE OF PROPERTY: _____

DESCRIPTION OF PROPOSAL:

SELECT TYPE(S) OF PROPOSED SB-9 DEVELOPMENT

For further details regarding eligibility and additional regulations for SB-9, please refer to the Zoning Criteria Checklist starting on page 8 of this application.

- LOT SPLIT AND ADDITIONAL UNITS:** SPLITTING ONE RESIDENTIAL SINGLE-FAMILY LOT OF AT LEAST 2,400 SQUARE FEET INTO TWO RESIDENTIAL LOTS OF APPROXIMATELY EQUAL SIZE AND ADDING RESIDENTIAL UNIT(S) TO ONE OR BOTH RESULTING LOTS.
- TWO UNIT PROPOSAL:** ADDING A SECOND PRIMARY RESIDENTIAL UNIT ON AN EXISTING SINGLE-FAMILY RESIDENTIAL LOT WITHOUT SPLITTING THE LOT.

APPLICATION PROCESS

This application is a first step for the review of SB-9 related proposals. Completion of this application and checklist is required. However, a proposal may be subject to additional Planning (OMC Title 17), Subdivision (OMC Title 16), and Building (OMC Title 15) Code requirements that may vary depending on a particular proposal. All regular Planning, Subdivision, and Building Code requirements not addressed by this application, and consistent with State Law, must be met before this application is approved. Once Planning has reviewed the application and has determined it meets Planning and Subdivision requirements, then the applicant may apply for the Building permit and approval of the final Parcel Map.

HOW TO APPLY:

- COMPLETE ALL REQUIRED INFORMATION, CHECKLIST, DOCUMENTS, AFFIDAVITS, AND PLANS AS OUTLINED ON PAGE 2.
- SUBMIT A ZONING WORKSHEET AND UPLOAD YOUR COMPLETED SB-9 APPLICATION THROUGH THE CITY OF OAKLAND'S ONLINE PERMIT CENTER:

[HTTPS://ACA-PROD-ACCELA.COM/OAKLAND/DEFAULT.ASPX](https://aca-prod-accela.com/oakland/default.aspx)

¹ Senate Bill (SB) 9 adds Sections 658582.21 and 66411.7 to the Government Code and amends Government Code Section 66452.6 to permit two residential units on lots zoned single family and requires local agencies to ministerially approve a parcel map for an urban lot split on single family lots in the City that meet the requirements in this application.

SUBMITTAL REQUIREMENTS CHECKLIST

Below is a brief overview of all the plan requirements. **Please submit all applications and plans electronically to the Online Permit Center using the Zoning Worksheet linked here:** [HTTPS://ACA-PROD.ACCELA.COM/OAKLAND/CUSTOMIZATION/COMMON/LAUNCHPAD.ASPX](https://aca-prod.accela.com/OAKLAND/CUSTOMIZATION/COMMON/LAUNCHPAD.ASPX).

