

Case File Number PLN18149

July 11, 2018

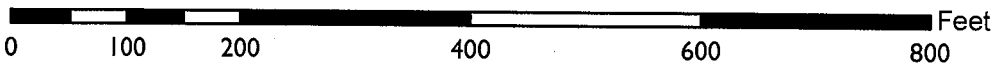
<b>Location:</b>	2949 Morgan Avenue (APN: 029 098200600) – See map on reverse
<b>Proposal:</b>	A three (3) lot Mini-lot subdivision of a 9,854 square-foot lot with existing buildings. Two existing structures will be demolished and replaced with two rear units, for a total of three residential units on-site. Access will be provided by a shared access facility.
<b>Applicant/Phone Number:</b>	John Newton / (510) 526-7370
<b>Owner:</b>	Michael Maggio
<b>Case File Number:</b>	PLN18149
<b>Planning Permits Required:</b>	Major CUP for density of three units in the RM-2 Zone; Minor CUP for Shared Access Facility and Mini-Lot Subdivision; Regular Design Review for the demolition of two buildings and the construction of two single-family dwellings; and Tentative Parcel Map to create three Mini-Lots.
<b>General Plan:</b>	Mixed Housing Type Residential
<b>Zoning:</b>	RM-2
<b>Environmental Determination:</b>	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303 – New construction of small structures; Section 15315 - Minor Land Division; and Section 15183 – Projects consistent with a Community Plan, General Plan, or Zoning.
<b>Historic Status:</b>	Non-Historic
<b>Service Delivery District:</b>	4
<b>City Council District:</b>	4
<b>Action to be Taken:</b>	Decision based on staff report
<b>Staff Recommendation:</b>	Approve with the attached Conditions of Approval
<b>Finality of Decision:</b>	Appealable to City Council within 10 days
<b>For Further Information:</b>	Contact case Planner <b>Brittany Lenoir</b> at (510) 238-4977 or <a href="mailto:blenoir@oaklandnet.com">blenoir@oaklandnet.com</a>

**SUMMARY**

The project applicant has submitted a request to demolish a rear unit and garage and construct two new residential units while maintaining the existing front unit, resulting in a three-unit mini-lot development on a 9,854- square foot lot. A shared access easement is proposed to allow for vehicular access to all units. Two regular parking spaces will be provided in the new garages and one uncovered compact parking space will be located adjacent to the existing house.

Required Planning permits include a Major Conditional Use Permit to allow for three or more residential units in the Mixed Housing Type Residential – 2 Zone (RM-2 Zone) Regular Design Review for the construction of new dwelling units, Minor Conditional Use Permits for a Shared Access Easement and Mini-Lot Development, and a Tentative Parcel Map for the Mini-Lot subdivision. As detailed below, staff find that the project meets all the required findings and recommends approval of the project subject to the attached conditions of approval.

# CITY OF OAKLAND PLANNING COMMISSION



Case File:       PLN18149  
Applicant:       John Newton  
Address:         2949 Morgan Ave  
Zone:            RM-2

## PROPERTY DESCRIPTION

This project is located in the Lincoln Highlands neighborhood, specifically two lots in from the corner of Morgan Avenue and Maple Avenue. The subject site is 9,854 square feet. The property is surrounded by lots of a similar shape and size along Morgan Avenue to the north and west. This immediate neighborhood consists of single-family homes as well as multifamily facilities.

## PROJECT DESCRIPTION

The proposal includes demolishing an existing residential unit, garage, and small shed in order to construct two new residential units. The front unit at 2949 Morgan Avenue will be maintained and no work to the interior or exterior is proposed in this application, except for new landscaping and designating an open space area for this unit.

The proposed residential units will be of similar size to the existing house, with unit A proposed at 1,640 square feet with a 200-square foot garage and unit B proposed at 1,721 square feet with a 233-square foot garage. Both unit A and B will have three bedrooms and two bathrooms, as well as sufficient open space areas in the form of open yards and patios. The new residential units are proposed to be two-story, but the resulting maximum height is 23'-6.5". Finally, a shared access facility will be established along the southern portion of the lot to allow for vehicular access to all new and existing units.

## GENERAL PLAN ANALYSIS

The proposed project site is classified as Mixed Housing Type Residential per the General Plan's Land Use and Transportation Element (LUTE). The intent of this classification is "to create, maintain, and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate." This project conforms to the following LUTE objectives and policies as summarized below:

### Objective N3

*Encourage the construction, and enhancement of housing resources in order to meet the current and future needs of the Oakland community.*

### Policy N3.1, Facilitating Housing Construction

*Facilitating the construction of housing units should be considered a high priority for the City of Oakland.*

### Policy N3.10 Guiding the Development of Parking

*Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized.*

### Policy N7.1, Ensuring Compatible Development.

*New residential development in Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.*

The proposal at 2949 Morgan Avenue will create much needed housing units, that will conform to the surrounding neighborhood in terms of materials, scale, and forms. Appropriate setbacks, open space, height, density, and off-street parking will be maintained which will minimize negative impacts to surrounding neighbors.

## ZONING ANALYSIS

The Project site is located within the RM-2 Zone which is intended “to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings, and neighborhood businesses where appropriate.” This Zone allows for a resident density of two units on lots that are 4,000 square feet or greater, and conditionally permits three or more units so long as each unit has at least 2,500 square feet of lot area, as further discussed below.

### Major and Minor Conditional Use Permits

The project applicant is proposing three units on the lot. Pursuant to Table 17.17.03 of the City of Oakland Planning Code, the RM-2 Zone permits three or more residential units, with one unit for every 2,500 square feet of lot area, upon approval of a Major Conditional Use Permit. The subject site, 2949 Morgan Avenue, is 9,854 square feet and would have the lot area for a maximum of three units. The required findings for a Major Conditional Use Permit are attached and included in the *Findings* section of this report as part of staff’s evaluation.

The project applicant is proposing a mini-lot development. A mini-lot development is a comprehensively designed development containing lots less than 60,000 square feet. Per Section 17.17.60 and Section 17.142 of the Planning Code, a mini-lot development is permitted in the RM-2 Zone with a Conditional Use Permit. As noted above, the lot is 9,854 square feet. The required findings for a Minor Conditional Use Permit are attached and included in the *Findings* section of this report as part of staff’s evaluation.

The project applicant is proposing a shared access easement to access each of the units. Per Section 17.102.090A, a shared access easement is permitted upon the granting of a Conditional Use Permit. The required findings for a Minor Conditional Use Permit are attached and included in the *Findings* section of this report as part of staff’s evaluation.

### Tentative Parcel Map

The project applicant is proposing to subdivide the existing lot and create three mini-lots. As such, a Tentative Parcel Map is required. The required findings are attached and included in the *Findings* section of this report as part of staff’s evaluation.

### Design Review

Section 17.17.020 of the City of Oakland Planning Code requires Regular Design Review to construct or add a new dwelling unit, as well as for any work requiring a Conditional Use Permit. The required findings for a Regular Design Review are attached and included in the *Findings* section of this report as part of staff’s evaluation.

The following table indicates proposed development standards they relate to the RM-2 Zone:

<u>Criteria</u>	<u>RM-2 Zone</u>	<u>Proposed Project</u>	<u>Comments</u>
<b>Density</b>	For 3 or more units, 1 unit per 2,500 sf of lot area	Lot is 9,854 sf and 3 units/ 2,500 sf = 7,500 sf	Major Conditional Use Permit required for 3 or more dwelling units in the RM-2 Zone
<b>Side Yard Setback</b>	5 feet	5 feet	In Compliance
<b>Rear Yard Setback</b>	15 feet	15 feet	In Compliance
<b>Height</b>	25' wall height, 30' pitched roof	23'-6.5" to top of roof	In Compliance
<b>Lot Coverage</b>	40%	33.7% (3,321sf)	In Compliance
<b>Open Space</b>	300 square feet of group open space per unit	1,943 sf	In Compliance
<b>Parking</b>	1 space per unit	3 total (2 regular, 1 compact)	In Compliance

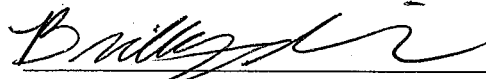
## ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts projects of this type under Section 15303(a), new construction of small structures. This exemption allows for the construction of small structures, including up to three-single family residences in urbanized areas. In addition, the mini-lot development is also exempt under Section 15315 - Minor Land Division. Furthermore, as demonstrated above, Section 15183 (projects consistent with the General Plan or Zoning, as demonstrated above) also applies. Staff also find that none of the exceptions to the exemptions to the CEQA Guidelines under Section 15300.2 are triggered by the proposal. Specifically, the project is not located in a sensitive environment, no critical habitat exists on the site, no cumulative impacts or significant effects will be triggered, the proposed project site is not located along a scenic highway or on a hazardous waste site, and the site is not historic.

## CONCLUSION AND RECOMMENDATION


In summary, based on the analysis contained within this report, Planning Staff believe that the proposed project at 2949 Morgan Avenue is an appropriate development. The proposed design conforms to all applicable regulations, including the RM-2 Zone and the Mixed Housing Type Residential classification of the General Plan and appropriate findings for the mini-lot development.

Prepared by:

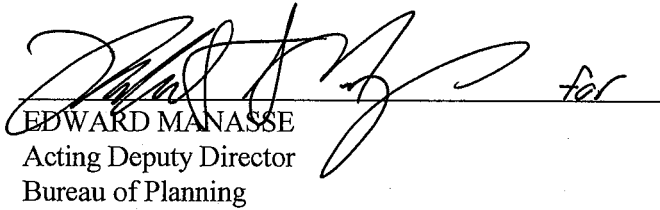


BRITTANY LENOIR  
Planner I

Reviewed by:

  
ROBERT MERKAMP  
Acting Zoning Manager

Approved for forwarding to the  
City Planning Commission:

  
EDWARD MANASSE  
Acting Deputy Director  
Bureau of Planning

**ATTACHMENTS:**

- A. Project Plans
- B. Comments from Engineering Services, dated April 9, 2018

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**FINDINGS FOR APPROVAL**

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This proposal **meets** all the required findings under 17.136.050, 17.134.050, 17.142.012, and 17.102.090B of the Oakland Planning Code (OMC Title 17) and Section 16.24.040 O.M.C., Section 16.08.030 O.M.C. & California Government Code §66474 as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

**Regular Design Review Findings (17.136.050)**

- 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.**

This project is located in Lincoln Highlands on Morgan Avenue between Barner Avenue and Maple Avenue. Many of the surrounding lots have additional units and accessory buildings located in the rear yards. Prevalent neighborhood characteristics include a variation of stucco and horizontal and vertical sidings, as well as roof forms which include flat, gable, and hip roofs. The neighborhood context consists of either two-story or one and a half stories buildings. The portion of Morgan Avenue where the proposal is located has some single-story and one and a half story buildings, with two-story buildings across the street.

Currently, the site contains an existing residential building at the front, a unit at the rear and a garage approximately 1' from the side property line. This proposal is for a mini-lot development that results in three units at 2949 Morgan Avenue. The front building, designated as Unit C, will be maintained and changes to the building are not proposed with this application. The garage, shed, and rear unit will be demolished to allow for space for two new units. The new units will have similar forms and textures of the buildings in the surrounding area. The two new proposed units will have a mixture of horizontal hardie lap siding, board and batten, and stucco, and a mixture of shed and flat roof forms. The proposed roof forms are designed to be a combination of flat and shed roof forms, which include articulating features to create a visually designated entryway.