ZONING PLAN REQUIREMENTS

- COLOR PHOTOGRAPHS OF PROPERTY & ADJACENT PROPERTIES
- PLANS (SEE PAGES 4-6 FOR MORE DETAILED PLAN, SURVEY, AND RELATED REQUIREMENTS)
 - FULL BOUNDARY AND TOPOGRAPHIC SURVEY
 - SITE PLAN (EXISTING AND PROPOSED)
 - LANDSCAPE PLAN
 - DEMOLITION PLAN
REQUIRED ONLY IF THE PROJECT PROPOSES ANY BUILDING DEMOLITION
 - FLOOR PLANS (EXISTING AND PROPOSED)
 - ELEVATIONS
REQUIRED ONLY FOR NEW CONSTRUCTION PROJECTS, ADDITIONS, OR EXTERIOR ALTERATIONS
 - CROSS-SECTIONS
REQUIRED ONLY FOR NEW CONSTRUCTION PROJECTS, ADDITIONS, OR EXTERIOR ALTERATIONS LOCATED ON A LOT WITH A SLOPE OF 20% OR MORE
 - TREE SURVEY
REQUIRED ONLY FOR PROJECTS THAT INVOLVE A TREE PRESERVATION/REMOVAL PERMIT (SEE PAGES 5 & 12)
 - SHADOW STUDY (SEE PAGE 5)
 - GRADING PLAN
REQUIRED ONLY IF THE PROJECT PROPOSES ANY SITE GRADING
 - PRELIMINARY POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN
 - CREEK PROTECTION PERMIT
REQUIRED ONLY IF ANY PROPOSED CONSTRUCTION ACTIVITY IS OCCURRING ON A CREEKSIDE PROPERTY (SEE PAGE 13)
 - CALGREEN CHECKLIST (SEE PAGE 13)
- CHECKLIST FOR SB-9 DEVELOPMENT PROPOSALS (SEE PAGES 8-10 FOR PROJECT REQUIREMENTS)
- SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE PARCEL MAP FOR URBAN LOT SPLITS OR CONDO DUPLEXES ²
- POST-PROJECT OWNER OCCUPANCY AFFIDAVIT FOR THE PARCEL SUBDIVISION RESULTING IN TWO LOTS (SIGNED AND NOTARIZED) STATING THAT:
 - THE OWNER INTENDS TO OCCUPY ONE OF THE UNITS AS THEIR PRINCIPAL RESIDENCE FOR THREE (3) YEARS FROM THE DATE OF FINAL PARCEL MAP APPROVAL
- AFFIDAVIT REGARDING TENANCY AND ELLIS ACT STATUS (SIGNED AND NOTARIZED) STATING THAT:
 - THE PROPOSED DEVELOPMENT WOULD NOT REQUIRE DEMOLITION OR ALTERATION OF AFFORDABLE HOUSING INCLUDING DEED-RESTRICTED AFFORDABLE HOUSING, RENT-CONTROLLED HOUSING, HOUSING THAT WAS WITHDRAWN FROM THE RENTAL MARKET IN THE LAST FIFTEEN (15) YEARS, OR ANY AFFORDABLE HOUSING OCCUPIED BY A TENANT IN THE PAST THREE (3) YEARS PRIOR TO THIS APPLICATION
 - THE PROPOSED DEVELOPMENT IS NOT FOR A PROPERTY WHERE ELLIS ACT WAS USED TO EVICT TENANTS IN THE LAST FIFTEEN (15) YEARS
 - A TENANT HAS NOT RESIDED IN THE PROPERTY IN THE LAST THREE (3) YEARS PRIOR TO THIS APPLICATION
- PRELIMINARY TITLE REPORT OR DEED NOT MORE THAN 60 DAYS OLD (REQUIRED FOR ALL TENTATIVE PARCEL MAP (TPM), TENTATIVE TRACT MAP (TTM), PARCEL MAP WAIVER (PMW), REZONING, AND GENERAL PLAN AMENDMENT APPLICATIONS, AND ANY APPLICATION WHERE THE OWNER INFORMATION DOES NOT MATCH THE CURRENT ALAMEDA COUNTY ASSESSOR'S RECORDS)

² Tentative Parcel Map Submittal Requirements: <https://www.oaklandca.gov/documents/supplemental-requirements-for-tentative-parcel-maps>

PROPERTY OWNER & APPLICANT INFORMATION

Owner: _____

Owner Mailing Address: _____

City/State: _____ **Zip:** _____

Phone No.: _____ **Alt. Phone No.:** _____ **E-mail:** _____

To be completed only if Applicant is not the Property Owner:

I authorize the applicant indicated below to submit the application on my behalf. _____

Signature of Property Owner

Applicant (Authorized Agent), if different from Owner: _____

Applicant Mailing Address: _____

City/State: _____ **Zip:** _____

Phone No.: _____ **Alt. Phone No.:** _____ **E-mail:** _____

I understand that approval of this application does not constitute approval for any administrative review, Conditional Use Permit, Variance, or exception from any other City regulations that are not specifically the subject of this application. I understand further that I remain responsible for satisfying requirements of any private restrictions appurtenant to the property. I understand that the Applicant and/or Owner phone number listed above will be included on any public notice for the project.

I certify that I am the Applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of planning permits as determined by the Planning Director. I further certify that I am the Owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature above.

I understand that statements made to me about the time it takes to review and process this application are general. I am aware that the City has attempted to request everything necessary for an accurate and complete review of my proposal; however, it may be necessary for the City to request clarifying information and/or materials after my application has been submitted and reviewed by City staff. I understand that any failure to submit the clarifying information and/or materials in a timely manner may render the application inactive and that periods of inactivity on the applicant's part do not count towards statutory time limits applicable to the processing of this application.

I understand that the proposed project and/or property may be subject to other laws, codes, regulations, guidelines, restrictions, agreements, or other requirements of other public agencies within or outside of the City of Oakland, and that the project and/or property may also be subject to requirements enforced by private parties. I am aware that the City recommends that I become fully aware of any other potential requirements before I submit this application and that I comply with all other requirements prior to commencing the proposed project.

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT I HAVE READ THE ABOVE AND THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE AND CORRECT.