The proposal includes constructing two two-story residential units with heights ranging from 17'-4" to 23'-6.5". This height will relate to the neighborhood context. Bulk will be mitigated by using articulation and cantilevered features to create visual interest. Also, appropriate setbacks of five feet for the interior sides and fifteen feet at the rear property line will be maintained in order to prevent any negative impact on surrounding neighbors.

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

The neighborhood consists of a single and multi-unit residential facilities, with many of the homes having additional structures/units behind a street fronting unit. The surrounding homes have landscaped front yards and, this proposal includes an extensive landscape with drought tolerant plants. The existing front landscaping and street trees will remain. Another desirable characteristic in this neighborhood is the inclusion of off-street parking; specifically, this neighborhood has many off-street spaces in the form of attached garages or long driveway leading to rear detached garages. This proposal will maintain

this characteristic by providing a 200-square foot garage for Unit A, a 235-square foot garage for Unit B and an off-street parking space for Unit C.

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

The project includes the removal of a protected tree, specifically a 19.5" DBH Ash Tree. This tree is in the proposed building footprint of Unit B and was approved for removal by the City of Oakland, Public Works Agency, Tree Services Division on April 20, 2018. Conditions of approval related to the tree removal will be included in the project in order to ensure that no negative impacts occur to surrounding buildings and wildlife during the removal. This proposal also includes an extensive landscape plan along the proposed driveway and surrounding the existing and proposed residential units. Some planting will include 15-gallon *Laurus nobilis* (Laurel Tree) and *Carex Divulsa*. Many of the proposed plantings are considered drought tolerant and are considered "low" water use when referring to the Water Efficient Landscape Ordinance (WELO). Regarding topography, some low retaining walls are proposed along the walkway for Unit A. The site is relatively flat and minimal impacts to topography is proposed with this development.

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

This finding is not applicable because the site is flat.

**5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.**

The subject site is classified as the Mixed Housing Type Residential Classification of the Land Use and Transportation Element (LUTE) of the General Plan. This project conforms to the following objectives and policies:

Objective N3

*Encourage the construction, and enhancement of housing resources in order to meet the current and future needs of the Oakland community.*

Policy N6.1 Mixing Housing Types

*The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.*

As previously discussed in the *General Plan Analysis* portion of the Staff Report, this proposal conforms to the above-mentioned objectives.

**General Conditional Use Permit Findings (Section 17.134.050)**

- 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 proposed design to create a three-lot Mini-Lot Development on 9,854 square foot lot will be compatible with the existing neighborhood layout as previously discussed in the Design Review Findings.

- 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 proposal is located in an area where many of the surrounding homes have multiple units and accessory structures on-site. The proposal will create a three mini-lot development that will have adequate site planning and setbacks, especially when compared to the conversion of the garage which is located close to the property line. The design, in terms of bulk, massing, height and materials is consistent with the neighborhood and an updated version of the surrounding architecture. Designated off street-parking and vehicular access through a shared access facility. Furthermore, open space and new landscaping will be designated for each unit which will provide function recreation space.

- 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 proposal is located in an area where many of the surrounding homes have multiple units and accessory structures on-site. The proposal will create two new residential units to Oakland's housing stock in a similar manner. Off-street parking will be established in order to abide by the RM-2 regulations and prevent vehicular congestion along Morgan Avenue.

- 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.**

Please refer to the Design Review Findings.

- E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.**

Please refer to the Design Review Finding.

- F. For proposals involving a One- or Two-Family Residential Facility: If the conditional use permit concerns a regulation governing maximum height, minimum yards, maximum lot coverage, or maximum floor area ratio, the proposal also conforms with at least one of the following additional 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**

2. **At least sixty percent (60%) 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 (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any conditional use permit.**

The project meets finding A above. The project is requesting a Conditional Use Permit (CUP) for a mini-lot development and waiver of certain requirements that would normally be required for regular development. Specifically, the CUP would lot area requirements. The required minimum lot area in the RM-2 Zone is 5,000 square feet, but overall when looked at in its entirety the parcel meets this requirement. Furthermore, the development will maintain all appropriate interior side and rear setback, height, and lot coverage, which will ensure that there will not be adverse impacts to any abutting residences.

**Conditional Use Permit (CUP) Findings for a Second or Third Dwelling Unit in the RM-2 Zone) Section 17.134**

1. **That the proposed development will not adversely affect adjoining property, nor the surrounding neighborhood, with consideration to be given to density; to the availability of neighborhood facilities and play space; to the generation of traffic and the capacity of surrounding streets; and to all other similar, relevant factors.**

The proposal is located in an area where many of the surrounding homes have multiple units and accessory structures on-site. The proposed Mini-Lot Development will maintain appropriate setbacks for the RM-2 Zone and will be well under the height limit at approximately 23 feet, which will prevent privacy and solar impacts for surrounding neighbors. Furthermore, each unit will have over 300 square feet of open space in the form of open yard and concrete patios; specifically, 736 square feet for Unit A, 823 square feet for Unit B, and 375 square feet for Unit C. In regard to traffic generation, the proposal includes a shared access facility and two new garages which will allow for appropriate off-street parking and will minimize the on-street parking impact to surrounding streets and buffer the adjacent resident from the units.

2. **That the site design and landscaping and the scale, height, length and width, bulk, coverage, and exterior treatment of structures are in harmony with neighborhood character and with facilities on nearby lots.**

Refer to the Design Review Findings.

3. **That the shape and siting of the facilities are such as to minimize blocking of views and direct sunlight from nearby lots and from other Residential Facilities in the surrounding neighborhood.**

The proposal is located in an area where many of the surrounding homes have multiple units and accessory structures on-site. The proposal will create a three mini-lot development that will have adequate site planning and setbacks, especially when compared to the conversion of the garage which is

located close to the property line. The proposal is a flat lot and so views will not be affected. The proposal will have appropriate setbacks, including five feet for the interior side setbacks and fifteen feet for the rear setback. This will allow for appropriate separation between adjacent properties which will help to maintain privacy and prevent potential solar impacts. The proposed units have a maximum height of 23'-6.5" feet.

4. **That the design and site planning of the buildings, open areas, parking and service areas, and other facilities provide a convenient, attractive, and functional living environment; and that paths, stairways, accessways, and corridors are designed to minimize privacy impacts.**

The proposed project includes adequate parking in the form of open parking for the existing unit, and enclosed parking in new garages for units A and B. The parking will be accessed from a shared driveway along the side of the property that buffers the proposed units from the adjacent neighbor. Open space is provided throughout the development, maintaining the front yard and proposing open space between the buildings.

5. **That lot shape, size, and dimensions allow a development which will provide satisfactory internal living conditions without adversely affecting the privacy, safety, or residential amenity of adjacent residences.**

The proposed lot sizes include: 3,872 square feet for Parcel A, 2,719 square feet for Parcel B, and 3,263 square feet for Parcel C. These lots have been designed in a way which will allow for vehicular access via a shared access easement. This access easement buffers the adjacent neighbor from the proposed residents. The units will be separated by 15-20 feet and will have extensive landscaping in order to preserve privacy. Finally, staff has added a condition of approval to provide additional taller landscaping along the side property lines and the driveway.

#### **Conditional Use Permit (CUP) Findings for Mini-Lot Developments (Section 17.142.012)**

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

The Tentative Parcel Map includes a proposal for a shared access facility as well as yard and utility easements. Conditions of approval will be added to this to ensure the provision of maintenance for the shared open space and the access easement.

2. **That except as specified below, the total development meets all the requirements that would apply to it if it were a single lot.**
  - a. **For the RM-2 Zone in the West Oakland District only (defined for the purposes of this Chapter as all areas between Interstate 980 to the east, Interstate 880 to the south and west, and Interstate 580 to the north), the minimum setback requirements for the total development shall be the same as those in Table 17.17.04 for a single lot less than four thousand (4,000) square feet in size. Also for the RM-2 Zone in the West Oakland District only, the minimum setback requirements for the total development may be further reduced to be the same as those in Table 17.17.04 for a single lot less than three thousand (3,000) square feet in size upon the following additional determination.**

- i. **Excluding the subject parcel, the prevalent size of existing lots in the surrounding block is three thousand (3,000) square feet or less, and the prevalent frontage width along the same block face is thirty-five (35) feet or less.**

The proposal includes adequate setbacks of five feet for the interior side and fifteen feet for the rear setback. Furthermore, the proposed units will have a maximum height of approximate 24 feet and have a total lot coverage of 33.7%, with the maximum allotment being 40%. In regard to off-street parking, parking is provided in open and enclosed areas, specifically in new garages. Lastly, open space will be met for each unit in the form of yard areas and patios. All zoning requirements that would apply as if it were a single lot have been met.

**Conditional Use Permit (CUP) Findings for Shared Access Facilities (Section 17.102.090B):**

1. **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 is consistent with the applicable planning guidelines for development and evaluation of the easement. The facility will maintain a width of twelve feet and provide a turnaround for the rear-most unit, Unit B.

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

The Shared Access Facility will have a minimum width of twelve feet and will provide adequate space for emergency and non-emergency ingress and egress.

3. **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; 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 existing site layout consists of a paved driveway along the side of the property where the proposed shared access facility is located. No retaining walls are proposed specifically for the shared access facility and visually the access entrance will remain unchanged except for expanding the existing driveway. Furthermore, staff has added a condition of approval related to permeable surface for the driveway to improve its aesthetic appeal.

4. **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.

5. **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 Mixed Housing Type Residential classification of the LUTE. The intent of this classification is to create, maintain and enhance residential areas typically located near the City's major arterials and characterized by a mix of single-family homes, townhouses and small multi-unit buildings, and neighborhood businesses where appropriate. This classification permits one unit for every 2,500 square feet of lot area and would allow a maximum of three units on the 9,854-square foot parcel. As shown above and throughout the staff report, the project meets the General Plan's goals and policies.

**Lot Design Standards (Section 16.24.040 O.M.C.):**

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

The Conditional Use Permit for the Mini-Lot Development waives lot frontage requirements, please see the Conditional Use Permit Findings for Mini-Lot Development above. However, of the proposed three mini-lots, one lot has frontage on a public street (Morgan Avenue). The other two lots are being created in conjunction with a proposed shared access easement, which provides vehicular access to the two lots. The width of the proposed shared access easement is at least 12 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.**

All new property lines run at right angles to proposed shared access easement which fronts onto Morgan Avenue.

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

All regulations in the RM-2 Zone, including but not limited to, density, off-street parking, height, lot coverage, and open space have been met. Please see the Design Review Findings for more details.

**D. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area except:**

- a. Where the area is still considered acreage;
- b. Where a deliberate change in the character of the area has been initiated by the adoption of a specific plan, a change in zone, a development control map, or a planned unit development

The Conditional Use Permit for the Mini-Lot Development waives the minimum lot size requirement, please see the Conditional Use Permit Findings for Mini-Lot Development above.

**E. Lots shall be designed in a manner to preserve and enhance natural out-croppings of rock, specimen trees or group of trees, creeks or other amenities.**

The proposal is already developed with existing structures and does not contain rock out-croppings, specimen trees or creeks. The proposal includes the removal of one tree, but extensive landscaping is proposed with this application, including four new 15-gallon trees.

**Tentative Map Findings (Section 16.08.030 O.M.C. & California Government Code §66474):**

**A. The proposed map is consistent with applicable general and specific plans as specified in the State Government Code Section 65451.**

This site is not located within a specific plan area but is consistent with the Mixed Housing Type Residential classification of the General Plans' LUTE as described in the staff report. See Findings above.

**B. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.**

See the Design Review Findings above.

**C. The site is physically suitable for the type of development.**

The site is located in an urban area connected to utilities, is accessed by existing streets, is relatively flat and is of an appropriate width, length, and area which will allow for three residential units.

**D. The site is physically suitable for the proposed density of development.**

The site is 9,854 square feet and is a flat lot with three structures. The conditionally permitted residential density for three or more units in the RM-2 Zone is one unit per 2,500 square feet of lot area which the site meets; therefore, this site is physically suitable for a three lot Mini-Lot Development.

**E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The design of the subdivision is highly unlikely to cause substantial environmental damage and will not substantially and avoidably injure fish or wildlife or their habitat as is located in an urban setting and already contains three structures.

**F. The design of the subdivision or type of improvements is not likely to cause serious public health problems.**

The attached standard conditions of approval will ensure that best management practices related to air quality, water quality, noise and traffic, are followed during construction of buildings. No serious public health problems are anticipated from the proposed subdivision

**G. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. (This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction).**

The proposed Mini-Lot subdivision will not affect any previously established public or private easements. The subdivision also involves a shared access facility which will allow for vehicular access to the proposed residential units. Yard, vehicular turn-around, and utility easements are also proposed.

**H. The design of the subdivision provides to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.**

The subdivision will create a three-lot mini-lot development with a single-family home on each new lot. Energy efficient techniques such as south facing fenestration has been incorporated into the site planning and home designs to take advantage of natural solar heating and cooling opportunities.

## CONDITIONS OF APPROVAL

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

**1. Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, staff report and the approved plans **dated May 16, 2018**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

**2. Effective Date, Expiration, Extensions and Extinguishment**

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

**3. Compliance with Other Requirements**

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

**4. Minor and Major Changes**

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

**5. Compliance with Conditions of Approval**

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.



- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

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

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

#### **7. Blight/Nuisances**

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

#### **8. Indemnification**

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

#### **9. Severability**

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

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

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

## **11. Public Improvements**

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

## **12. Regulatory Permits and Authorizations from Other Agencies**

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

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

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

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

## **13. Trash and Blight Removal**

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **14. Graffiti Control**

Requirement:

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

- ii. Covering with new paint to match the color of the surrounding surface.
- iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## 15. **Landscape Plan**

### a. **Landscape Plan Required**

- Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, respectively), and with any applicable streetscape plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

### b. **Landscape Installation**

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

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

### c. **Landscape Maintenance**

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## 16. **Lighting**

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **17. Dust Controls – Construction Related**

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

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.
- f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- g. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

### **18. Criteria Air Pollutant Controls - Construction Related**

Requirement: The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:

- a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).
- c. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.
- d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
- e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
- f. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **19. Asbestos in Structures**

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations,

Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

## **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 Planning

Monitoring/Inspection: Bureau of Building

## **21. Tree Permit**

### **a. Tree Permit Required**

Requirement: Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.

When Required: Prior to approval of construction-related permit

Initial Approval: Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building

Monitoring/Inspection: Bureau of Building

### **b. Tree Protection During Construction**

Requirement: Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

- i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist

from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.

- iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

### **c. Tree Replacement Plantings**

Requirement: Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:

- i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- ii. Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye), *Umbellularia californica* (California Bay Laurel), or other tree species acceptable to the Tree Division.
- iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- iv. Minimum planting areas must be available on site as follows:
  - a. For *Sequoia sempervirens*, three hundred fifteen (315) square feet per tree;
  - b. For other species listed, seven hundred (700) square feet per tree.
- v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.

- vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

## **22. Archaeological and Paleontological Resources – Discovery During Construction**

Requirement: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **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. Soils Report**

Requirement: The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### **26. 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

**27. Erosion and Sedimentation Control Measures for Construction**

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**28. Site Design Measures to Reduce Stormwater Runoff**

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

- a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas;
- b. Utilize permeable paving in place of impervious paving where appropriate;
- c. Cluster structures;
- d. Direct roof runoff to vegetated areas;
- e. Preserve quality open space; and
- f. Establish vegetated buffer areas.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

**29. 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:
  - i. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
  - ii. Dumpster drips from covered trash, food waste, and compactor enclosures;
  - iii. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
  - iv. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
  - v. 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

### **30. NPDES C.3 Stormwater Requirements for Small Projects**

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

- a. Direct roof runoff into cisterns or rain barrels for reuse;
- b. Direct roof runoff onto vegetated areas;
- c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas;
- d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas;
- e. Construct sidewalks, walkways, and/or patios with permeable surfaces; or
- f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

### **31. 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

### **32. 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

### **33. Extreme Construction Noise**

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

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

- i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- ii. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### **b. Public Notification Required**

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

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### **34. 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

#### **35. Affordable Housing Impact Fee**

Requirement: The project applicant shall comply with the requirements of the City of Oakland Affordable Housing Impact Fee Ordinance (chapter 15.72 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit; subsequent milestones pursuant to ordinance

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

#### **36. Residential Tenants**

Requirement: The property owner shall comply with all applicable laws and requirements concerning residential tenants, including but not limited to, the City's Rent Adjustment Ordinance (OMC chap. 8.22, Article I), Just Cause Eviction Ordinance (OMC chap. 8.22, Articles II & III), Tenant Protection Ordinance (OMC chap. 8.22, Article V) and Code Compliance Relocation Ordinance (OMC chap. 15.60). Existing and former tenants temporarily or permanently evicted, displaced or relocated due to the project or City action related to the project may be entitled to protections and benefits, including, but not limited to, relocation payments and the right to return to previous units. The property owner may be required to submit evidence of compliance with applicable tenant protection laws upon request of the City. For more information, please contact the Oakland Housing Assistance Center: 250 Frank H. Ogawa Plaza, 6<sup>th</sup> Floor, Oakland, California, 94612; (510) 238-6182.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

#### **37. Capital Improvements Impact Fee**

Requirement: The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

### **38. 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, sidewalks, bicycle facilities, and bus stops.

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

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

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

#### **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

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

### **39. Transportation Impact Fee**

Requirement: The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

### **40. 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](http://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

#### **41. 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

#### **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.
  - Green building point level/certification requirement per the appropriate checklist approved during the Planning entitlement process.
  - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.

- The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

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

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

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

Requirement: Prior to the finaling the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**43. Water Efficient Landscape Ordinance (WELO)**

Requirement: The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.

- a. **Prescriptive Measures:** Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance (see website below starting on page 23):

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

- b. **Performance Measures:** Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following

- i. Project Information:

- Date,
- Applicant and property owner name,
- Project address,
- Total landscape area,
- Project type (new, rehabilitated, cemetery, or home owner installed),
- Water supply type and water purveyor,

- Checklist of documents in the package, and
  - Applicant signature and date with the statement: "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."
- ii. Water Efficient Landscape Worksheet
    - Hydrozone Information Table
    - Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use
  - iii. Soil Management Report
  - iv. Landscape Design Plan
  - v. Irrigation Design Plan, and
  - vi. Grading Plan

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

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

## **Project Specific Conditions of Approval**

### **44. 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.

### **45. Engineering and Fire Services comments**

#### ***Ongoing***

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

### **46. Common Driveway surface material**

#### ***Prior issuance of building permit***

The applicant shall submit revised site plan and approved by Planning Department staff showing that the proposed 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.



**47. Tree Removal Permit (T1800039)**

***Prior to issuance of building permits***

A Tree Removal/Preservation permit application shall be approved by the Tree Services Division for removal or construction within ten feet of all protected trees on the site and adjacent properties.

**48. Side Property Line Landscaping**

The project applicant shall install tall landscaping along the side property lines adjacent to Units A and B and driveway as feasible to protect the privacy of adjacent neighbors.

**49. Covenants, Conditions and Restrictions & Homeowner's Association.**

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

The Covenants, Conditions and Restrictions (CC&Rs) for the approved units shall be submitted to the Planning and Zoning Division for review. The CC&Rs shall provide for the establishment of a non-profit homeowners association to maintenance and operation of all on-site sidewalks, pathways, common open space and all common landscaping, driveways, and other facilities, in accordance with approved plans. Membership in the association shall be made a condition of ownership. The developer shall be a member of such association until all units are sold.

**50. Joint Maintenance, Restriction and Easement.**

***Prior to the recordation of any Final Map for the site.***

The applicant shall provide a "Joint Use and Maintenance Agreement" or a "Covenant, Codes and Restrictions" document for the Shared Access Facility for review by the City Attorney's Office and approval by the Planning and Zoning Division. This document shall provide for the easement rights, and parking rights and restrictions of all property owners using the facility, the maintenance of the facility and the landscaping maintenance of the facility and areas covered by the required landscape plan required in condition no 51. Upon approval, the agreement shall be recorded by the applicant within thirty (30) days with the Alameda County Recorder with each and every deed applicable to this map.

**51. Landscape Plan for the Shared Access Facility.**

***Prior to issuance of grading or building permit.***

A Landscape Plan for the Shared Access Facility and any areas that will require grading for the development of the Shared Access Facilities shall be submitted to the Planning and Zoning Division for review and approval. The landscape plan shall be included in the building and/or grading permit plan set. All landscaping shall be installed prior to final inspection of the building and/or grading permits unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code. Pursuant to the "Joint Use and Maintenance Agreement" or a "Covenant, Codes and Restrictions" required in condition no. 49 and 50 all landscaping shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements.

**52. Continued Liability Insurance for the Shared Access Facility.**

***Prior to the recordation of any Final Map for the site.***

The applicant shall provide for review by the City Attorney and approval by the Planning and Zoning Division, documentation of continuing liability insurance coverage for the Shared Access Facility. 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.

**53. Certification.**

*Upon final inspection of the access facility.*

The applicant shall retain a California registered professional civil engineer to certify 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 Building Services Division and/or the Public Works Agency, 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.

**54. Access Easement.**

*Prior to submittal of Final Map.*

The applicant shall indicate on the Final Map a Shared Access Easement reserved for all parcels to ensure continued shared access through any existing and proposed driveways, parking areas, and curb cuts.

**55. Fencing and Retaining Wall Details**

*Prior to issuance of grading or building permit.*

The applicant shall submit details on the location, height, and materials of all proposed retaining walls and fences for the review and approval by the Bureau of Planning.