Signature of Owner or Authorized Agent

Date

ZONING PLAN REQUIREMENTS

PLAN SETS FOR PLANNING PERMIT

- Include north arrow, date prepared and scale.
- Acceptable drawing scales are: 1/4" = 1', 3/16" = 1', 1/8" = 1', and 1" = 10'.
- Include the name, email and phone number of a person preparing the plan.
- Show all encroachments into the public Right-of-Way.
- Space for zoning stamp.

(a) FULL BOUNDARY AND TOPOGRAPHICAL SURVEY

Required for any building or addition with new or replacement footprint within 3 feet of a property line:

- Applicable line survey with field-verifiable monuments set or found by the surveyor.
- Location, dimensions, & dimensions to property line of existing and proposed buildings & similar structures within 3 feet of the relevant property line(s).

Required for any building or addition with new or replacement footprint located on a lot with a slope of 20% or more:

- Site topography for all areas of proposed work.
 - Must be no more than 3 years old from the time of submittal – date of survey must be included.
 - Must be prepared by a California State Licensed Land Surveyor or by a Civil Engineer with a license number below 33966 (licensed prior to January 1, 1982).
 - **Include the wet stamp and signature** of the Land Surveyor or Civil Engineer who prepared the survey.
 - Include the applicable surveyor's statement in accordance with the Professional Land Surveyors Act.
 - In addition to paper copies, the survey must also be submitted in digital format.

(b) SITE PLAN

- Two site plans (one existing, labeled "Existing Site Plan" and one proposed, labeled "Proposed Site Plan")
- Location and dimensions of all property boundaries, and distances from structures to property lines.
- Location and dimensions of all existing and proposed buildings, decks, stairs, and patios.
- Dimensions of all existing and proposed building setbacks from property lines.
- Location, dimensions, and paving materials of all existing and proposed adjacent sidewalks, curbs, curb-cuts (including curb-cuts on adjacent neighbor's lots), and streets.
- Location and dimension of all existing and proposed driveways, garages, carports, vehicle parking spaces, bicycle parking spaces, maneuvering aisles, wheel-stops, pavement striping/markings, and directional signage. Indicate existing and proposed paving materials.
- Location, height, and building materials of all existing and proposed fencing and walls.
- Location, height (including top and bottom elevation measurements), and building materials of all existing and proposed retaining walls.
- Location and size based on diameter at breast height (dbh) of all existing trees and indication of any trees to be removed, include trees on neighboring properties that are within 10 feet of construction.
- Location of drainage ways, creeks, and wetlands
- Roof plan showing roof slope and direction, and location of mechanical equipment, ducts, and vents.
- For projects located on a lot with a slope of 20% or more: Show existing and proposed topographic contours overlaid with proposed roof plan and indicating roof ridge spot elevations.
- Show any building to be demolished both historic and non-historic.
- Location and size of storage area for recycling containers.

(continued)

ZONING PLAN REQUIREMENTS (continued)

- (c) **LANDSCAPE PLAN**
 - Indicate any existing landscaping and new landscaping.
 - Indicate the size, species, location, and method of irrigation for all plantings.
 - Include the square footage of new landscaping, if over 500 square feet or over 2,500 square feet of new landscaping please provide all requirements per the Water Efficiency Landscape Ordinance (WELO), visit <https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance>
 - Include all existing and proposed groundcovers, driveways, walkways, patios, and other surface treatments.

- (d) **FLOOR PLAN**
 - Include complete floor plan of all floors of entire building, including existing and proposed work.
 - Label all rooms (e.g., bedroom, kitchen, bathroom), and include dimensions of room sizes.
 - Show locations of all existing and proposed doors, walls, and windows, including any window schedule (recess, sash and trim material, manufacture).
 - Location of and distance to all adjacent property boundaries.
 - Label and identify location of existing Residential Facility and proposed Residential Facility.

- (e) **ELEVATIONS**
 - Show all structure elevations (front, sides and rear) that will be affected by the proposed project.
 - For additions/alterations: label existing and new construction, as well as items to be removed.
 - Identify all existing and proposed exterior materials - including roofing, roof eaves, eave brackets, siding, doors, trim, sills, windows, fences, and railings. Show details of proposed new exterior elements.
 - Show any exterior mechanical, duct work, and/or utility boxes.
 - Include dimensions for building height (from grade to pitch) and wall length.

- (f) **CROSS SECTIONS** (required only for buildings or additions located on a lot with a slope of 20% or more)
 - Include all critical cross sections, including at least one passing through the tallest portion of the building.
 - Include floor plate and roof plate elevation heights.
 - Location of and distance to all adjacent property boundaries.
 - Label the location of the cross-sections on the site plan.