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**Applicant Statement**

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

\_\_\_\_\_  
Name of Project Applicant

\_\_\_\_\_  
Signature of Project Applicant

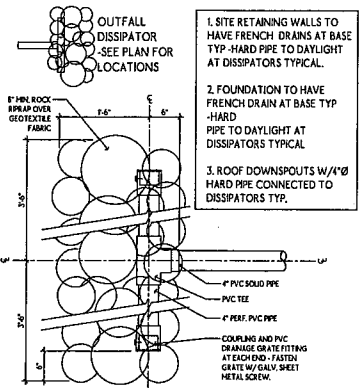
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Date

LANDSCAPE PLAN SCHEDULE

NOTE: DRIP IRRIGATION SYSTEM WILL BE INSTALLED TO PROVIDE WATER FOR TREES & SHRUBS AS INDICATED ON SITE PLAN

- (E) TREE TO BE REMOVED & TREE PERMIT I.D.
(E) TREE TO REMAIN & TREE PERMIT I.D. IF APPLICABLE

DRAINAGE



OUTFALL DISSIPATER

OWNER/DEVELOPER DRAWING NOTE

TYPICAL OWNER/DEVELOPER BUILDING PERMIT SET OF DRAWINGS. THESE DRAWINGS ARE INTENDED FOR BUILDING PERMIT APPROVAL AND ARE NOT INTENDED TO BE A COMPREHENSIVE SET OF DRAWINGS...

DESIGNER'S STATEMENT

THIS PLOT PLAN CORRECTLY REPRESENTS A PLOT PLAN MADE BY ME OR UNDER MY DIRECTION. I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE STATE LAWS AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

I HEREBY FURTHER STATE THAT ALL PROPOSED GRADES, ELEVATIONS, AND CONTOURS DELINEATED UPON THIS PLOT PLAN ARE BASED UPON A SURVEY BY KEITH S. BUSH LIC. #8494 DATED JANUARY, 2017 THAT WAS INDICATED THEREON BY THE SURVEYOR THEREOF AS BEING BASED UPON CITY OF OAKLAND DATUM.

DESIGNER

JOHN NEWTON
DATE: MARCH 21, 2018
TITLE: DESIGNER

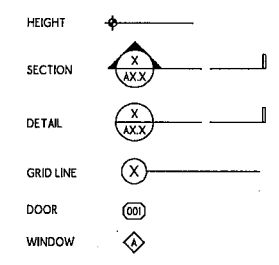
2 NEW RESIDENCES MINI LOT PROJECT

2949 Morgan Ave., Oakland, CA 94602
APN# 029 0982 006 00

GENERAL NOTES

- 1. REVIEW ALL DOCUMENTS AND VERIFY ALL DIMENSIONS AND FIELD CONDITIONS AND CONFIRM THAT ALL WORK IS BUILDABLE AS SHOWN...
2. IN CASE OF CONFLICT BETWEEN ARCHITECTURAL AND ENGINEERING DOCUMENTS...
3. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE CODES STATUTES AND REGULATIONS...

SYMBOL LEGEND



CODE COMPLIANCE

- 2016 CALIFORNIA BUILDING CODE (CBC)
2016 CALIFORNIA RESIDENTIAL CODE (CRC)
2016 CALIFORNIA ENERGY CODE (CBEES)
2016 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGreen)

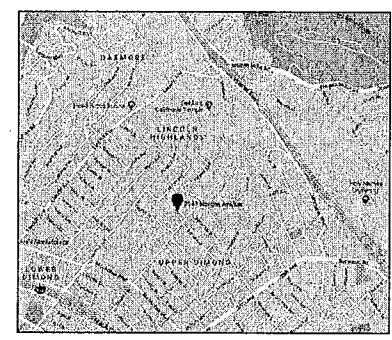
SHEET INDEX

- A1.0 SITE PLAN & PROJECT INFO.
A2.0 FLOOR PLANS, SECTION, & RENDERINGS
A3.0 ELEVATIONS
L-1 PLANTING PLAN
L-2 IRRIGATION PLAN/WELO
TOPO SURVEY

DESCRIPTION OF WORK

REMOVE GARAGE, REAR HOUSE, & SHED; BUILD TWO NEW DETACHED HOUSES & MINI LOT PROJECT.

VICINITY MAP



PROJECT INFORMATION

ZONING: RM-3
LOT SIZE TOTAL: 9,854 SF
MINI LOT PARCEL A: 3,879 SF
MINI LOT PARCEL B: 2,719 SF
MINI LOT PARCEL C: 3,263 SF
PROPOSED UNIT A: 1,640 SF GAR
PROPOSED UNIT B: 1,721 SF + 235 SF GAR
EXISTING LOT: 9,854 SF
7,738 SF / 9,854 SF EXISTING LOT COVERAGE: 27.7%
PROPOSED LOT: 9,854 SF
3,321 SF / 9,854 SF PROPOSED LOT COVERAGE: 33.7%
CONSTRUCTION: TYPE 5 UNPROTECTED WOOD FRAME
BUILDING OCCUPANCY: SINGLE FAMILY RESIDENCE R-3; U-1
SPRINKLER: YES

John Newton
Design & Development
5666 Telegraph Ave, Ste A
Oakland, CA 94609
(510) 526-7370

John Newton

2 NEW RESIDENCES MINI LOT PROJECT

PROJECT ADDRESS:
2949 Morgan Avenue
Oakland, CA 94602
APN: 029 0982 006 00

OWNER:
Michael Maggio
(415) 515-0185

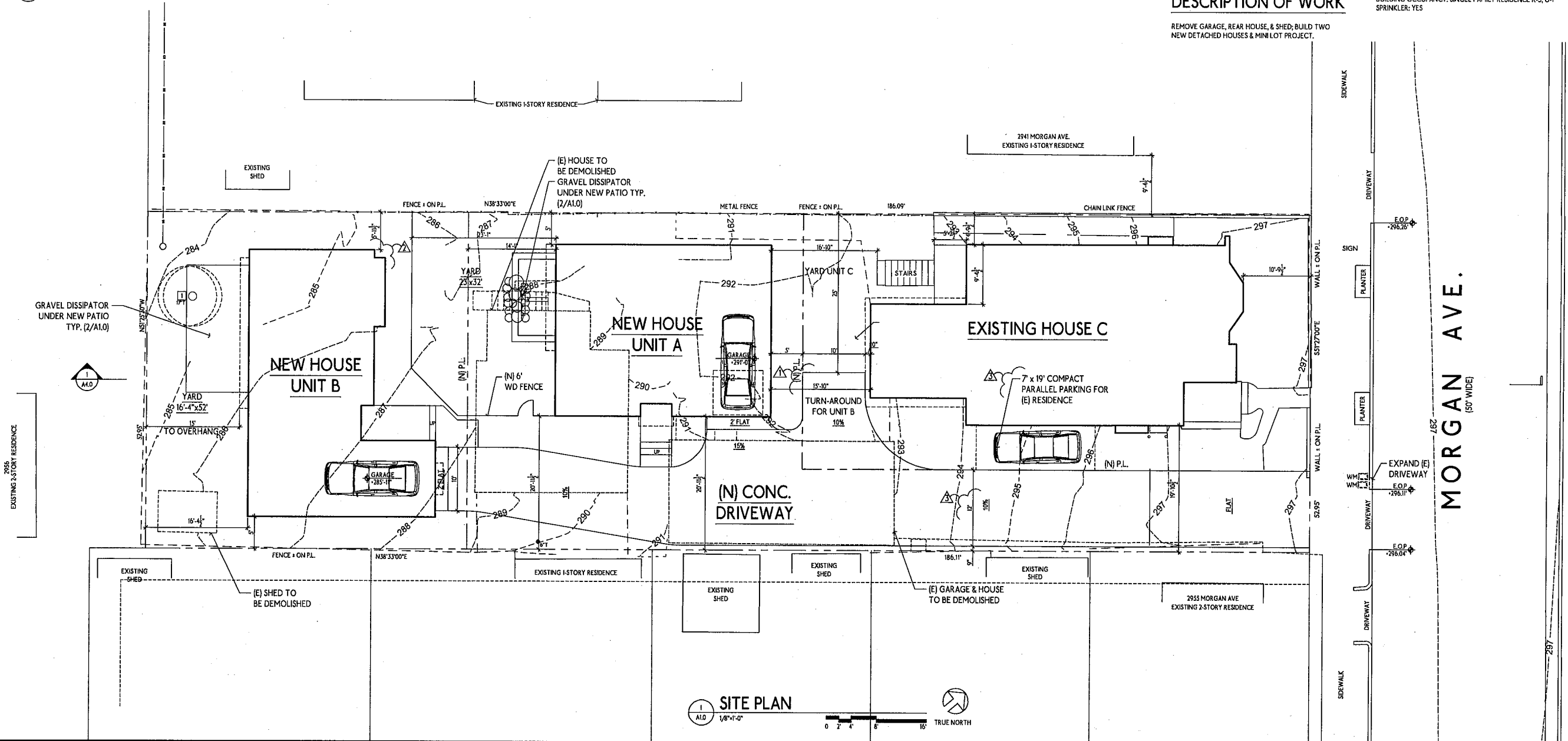
SITE PLAN & PROJECT INFORMATION

REVISION

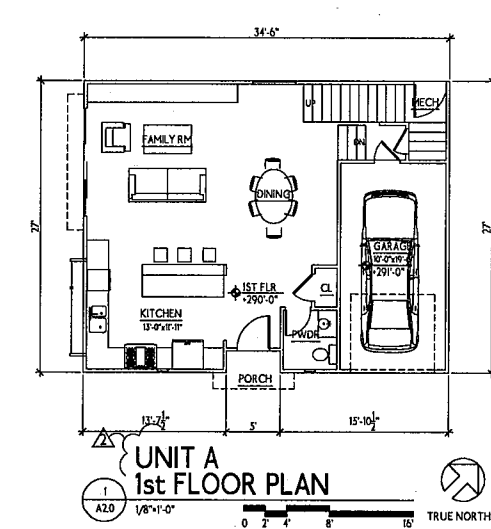
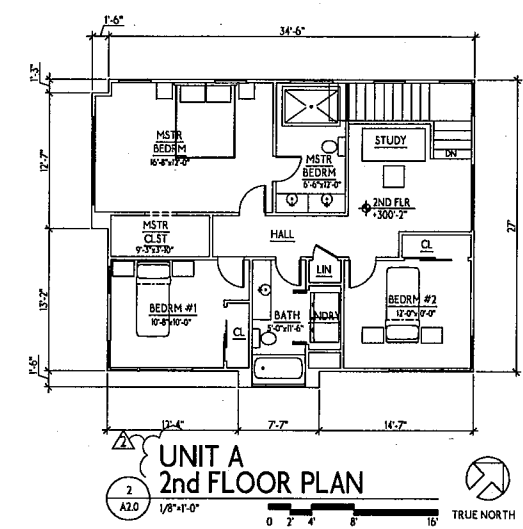
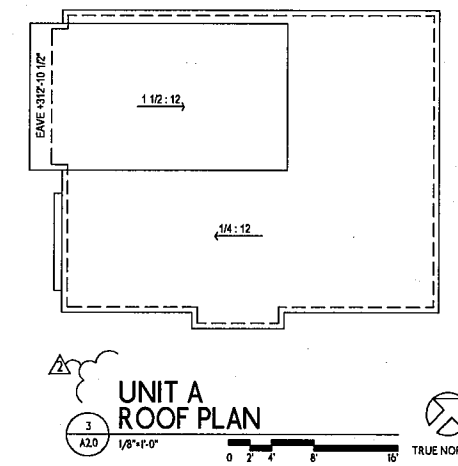
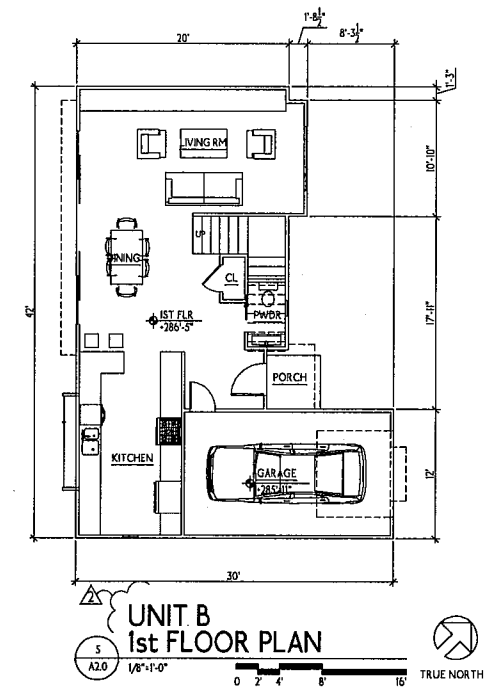
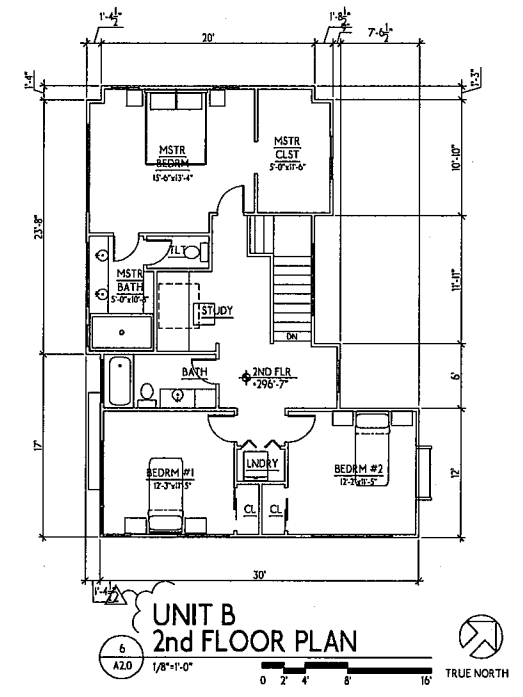
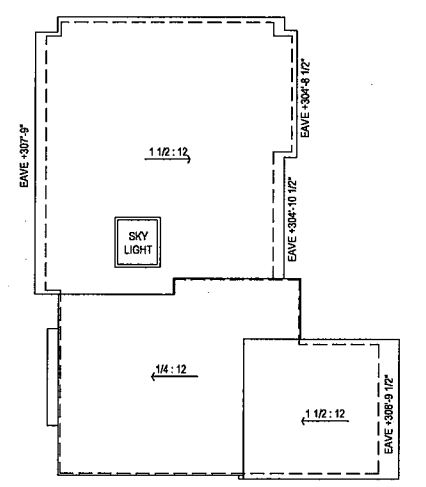
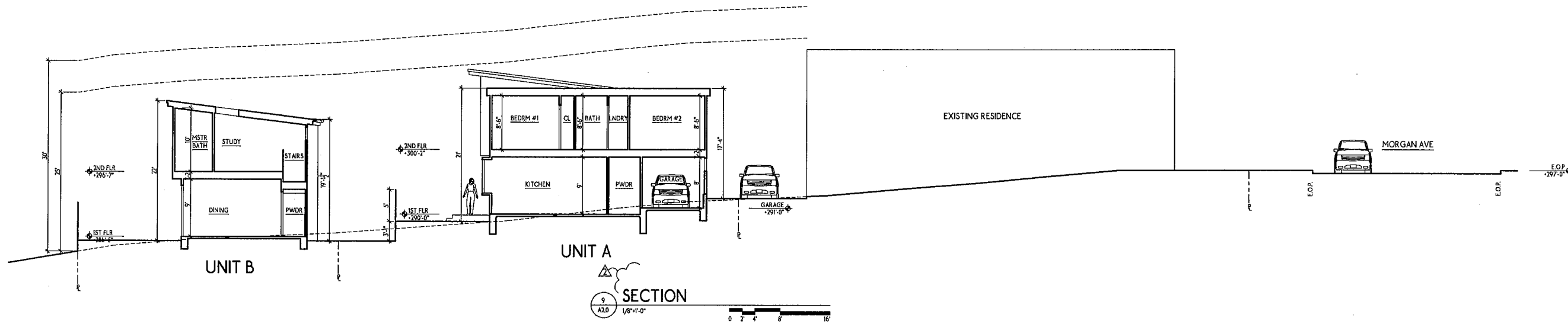
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PROJECT No.:
DRAWN BY: LPM
CHECKED BY: JMN
DATE: 5-16-18

A1.0



SITE PLAN
1/8"=1'-0"
TRUE NORTH



John Newton  
Design & Development  
5666 Telegraph Ave, Ste A  
Oakland, CA 94609  
(510) 526-7370

John Newton

2 NEW  
RESIDENCES  
MINI LOT  
PROJECT

PROJECT ADDRESS:  
2949 Morgan Avenue  
Oakland, CA 94602  
APN: 029 0982 006 00

OWNER:  
Michael Maggio  
(415) 515-0185

FLOORPLANS,  
SECTION, &  
RENDERINGS

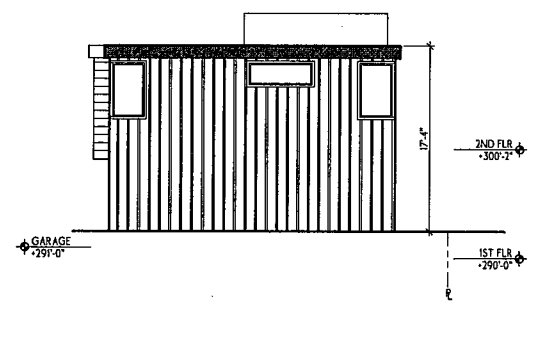
REVISION		
No.	Description	Date
△	DESIGN REV	4/4/18
△	DESIGN REV	5/12/18
△	DESIGN REV	6/26/18

PROJECT No. :  
DRAWN BY: LPM  
CHECKED BY: JMN  
DATE: 5-16-18

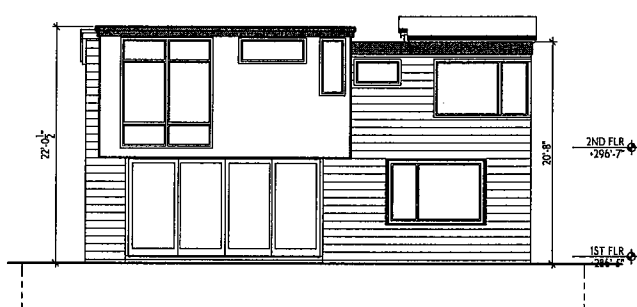
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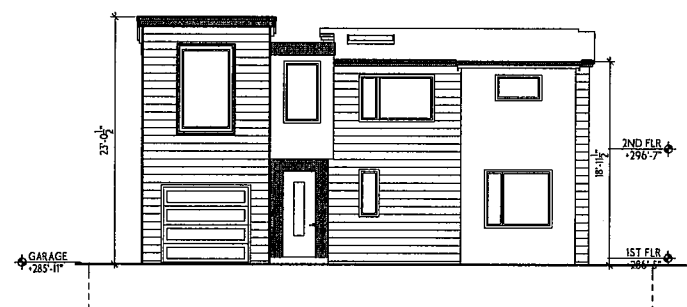
**UNIT A  
REAR (SOUTH) ELEVATION**  
6  
A3.0  
1/8"=1'-0"



**UNIT A  
FRONT (NORTH) ELEVATION**  
5  
A3.0  
1/8"=1'-0"



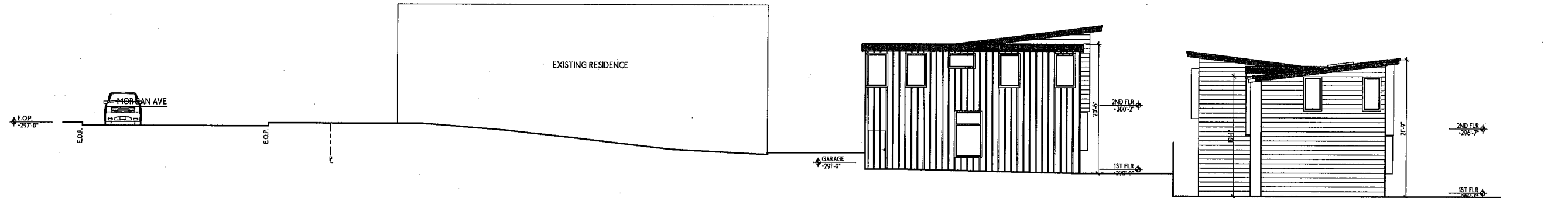
**UNIT B  
REAR (SOUTH) ELEVATION**  
4  
A3.0  
1/8"=1'-0"



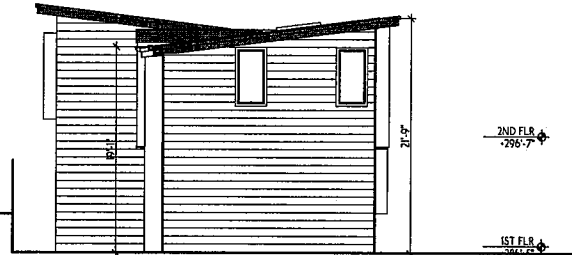
**UNIT B  
FRONT (NORTH) ELEVATION**  
3  
A3.0  
1/8"=1'-0"

**TYPICAL MATERIALS (UNIT A):**  
 ROOF: CLASS "A" BITHUENE TORCH-DOWN MEMBRANE  
 SIDING: HORIZONTAL HARDIE LAP SIDING & BOARD AND BATTEN WHERE SHOWN  
 WINDOWS: DUAL-PANE ALUMINUM-CLAD WOOD WITH PAINTED WOOD TRIM, TYP  
 DOORS: DUAL-PANE ALUMINUM-CLAD WOOD WITH PAINTED WOOD TRIM, TYP; SOLID WOOD ENTRY DOORS

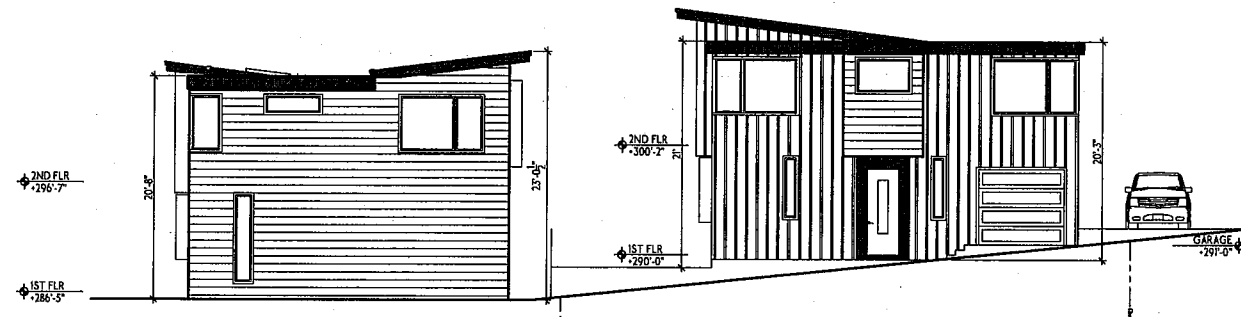
**TYPICAL MATERIALS (UNIT B):**  
 ROOF: CLASS "A" BITHUENE TORCH-DOWN MEMBRANE  
 SIDING: HORIZONTAL HARDIE LAP SIDING & STUCCO WHERE SHOWN  
 WINDOWS: DUAL-PANE ALUMINUM-CLAD WOOD WITH PAINTED WOOD TRIM, TYP  
 DOORS: DUAL-PANE ALUMINUM-CLAD WOOD WITH PAINTED WOOD TRIM, TYP; SOLID WOOD ENTRY DOORS