- (g) **TREE SURVEY** (required only for projects which involve a Tree Preservation/Removal Permit)
 - Include north arrow, date prepared and scale (Tree Survey should be drawn to the same scale as the Site Plan).
 - Include the name & phone number of person preparing the plan(s). As appropriate or required, include the stamp & “wet signature” of any licensed architect, landscape architect, surveyor and/or civil engineer preparing final plans.
 - Indicate the size (dbh), species, and location of all protected trees within 30 feet of development activity on the subject lot, regardless of whether the protected trees are included on any tree preservation/removal permit application.
 - Label all protected trees that are located within 10 feet of construction (including trees located on neighbor’s properties or the adjacent public right-of-way) with the matching number or letter from the Tree Preservation/Removal Permit application (see page 12 of this application).

- (h) **Shadow Study**
 - Include a roof plan of proposed house/addition with adjacent homes and show the shadows at different times of the day as shown in the *Design Review Manual for One- and Two-Unit Residences*³ on page 2.1 and 2.2

(continued)

ZONING PLAN REQUIREMENTS (continued)

- (i) **GRADING PLAN** (required only if the project proposes any site grading)
 - Show proposed grading plan and/or map showing existing and proposed topographic contours (this may be combined with the Site Plan for small projects with only minor grading).
 - Include an erosion & sedimentation control plan.
 - Include a summary table of all proposed excavation, fill, and off-haul volumes.
- (j) **Preliminary Post-Construction Stormwater Management Plan*** (required only for “Regulated Projects” subject to NPDES C.3 stormwater requirements [see page 11 for more information])
 - Show location and size of new and replaced impervious surface.
 - Show directional surface flow of stormwater runoff.
 - Show location of proposed on-site storm drain lines.
 - Show preliminary type and location of proposed site design measures, source control measures, and stormwater treatment measures.
 - Show preliminary type and location of proposed hydromodification management measures (if applicable).

* Please refer to the Stormwater Supplemental Form for more information concerning NPDES C.3 requirements. The Stormwater Supplemental Form must also be submitted with the application.

³ Design Review Manual for One- and Two-Unit Residences <https://www.oaklandca.gov/documents/design-review-manual-for-one-and-two-unit-residences>

1. PROJECT CALCULATIONS: EXISTING RESIDENTIAL FACILITY

	Existing Pre-Project	Demolition	New Proposed	Total Post-Project	% Change (Existing/Total)
Total Lot Area (sq. ft.)		N/A	N/A	N/A	N/A
Number of Dwelling Units					
Existing Residential Facility (if modifying):					
Floor area (sq. ft.)					
Footprint (sq. ft.)					
Building height (ft.)					
Onsite Parking Spaces (number)					N/A

2. PROJECT CALCULATIONS: PROPOSED RESIDENTIAL FACILITIES

Existing Lot Area (sq. ft.)	
Lot Area of Each New Lot:	(sq. ft. and %)
Lot #1: Total Lot Area	
Lot #2: Total Lot Area	
New Dwelling Units – Total Floor Area:	(sq. ft.)
DU #1	
DU #2	
DU #3	
DU #4	
Total for all DUs	
New Dwelling Units – Height (list for each):	(ft.)
DU #1	
DU #2	
DU #3	
DU #4	
Location of New Dwelling Unit(s):	# of units
Attached to Existing	
Interior Conversion	
New Duplex	
New Detached	
Number of New Onsite Parking Spaces	

ZONING CRITERIA CHECKLIST

Applicant's Name: _____ Project Address: _____

SB-9 two-unit residential development and/or parcel subdivision resulting in two lots may only be granted if the applicant can check "YES" or "N/A" to EACH of the following:

1) ALL SB-9 PROPOSALS

- YES NO The lot is located within the RH single-family residential zone; and the lot is located outside of the Very High Fire Hazard Severity Zone (VHFHSZ) as designated by CalFire. Please consult with planning staff prior to submitting this application or check the Map here:
<https://oakgis.maps.arcgis.com/apps/webappviewer/index.html?id=3676148ea4924fc7b75e7350903c7224>
(Open Layer List >> CEDA App >> Environmental >> VHFHSZ)
- YES NO Proposed development will result in no more than two (2) residential units per lot, including any ADUs or JADUs, but no less than one (1) residential unit per lot.
- YES NO Proposed development would not require demolition or alteration of affordable housing including deed-restricted affordable housing, rent-controlled housing, and housing that was withdrawn from the rental market in the last 15 years.
- YES NO Proposed development does not demolish or alter any of the existing structure if a tenant has resided in the property in the last three (3) years prior to this application.
- YES NO Development is not proposed for a property where the Ellis Act was used to evict tenants in the last fifteen (15) years.
- YES NO Proposed development is located outside of Historic Districts including S-7 and S-20 Designated Historic Districts, Areas of Primary Importance (API) and Areas of Secondary Importance (ASI), and not designated as National, State or Local Historic Resource or Landmark.
- YES NO Proposed development is located outside of environmentally sensitive areas and satisfies the requirements specified in paragraphs (B) through (K), inclusive, sub-paragraph (6) of subd. (a) of Gov. Code section 65913.4. Examples of environmentally sensitive areas include, but are not limited to, wetlands, designated habitats for protected or endangered species such as Alameda Whipsnake, protected floodplains, areas under a conservation easement, or protected prime farmland.
- YES NO Any resulting residential units will not be used as a short-term rental facility (less than 30 consecutive days); rentals must be for 30 consecutive days or longer.

(continued)

ZONING CRITERIA CHECKLIST (continued)

Objective Site Design Requirements:

- YES NO N/A Any portion or addition of proposed new attached or detached structure(s) has a setback of at least four (4) feet from the rear and side lot lines or meets the setback requirements of the zoning district, whichever setback is less.⁴ (Select N/A only if setbacks are not required according to the footnote.)
- YES NO N/A If adding to an existing building or increasing the existing building's footprint, the existing building has a setback of at least four (4) feet from the rear and side lot lines. (Select N/A only if not adding to or modifying an existing building footprint.)
- YES NO N/A Proposed development meets regularly required front lot setbacks. (Select N/A only if these standards preclude creation of up to two units of eight hundred (800) square feet.)
- YES NO N/A Proposed development includes one additional off-street parking space for each of the newly created units. (Select N/A only if the proposal is located within a ½-mile walking distance from a high-quality transit hub and additional parking is not required.) Please refer to the below link for the map of transit stops. However, the walking distance may be further than the ½ mile circles shown.
<https://oakgis.maps.arcgis.com/apps/webappviewer/index.html?id=2260b703c13e461da5672886523d8cb6>
(To determine walking distance identify the transit stop closest to the proposed development, copy the stop's coordinates, and enter it in maps such as Google Maps to confirm the actual walking distance from the transit stop to the development).
- YES NO N/A Any other development standards (including maximum dwelling unit size and height) conforms with the regularly required standards of the zone where the project is proposed. However, in no event the regularly required standards of the zone shall preclude a residential dwelling unit(s) of 800 square feet at the minimum. (Select N/A only if these standards preclude creation of such dwelling unit.)

2) REQUIRED FOR ALL SB-9 PROPOSALS THAT INCLUDE PARCEL SUBDIVISION RESULTING IN TWO LOTS

- YES NO The proposal splits one single-family residential lot into no more than two residential lots of approximately equal size (50/50 percent division) or no greater than 60/40 percent division.
- YES NO Proposed development will result in no more than two (2) residential units per lot, but no less than one (1) residential unit per lot, including any ADUs and JADUs.
- YES NO Each resulting lot area after the lot split is a minimum of 1,200 square feet in size.
- YES NO The lot was not created through a previous SB-9 parcel subdivision, or the same owner did not subdivide an adjacent lot via SB-9.
- YES NO The lot was not previously a part of a parcel map subdivision of three (3) or four (4) created by the same owner, owner's relative, or any corporate entity associated with the owner, so that the SB-9 application would result in quartering.
- YES NO Proposed development meets legal access requirements of the zone and for subdivisions pursuant to O.M.C. Title 16.
- YES NO The proposal submission includes the Supplemental Submittal Requirements for Tentative Parcel Map.
- YES NO The owner intends to reside in one of the resulting residential units for at least three (3) years from the date of Final Parcel Map approval.

(continued)

⁴ Setbacks are not required if a structure is rebuilt in the same location and to the same exact dimensions as the original structure.