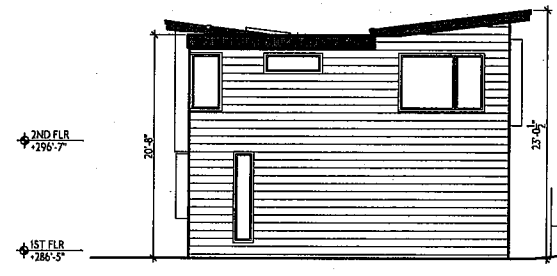
**UNIT A  
RIGHT (WEST) ELEVATIONS**  
2  
A3.0  
1/8"=1'-0"



**UNIT B**



**UNIT A  
LEFT (EAST) ELEVATIONS**  
1  
A3.0  
1/8"=1'-0"



**UNIT B**

John Newton  
Design & Development  
5666 Telegraph Ave, Ste A  
Oakland, CA 94609  
(510) 526-7370

John Newton

2 NEW  
RESIDENCES  
MINI LOT  
PROJECT

PROJECT ADDRESS:  
2949 Morgan Avenue  
Oakland, CA 94602  
APN: 029 0982 006 00

OWNER:  
Michael Maggio  
(415) 515-0185

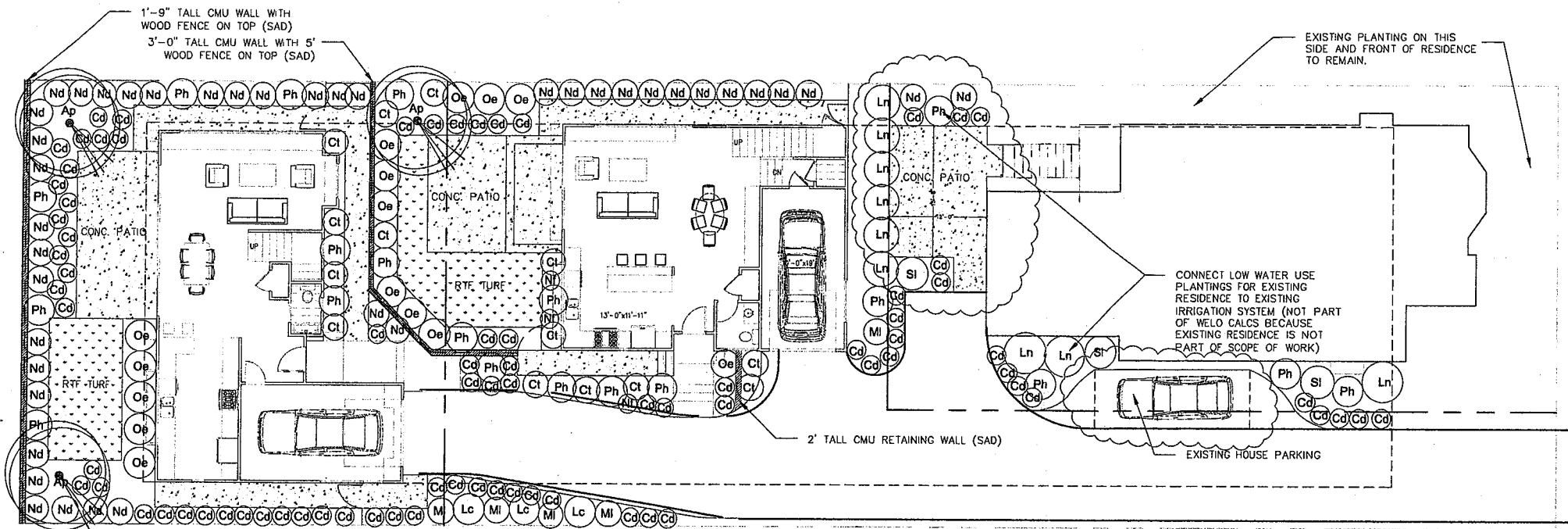
ELEVATIONS

REVISION		
No.	Description	Date
△	DESIGN REV	4/4/18
△	DESIGN REV	5/12/18
△	DESIGN REV	6/26/18

PROJECT No. :  
DRAWN BY: LPM  
CHECKED BY: JMN  
DATE: 5-16-18

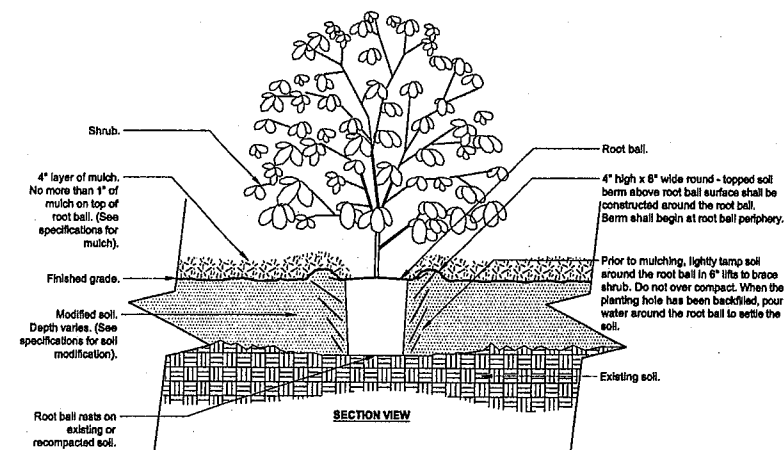
**A3.0**

RECEIVED  
 MAY 21 2018  
 City of Oakland  
 Planning & Zoning Division



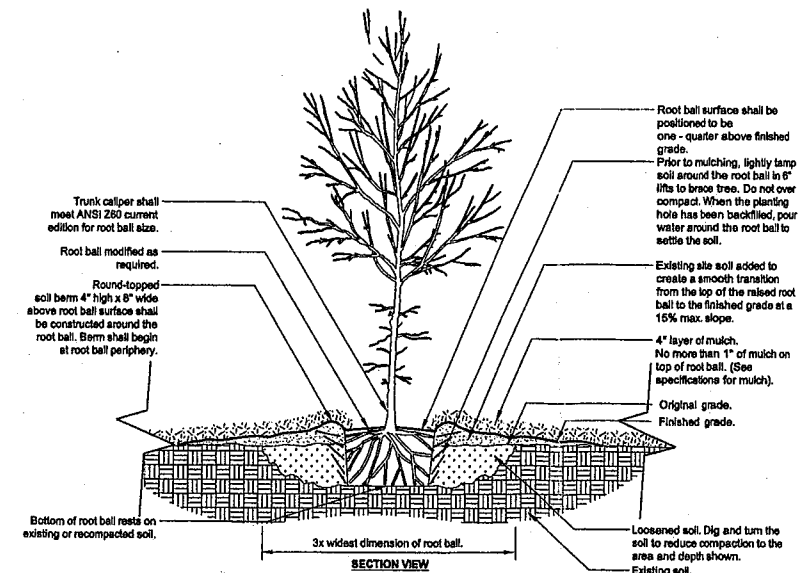
**Soil and Planting Notes:**

1. A minimum of 8" of non-mechanical compacted soil shall be available for water absorption and root growth in planting areas.
2. Incorporate compost or natural fertilizer into the soil to a minimum depth of 8" at a minimum rate of 6 cubic yards per 1000 square feet or per specific amendment recommendations from a soils laboratory report.
3. A minimum 3" layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers or direct seeding applications.



**SHRUB PLANTING DETAIL**

3/4" = 1'-0"



**TREE PLANTING DETAIL**

1/2" = 1'-0"

**Morgan Avenue Plant List**

SYMBOL	BOTANICAL NAME	SIZE	QUANTITY	WELO
Ap	Acer palmatum 'Bloodgood'	24" box	3	mod
Cd	Carex Divulsa	1 gal	80	low
Ct	Chondropetalum tectorum	1 gal	4	low
Lc	Loropetalum chinensis	5 gal	3	low
Ln	Laurus nobilis	15 gal	4	low
Ml	Muhlenbergia lindheimeri	1 gal	8	low
Nd	Nandina domestica	5 gal	37	low
Nf	Nepeta 'Walker's Low'	1 gal	3	low
Oe	Olea europea 'Little Ollie'	5 gal	12	low
Pt	Phormium tenax 'Rainbow Queen'	5 gal	18	low
Sl	Salvia leucantha	5 gal	4	low

**MAGGIO RESIDENCE**

**David Fowler Designs**

2475 BRUSH CREEK ROAD  
 SANTA ROSA, CA 95404  
 707.331.5199  
 RLAF 9126  
 www.davidfowledesigns.com  
 dfowlerdesign@gmail.com

2949 MORGAN AVENUE  
 OAKLAND, CA 94602

landscape architecture | arboriculture | sculpture

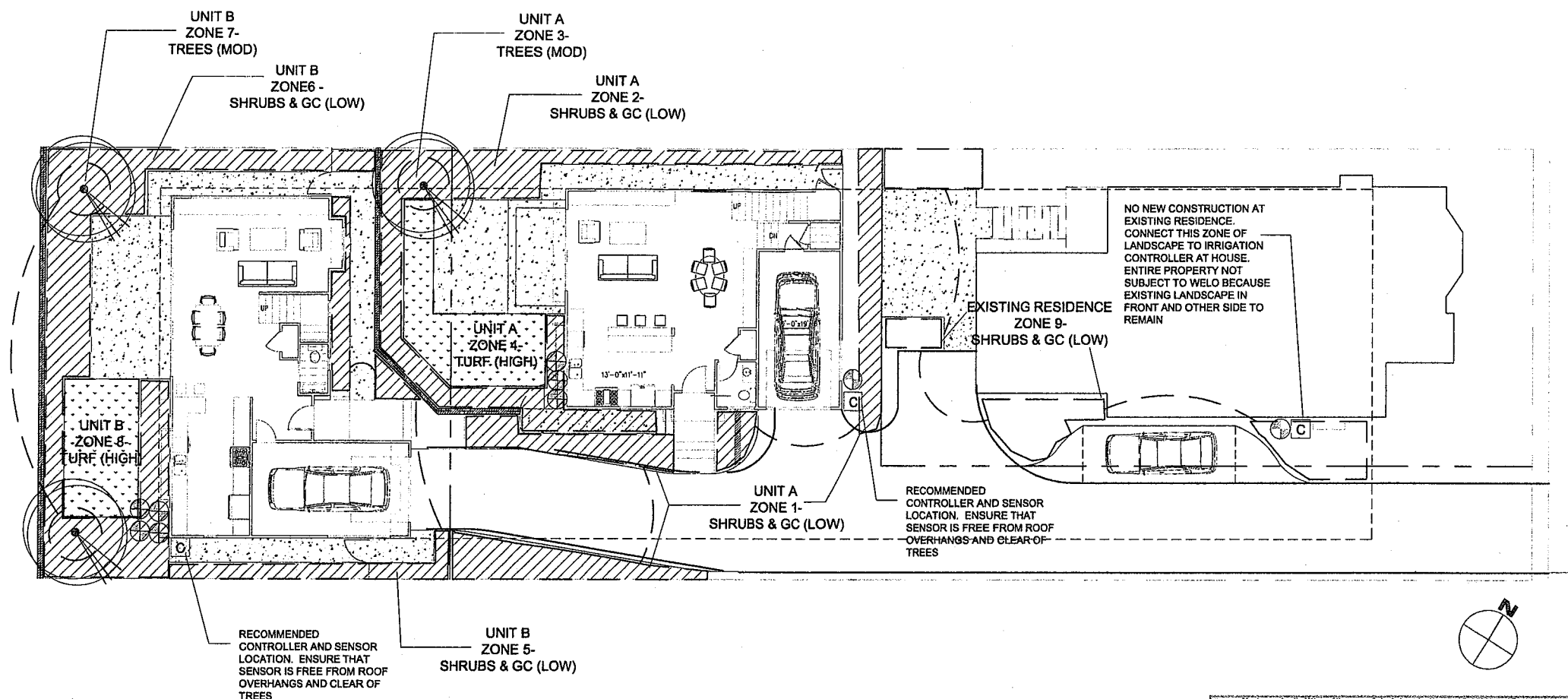
**PLANTING PLAN**

REVISIONS:  
 DATE DESCRIPTION  
 052118 ADD CONC. PATIO/PARKING

SCALE  
 1/8"=1'-0"

DATE  
 052118

L1



**Irrigation Notes**

- USE BELOW GROUND VALVES AND LOCATE IN AREAS HIDDEN FROM VIEW IF POSSIBLE.
- USE RAINBIRD SMART CONTROLLER WITH RAINSENSOR AND SEASONAL ADJUSTMENT
- ALL PLANTINGS TO USE DRIP IRRIGATION UNLESS OTHERWISE NOTED
- BERM AROUND ALL TREES. PLACE MULTIPLE EMITTERS AT LEAST 6-12" AWAY FROM TRUNK OF TREE. TREES TO BE ON SEPARATE VALVE FROM LANDSCAPE PLANTS
- SEE PLANTING PLAN FOR EXACT NUMBER OF EMITTERS NECESSARY
- NO SPRINKLERS OR OVERHEAD SPRAY DEVICES ARE TO BE USED ON THIS PROJECT
- USE NETAFIM SUBSURFACE IRRIGATION IRRIGATION FOR TURF AREA

**Irrigation Legend**

- RAINBIRD SMART IRRIGATION CONTROLLER- SEE SPECS ON THIS SHEET
- NEW VALVE LOCATION

**Project Notes:**

- Total landscaped area: 2235 sf
- 100% of landscaped area on drip irrigation (no spray heads)
- Low and moderate water use plants on separate valves
- Trees on separate valves
- Use Rhizomatous Tall Fescue (RTF) turf for lawn areas with subsurface irrigation
- Dedicated irrigation meter not required because landscaped area is less than 5000 sf
- Certificate of completion: applicant shall submit a landscape audit report verifying installation and irrigation efficiency per design on a form provided by the East Bay Municipal Utility District

**WELo - NOTES:**

1. Backflow preventer and shut-off valves are located upstream of the mainline.
2. Calculations for the Maximum Allowable Water Allotment (WELo Appendix A)
3. Control system has the ability to run multiple operating cycles, and implement global increase or decrease by percentage to match plant water requirements, environmental conditions, and the soil's infiltration rate.
4. Hydrozones are separated by plant type, solar exposure, soil type, and microclimate. Flow rate, application rate, and design pressures are shown for each hydrozone.
5. No overhead spray irrigation is used on this project.
6. Drip irrigation has integrated check valves and pressure regulation, and will provide even coverage throughout planted areas.
7. Station operation times shall not exceed the soil's infiltration rate.
8. Upon completion of the installation the contractor shall submit to the building department a completed and signed "Certificate of Completion" stating that the project has been installed as designed.
9. The Certificate of Completion shall be accompanied by an irrigation audit, irrigation schedule, and maintenance schedule as described in the City Ordinance.
10. A final City inspection shall be performed. The installation contractor shall attend this inspection, and make all required repairs and adjustments to achieve approval and completion from the City.

Maximum Applied Water Allowance Calculations for New and Rehabilitated Residential Landscapes

Enter values in Pale Blue Cells

San Jose Show Results

Messages and Warnings

Click on the blue cell on right to Pick City Name

City	ET <sub>a</sub> of City from Appendix A	Overhead Landscape Area (ft <sup>2</sup> )	Drip Landscape Area (ft <sup>2</sup> )	SLA (ft <sup>2</sup> )
San Jose	41.80	0	2235	0

Results:

ET<sub>a</sub> x (0.62) x [(0.55 x LA) + (1.0 - 0.55) x SLA]

MAWA = 27,285 Gallons

ETWU = 18,459 Gallons

1TWU complies with MAWA

Messages and Warnings

Irrigation Efficiency Default Value for overhead 0.75 and drip 0.81

Hydrozone	Select System From the Dropdown List click on cell below	Plant Water Use Type (a) (low, medium, high)	Plant Factor (PF)	Hydrozone Area (HA) (ft <sup>2</sup> ) Without SLA	Irrigation Efficiency (IE) (ft <sup>2</sup> )/AE	PF x HA (ft <sup>2</sup> )/AE
Zone 1	Drip	Low	0.20	365	0.81	90
Zone 2	Drip	Low	0.20	440	0.81	109
Zone 3	Drip	Medium	0.50	25	0.81	22
Zone 4	Drip	High	0.80	185	0.81	183
Zone 5	Drip	Low	0.20	290	0.81	62
Zone 6	Drip	Low	0.20	420	0.81	104
Zone 7	Drip	Medium	0.50	370	0.81	43
Zone 8	Drip	High	0.80	140	0.81	138
Zone 9	Drip	Low	0.20	330	0.81	81
SLA			0			0
Sum				2,235		0

Results

MAWA = 27,285

ETWU = 18,459 Gallons

1TWU complies with MAWA

2,468 Cubic Feet

3.25 HCF

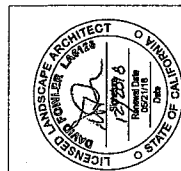
0.08 Acre-feet

0 Millions of Gallons

David Fowler Designs

2475 BRUSH CREEK ROAD  
SANTA ROSA, CA 95404  
707.331.5199  
RLAW 6126  
www.davidfowledesigns.com  
dfowledesigns@gmail.com

landscape architecture | arboriculture | sculpture



MAGGIO RESIDENCE

2849 MORGAN AVENUE  
OAKLAND, CA 94602

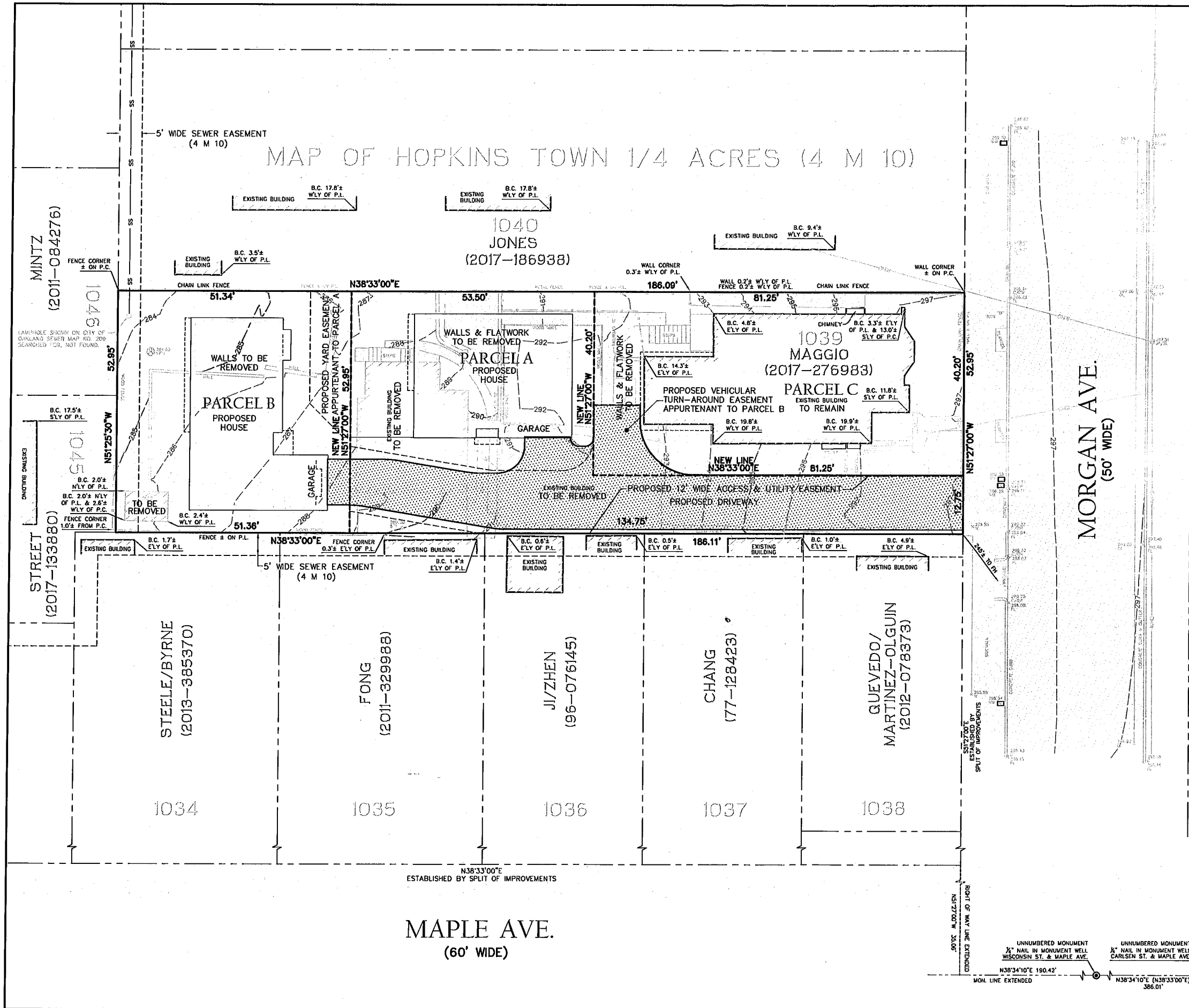
IRRIGATION PLAN/  
WELo

REVISIONS:  
DATE BY DESCRIPTION

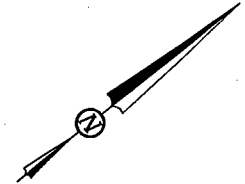
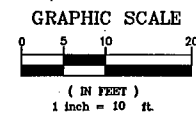
SCALE  
1/8"=1'-0"

DATE  
052118

L2



# MAP OF HOPKINS TOWN 1/4 ACRES (4 M 10)



**OWNERS:**  
ANGELA D. MARSTON,  
SETH THOMAS WILLIAMS,  
MICHAEL MAGGIO,  
& CHARLEY GERRITSEN  
2949 MORGAN AVENUE  
OAKLAND, CA 94602

**BASIS OF BEARINGS:**  
S38°33'00"W BETWEEN FOUND  
MONUMENTS IN MAPLE AVENUE

**BENCHMARK:**  
BENCHMARK 14 NE 8  
CITY MONUMENT IN COOLIDGE AVE.  
BETWEEN LOTS 1 & 30 OF TRACT  
535 (29 M 26-27)  
ELEVATION = 327.76' CITY OF  
OAKLAND DATUM.