ZONING CRITERIA CHECKLIST (continued)

Required Additional Acknowledgements:

- YES N/A Proposed development must meet the Tentative Parcel Map Checklist Requirements.⁵ (Select N/A only if not subdividing the lot.)
- YES Completion of this zoning criteria is a first step in the application approval process and does not fulfill all requirements of the Oakland Municipal Code related to public health, safety, and welfare for adding new residential unit(s). Once Planning has approved this application, the applicant still needs to meet Building, Fire, and any other Municipal Code requirements, and needs to establish that there are no unmitigated environmental impacts.
- YES Staff may require additional substantial evidence to be provided on the record or as affidavits by the applicant in support of certain checklist items. Please see the above checklist for the required affidavits. Other evidence may be requested. If evidence is not provided the application may not be approved.
- YES Owner understands that legally binding affidavits must be signed, notarized, and submitted with this application.
- YES Owner understands that once an SB-9 parcel subdivision resulting in two lots has been approved and completed, the resulting lot(s) will not be eligible for any more than two (2) residential units per lot, including any ADUs or JADUs.
- YES New and existing dwelling units must be built to allow for separate conveyance (i.e. built to standards allowing for independent ownership of the separate units if desired in the future), pursuant to State law, including but not limited to having separate meters, HVAC systems, separate entrances, and include any additional Building Code requirements.

I have reviewed the above checklist and certify that the project conforms to all applicable criteria above.

Applicant's Signature

Date

Reviewer's Signature

Date

⁵ Tentative Parcel Map Submittal Requirements: <https://www.oaklandca.gov/documents/supplemental-requirements-for-tentative-parcel-maps>

IMPERVIOUS SURFACE INFORMATION

The San Francisco Bay Regional Water Quality Control Board reissued the Municipal Regional Stormwater Permit (MRP 3.0). The MRP went into effect July 1, 2022 with further changes to the Regulated Project Thresholds effective July 1, 2023.

PROJECT CHARACTERISTICS: *(check one)*

- (1) The **one single-family home** project will create or replace **10,000 square feet or more** of new or existing impervious surface area*.
- (2) The project will create or replace **5,000 square feet or more** of new or existing impervious surface area including pavement maintenance or paving upgrade projects*.
 - If you checked (1) or (2) the project is considered a “Regulated Project” and must comply with NPDES C.3 stormwater requirements. You must submit a completed **Stormwater Supplemental Form MRP 3.0** and a **Preliminary Post-Construction Stormwater Management Plan** with your application (see page 6).
- (3) The project will create or replace **2,500 square feet or more but less than 10,000 square feet** of new or existing impervious surface for **one single-family home OR 2,500 square feet or more but less than 5,000 sq. ft.** of new or existing impervious surface **for all other projects** unless the project meets the definition of (1) or (2) above.
 - If you checked (3) site design measures to retain stormwater on-site are required. Refer to the City’s “Overview of Provision C.3” for more information. <https://www.oaklandca.gov/documents/overview-of-provision-c-3-requirements-for-stormwater-management>
- (4) None of the above.

* *Impervious Surface = Any surface that cannot be effectively (easily) penetrated by water. Permeable paving (such as permeable concrete and interlocking pavers) underlain with permeable soil or permeable storage material, and green roofs with a minimum of three inches of planting media, are not considered impervious surfaces. Do not include existing impervious surface to be replaced as part of routine maintenance/repair activities when calculating the amount of new/replaced impervious surface.*

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

STATE GOVERNMENT CODE SECTION 65962.5 (f): Before a lead agency accepts as complete an application for any development project which will be used by any person, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project and any alternatives are located on a site that is included on any of the lists compiled pursuant to this section and shall specify any list.

Please refer to the following State-maintained websites:

<https://calepa.ca.gov/SiteCleanup/CorteseList/> and <http://geotracker.waterboards.ca.gov/>

or contact the CalEPA at (916) 323-2514 to determine if your project is on any list of properties containing hazardous waste, toxic substances or underground fuel tanks. **NOTE: YOU MUST REVIEW ALL LISTS**

- I have reviewed ALL the lists and my site does not appear on them (sign below). **City Verification Required**
- My site does appear on the list(s) (please complete the following statement and sign below).

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Name of applicant:
Applicant address:
Phone number:
Address of site on list:
Local agency (city/county):
Specify any list pursuant to Section 65962.5 of the Gov. Code:
Regulatory identification number:
Date of list:
Status of regulatory action:

Signature of Owner or Authorized Agent

Date

TREE PRESERVATION ORDINANCE

Pursuant to the Tree Preservation Ordinance (§12.36 O.M.C.) a Tree Preservation/Removal Permit is required for any proposed construction activity (including buildings, driveways, paths, decks, construction vehicle routes, sidewalk improvements, & perimeter grading) within 10 feet of a Protected Tree, even if such trees are not being removed or if they are located on a neighbor's property.

The following are "Protected Trees" under the Tree Preservation Ordinance:

- a. Any Coast Live Oak tree that is larger than 4 inches dbh*
- b. Any tree (except Eucalyptus) that is larger than 9 inches dbh* (Eucalyptus trees and up to 5 Monterey Pines per acre are not considered Protected Trees under this section. Monterey Pines must be inspected and verified by the Public Works Agency – Tree Division prior to their removal. Contact the Tree Division at (510) 615-5934 for more information or to schedule an inspection)
- c. Any tree of any size located in the public right-of-way (including street trees)



I, THE APPLICANT/OWNER, ATTEST THAT: (check one)

- (1) There are no existing Protected Trees anywhere on the subject property or within 10 feet of the proposed construction activities** (including neighbor's properties or the adjacent public right-of-way).
- (2) There are Protected Trees on the subject property or within 10 feet of the proposed construction activities, and their location is indicated on the site plan and landscape plan **and** (check one);
 - (a) No Protected Trees are to be removed *and* No construction activity** will occur within 10 feet of any Protected Tree.
 - (b) No Protected Trees are to be removed *and* Construction activity** will occur within 10 feet of any Protected Tree.
 - (c) Protected Trees will be removed.

☞ If you checked (2b) or (2c), a Tree Preservation/Removal Permit is required. Please complete the section below.

DESCRIPTION OF TREES: (Identification numbers and letters must be consistent with the Tree Survey – See submittal requirements.)

<u>Trees proposed for removal</u>			<u>Trees not proposed for removal but located within 10 feet of Construction Activity</u>		
#	Species	dbh*	#	Species	dbh*
1			A		
2			B		
3			C		
4			D		
5			E		

Reason(s) for removal/impacting of trees:

* **dbh:** "diameter at breast height" is determined by measuring the trunk at 4'-6" from the ground. Multi-trunked trees are measured by combining the diameters of all trunks at 4'-6" from the ground.

** **Construction Activity:** Any proposed building, driveway, path, deck, construction vehicle route, sidewalk improvement, grading, or demolition.

CREEK PROTECTION ORDINANCE

Pursuant to the Creek Protection, Storm Water Management and Discharge Control Ordinance (§13.16 O.M.C.) a Creek Protection Permit is required for any proposed construction activity occurring on a Creekside property. The extent to which your development will be regulated by the Creek Protection Ordinance depends upon the location and type of proposed work.

WHAT IS A CREEK?

*“A **Creek** is a watercourse that is a naturally occurring swale or depression, or engineered channel that carries fresh or estuarine water either seasonally or year around.”*

A creek must include the following two components:

1. The channel is part of a contiguous waterway. It is hydrologically connected to a waterway above or below the site or is connected to lakes, the estuary, or Bay. Creek headwaters, found at the top of watersheds, are connected in the downhill direction. Additionally, creeks in Oakland are often connected through underground culverts. Only the open sections of creeks are subject to the permit, and
2. There is a creek bed, bank and topography such as a u-shape, v-shape channel, ditch or waterway (identified through field investigation, topographical maps, and aerial photos). To help with identification in the field a creek may also have the following features (the absence of these features does NOT mean there is no creek):
 - A riparian corridor, which is a line of denser vegetation flowing downhill. This is sometimes missing due to landscaping or vegetation removal practices, landslide or fire.
 - The channel has a bed with material that differs from the surrounding material (i.e. more rocky, or gravelly, little or no vegetation).
 - There are man-made structures common to waterways (e.g., bank retaining walls, trash racks, culverts, inlets, rip rap, etc.)

I ATTEST THAT: *(check one)*

- (1) **I do not know if there is a Creek on or near the proposed project site.** I have submitted a request for a Creek Determination by the City of Oakland (separate form and fee required).
- (2) **No Creek exists on or near the project site;** *(check one)*
- (a) Based on my review of the characteristics of the project site, as well as all relevant maps and plans, and the Creek Determination criteria provided in the “What is a Creek?” section above; or
- (b) Based on the attached report prepared by a relevant licensed professional.
- However, if the City determines that a Creek exists on or near the project site, a Creek Protection Permit is required.*
- (3) **A Creek DOES exist on or near the project site and;** *(check one)*
- (a) The proposed project only entails interior construction and/or alterations (including remodeling), and therefore requires a **Category 1 Creek Permit** (this is a no fee permit and only requires distribution of educational materials); or
- (b) The proposed project entails exterior work that does not include earthwork and is located more than 100 feet from the centerline of the Creek, and therefore requires a **Category 2 Creek Permit** (this permit requires a site plan and distribution of educational materials); or
- (c) The proposed project entails (a) exterior work that is located between 20 feet from the top of the Creek bank and 100 feet from the centerline of the Creek, and/or (b) exterior work that includes earthwork involving more than three (3) cubic yards of material located beyond 20 feet from the top of the Creek bank, and therefore requires a **Category 3 Creek Permit** (this permit requires a site plan and creek protection plan and may require environmental review); or
- (d) The project entails exterior work conducted from the centerline of the Creek to within 20 feet from the top of the Creek bank, and therefore requires a **Category 4 Creek Permit** (this permit requires a site plan and creek protection plan and may require environmental review and a hydrology report).

The Creek Permit requirements for your project are subject to verification by the City of Oakland and may differ from what you have indicated above. Additionally, you are responsible for contacting and obtaining all required permits from the relevant state and federal permitting agencies for Category 3 and Category 4 Creek Permits.

GREEN BUILDING ORDINANCE

If GreenPoint Rater is required, this sheet must be filled in and signed by the GreenPoint Rater along with the checklist and is due at the Intake appointment or over the counter approval, the submittal will not be accepted if this is not complete at intake and the applicant will need to come back for another appointment.

If there is an addition and/or remodel that total over 1,000 square feet, the project is over 1,000 square feet, or there is a new unit; a GreenPoint Rater is required. Please read the guidelines from the code as listed below.

Pursuant to the Ordinance ‘Sustainable Green Building Requirements for Private Development,’ (Chapter 18.02 of the Oakland Municipal Code), a Green Building Permit is required for any proposed construction activity within certain categories. The extent to which your development will be regulated by the Green Building Ordinance depends upon the location, type of proposed work, and size of proposed work.

A. PROPERTY ADDRESS: _____

B. PROJECT TYPE OF DEVELOPMENT (check one): New Construction New Construction-Mixed Use Addition
 Existing Building Tenant Improvement Remodel
 Historic Landscape Project

C. TOTAL NEW AND ALTERED FLOOR AREA (square feet): _____

I, THE APPLICANT/OWNER, ATTEST THAT: *(check one)*

- (1) I have reviewed the Green Building Ordinance and the project **DOES NOT** fall within the list of applicable project types.
- (2) I have reviewed the Green Building Ordinance and the project **MUST** comply with the ordinance, AND I’m submitting the required additional green building materials with this application.
- (3) I have reviewed the Green Building Ordinance and the project must comply with the ordinance, AND I’m submitting the required additional green building materials with this application, but a GreenPoint Rater or LEED AP is not required as the project uses the Small Commercial Checklist or the Bay Friendly Basic Checklist.

D. Name of Greepoint Rater (required for Greenpoint Rated Projects)*: _____

Name of LEED Accredited Professional (AP)(required for LEED projects) * _____

MAILING ADDRESS: _____

PHONE: _____ **E-MAIL:** _____

RATING SYSTEM: _____ **# OF POINTS THE PROJECT IS ANTICIPATED TO RECEIVE:** _____

E. GREEN BUILDING FEATURES NOT SHOWN ON PLANS BUT PART OF CHECKLIST (include additional sheets if needed):

I, hereby certify under the penalty of perjury that I have reviewed the project and appropriate checklist and attest that to the best of my knowledge the proposed project would likely comply with the City of Oakland’s Green Building Ordinance and attain green building certification. I, hereby further certify under the penalty of perjury, that I: 1) have no vested financial interest in the project other than my green building services, 2) have reviewed the project and appropriate green building checklist, and 3) attest that to the best of my knowledge the proposed project would likely comply with City of Oakland’s Green Building Ordinance and attain green building certification.

X
Signature of the GreenPoint Rater or LEED Accredited Professional _____ **Date** _____

This permit is issued pursuant to all provisions of City of Oakland Ordinance No. 13040 C.M.S., “Sustainable Green Building Requirements for Private Development.” This permit is granted upon the express condition that the permittee shall be responsible for all claims and liabilities arising out of work performed under this permit or arising out of permittee’s failure to perform the obligations with respect to this permit. The permittee shall, and by acceptance of this permit agrees to defend, indemnify, save and hold harmless the City, its officers and employees, from and against any and all suits, claims or actions brought by any reason for or on account of any bodily injuries, disease or illness or damage to persons and/or property sustained or arising in the construction of the work performed under this permit or in consequence of permittee’s failure to perform the obligations with respect to this permit. Violations of the provisions of the Green Building Ordinance are subject to fines and penalties specified under Section 20-3.030 of the Ordinance.

TO BE COMPLETED BY CITY STAFF:

CASE NUMBER(S): _____ **CASE PLANNER’S NAME:** _____

Note to Case Planner: Please route a copy of this form to the green building coordinator in the Planning and Zoning Division.