**BASIS OF SURVEY:**  
THE LOT LOCATION WAS BASED UPON  
PARCEL MAP NO. 8494 (286 PM  
90-91), THE MAP OF HOPKINS TOWN  
1/4 ACRES (4 M 10), AND THE  
MONUMENTS ESTABLISHING THE RIGHT  
OF WAY OF MAPLE AVENUE

**AREA TABLE:**

PARCEL A:	3,869± SQ. FT.
PARCEL B:	2,719± SQ. FT.
PARCEL C:	3,266± SQ. FT.
TOTAL AREA:	9,854± SQ. FT.

**LEGEND**

	FOUND CITY MONUMENT
	RECORD DATA
	BUILDING EDGE
	CONCRETE
	ASPHALT
	DIAMETER OF TREE (INCHES)
	BUILDING CORNER
	BRICK
	EDGE OF CURB
	CURB AT DRIVEWAY
	CONCRETE
	ELECTRIC UTILITY METER
	FLOW LINE
	EDGE OF GUTTER
	GAS METER
	GROUND ELEVATION
	JOINT POLE W/ STREET LAMP
	OVERHEAD WIRE
	ASPHALT/PAVEMENT
	PROPERTY CORNER
	PROPERTY LINE
	SANITARY SEWER MANHOLE
	CONCRETE ELEVATION
	GRAVEL ELEVATION
	EDGE OF SIDEWALK
	WATER METER

**AREA TABLE:**

	SUBJECT PROPERTY
	PROPOSED PARCEL/LOT LINE
	ADJACENT PARCEL/LOT LINE
	MONUMENT LINE
	HISTORIC PARCEL/LOT LINE
	TIE LINE
	CHAINLINK FENCE
	WOOD FENCE
	METAL FENCE



KEITH S. BUSH, L.S. 8494  
DATE: 6/29/2018

## TENTATIVE PARCEL MAP NO. 10777

A 3 LOT SUBDIVISION  
LOT 1039, MAP OF HOPKINS TOWN 1/4 ACRES (4 M 10),  
OAKLAND, ALAMEDA COUNTY, CALIFORNIA  
JUNE, 2018 SCALE 1" = 10'  
BAY AREA LAND SURVEYING INC.

3085 RICHMOND PARKWAY, SUITE 101  
RICHMOND, CA 94806  
(510) 223-5167



**City of Oakland Department of Transportation**

Transportation and Right-of-Way Management Division, Engineering Services

*If Project is approved by the Advisory Agency, attach the Engineering Services "Conditions of Approval" provided below.*

<b>Planning/Zoning Number(s)</b> PLN18149		<b>Engineering Staff Contact</b> Ellen Ellsworth, Assistant Engineer II			
<b>Project Address</b> 2949 Morgan Avenue		<b>Project Description</b> Three (3) lot mini subdivision, shared access facility.			
<b>Tentative Map No.</b> TPM10777	<b>No. of New Lots</b>	3	<b>No. Condominiums</b>	n/a	<input type="checkbox"/> <b>Mixed Use</b>
<input type="checkbox"/> <b>No Map</b>	<input type="checkbox"/> <b>Parcel Map Waiver</b>	<input type="checkbox"/> <b>Merger</b>	<input type="checkbox"/> <b>Lot Line Adjustment LLA</b>	<b>No. Existing Lots LLA</b>	n/a
			<b>No. New Lots LLA</b>	n/a	
<b>GENERAL REQUIREMENTS</b>			<b>SPECIFIC PROJECT CONDITIONS OF APPROVAL</b>		
<p><b>SIDEWALKS, CURB AND GUTTERS</b></p> <ol style="list-style-type: none"> <li>Existing sidewalks fronting subject property must be compliant with ADA standards.</li> <li>Uplifted, uneven, damaged sidewalks shall be repaired with no more than ¼ inch lift and no more than 2% cross slope.</li> <li>Sidewalk clear width of 5.5 feet minimum is required and must not be less than 50-inches between obstacles, poles, trees, hydrants, pinch points for ADA access.</li> <li>Existing sidewalks, curbs/gutter/driveway approaches damaged, broken or if non-standard shall be repaired.</li> <li>A Curb, Gutter and Sidewalk (CGS) permit is required to repair or construct sidewalk.</li> <li>Infrastructure and improvements to be privately maintained within the right of way and any non-standard features MAY be accepted with an Encroachment Permit.</li> <li>City may revoke encroachment permit at its sole discretion and may charge property owner(s) for use of the right-of-way.</li> </ol>			<p>Applicant shall obtain a PX permit and enter into a P-Job agreement for construction of improvements within the City's right-of-way. Improvement plans shall be prepared by a registered civil engineer and submitted to Public Works Engineering Services for review and approval prior to issuance of a PX permit.</p>		
<p><b>STREET PAVING AND STRIPING</b></p> <ol style="list-style-type: none"> <li>Street and roadway area(s) fronting the development must be resurfaced up to one traffic lane in width 13 ft. or to the centerline of the street, after completion of construction and as required by the Inspector.</li> <li>Evaluation of the street's Pavement Condition Index at time plans are submitted for permit review shall determine any restoration requirements.</li> <li>Existing striping fronting the property and up to 1 block length shall be restored to the satisfaction of the Inspector. Thermoplastic shall be required unless specified otherwise in the plans approved for construction.</li> <li>"Moratorium Streets" are resurfaced or newly constructed streets within the past 5-year period. No trenching or excavation is permitted on any Moratorium Street without the written authorization of the Public Works Director.</li> </ol>			<p>Prior to issuance of any building permits the applicant shall obtain a PX permit and enter into a P-Job agreement for construction of improvements within the City's right-of-way. Improvement plans shall be prepared by a registered civil engineer and submitted to Department of Transportation (DOT) Engineering Services for review and approval prior to issuance of a PX permit.</p>		
<p><b>DRIVEWAYS</b></p> <ol style="list-style-type: none"> <li>Driveway approach, length, width, driveway separation, clearances from poles and utilities, type of curb, driveway angle, shall be approved by Bureau of Planning in advance of any review by Engineering Services.</li> <li>Any existing driveway that will no longer be required to serve the property shall be replaced with new sidewalk curb and gutter, with curb striping as required by Inspector.</li> </ol>			<p>Driveway approaches shall be identified on the improvement plans for the PX permit and proposed locations must be approved by Engineering Services.</p>		
<p><b>CURB RAMPS</b></p> <ol style="list-style-type: none"> <li>New curb ramps shall meet the latest State of California standards when plans are submitted for review.</li> </ol>			<p>N/A.</p>		

**CITY OF OAKLAND Department of Transportation**  
*Engineering Services "Conditions of Approval"*

<p>15. Curb ramps shall be directional unless approved otherwise in writing by the City Engineer.</p> <p>16. New curb ramps are required at intersections fronting the project site and when the use or occupancy necessitates installation or replacement of curb ramps. Additional curb ramps required by the City Engineer shall be installed by the project sponsor.</p> <p>17. Where a new curb ramp is required for the project the curb ramp located on the opposite side of the roadway, across a marked or un-marked crosswalk, shall also be installed or upgraded to be ADA compliant by the project sponsor.</p>	
<p><b><u>STREET GEOMETRY AND STRIPING DESIGN</u></b></p> <p>18. New striping, curb painting, bulb-outs, changes to existing dimensions, impact to traffic resulting from development, traffic pattern, circulation, signals, traffic count, street/lane change shall be reviewed and approved by the City's Traffic Engineer.</p> <p>19. Any alteration to geometry of roadway/sidewalk, markings, traffic control signs and devices shall be reviewed and approved by the City's Traffic Engineer.</p> <p>20. Traffic and parking sign posts shall be coated with anti-graffiti coating.</p> <p>21. Traffic Control Plans (TCP) for temporary traffic control measures shall be submitted separately for review and approval by City's Traffic Engineer prior to permit issuance and when the TCP is adjusted and updated during construction.</p>	<p>Engineering Services will determine if any of the improvements shown on the plans submitted for the PX permit require the review and approval of the City's Traffic Engineer prior to issuance of the PX permit.</p>
<p><b><u>SANITARY SEWER</u></b></p> <p>22. Sanitary sewer impact analysis is required when new development results in a net increase of volume of wastewater flow to the City's sanitary sewer system. Sewer flow calculations prepared by developer's engineer must include existing and proposed flows. Developer shall submit analysis with completed application for review. Mitigation fees shall be paid prior to issuance of a Building or PX permit whichever occurs first.</p> <p>23. A "PSL" certificate, Sewer Lateral Permit, and EBMUD Inspection are required for all projects where construction costs are one-hundred thousand dollars (\$100K +) or more.</p> <p>24. A Sewer Lateral permit (SL) is required for any new sewer lateral or rehabilitation of existing lateral. Abandonment of a sewer lateral requires a separate permit.</p> <p>25. Sewer profiles shall be included on the plans approved for construction. If existing utilities are within twelve inches (12") of proposed sewer, engineer shall have existing utility potholed and resolve conflict before approval of plans.</p>	<p>Applicant shall submit sewer calculations for review and approval at the time of submitting improvement plans for PX permit. Applicant shall obtain PSL certificate, a SL permit and lateral abandonment permit(s) as applicable to the proposed development.</p>
<p><b><u>STORM DRAINS</u></b></p> <p>26. Connection of storm drain to sewer line is prohibited. Any unauthorized connection shall be separated from the sanitary sewer.</p> <p>27. Drainage plans shall be submitted for review and approval. Plans shall follow City standard details and design standards. Blind connections or tap connections are prohibited for storm drains.</p>	<p>Applicant shall submit the storm drainage calculations for review and approval at the time of submitting the improvement plans for PX permit.</p>

**CITY OF OAKLAND Department of Transportation**  
*Engineering Services "Conditions of Approval"*

<p>28. Hydrology and Hydraulic Calculations, shall meet City's Storm Drainage Design Standards.          29. Reduction in Peak Flow by 25% or to the extent possible is required.</p>	
<p><u>STORM WATER TREATMENT</u>          30. Requirements for permanent and temporary storm water pollution prevention, Alameda County Clean Water Program (C.3), shall be included in the Building improvement plans for on-site work. Any approved storm drain from on-site development shall be tied to an inlet structure at the back of curb designating public and private ownership.          31. Permanent storm water treatment (BMP's) to service the development shall be privately maintained and included in the O&amp;M Agreement for the project.          32. Roof runoff must be directed through an approved treatment device prior to entering the City's storm drainage system.          33. Right-of-way shall not be used for storm water treatment features.</p>	<p>Conditions apply at the time of the PX Permit application or Building Permit application, whichever occurs first.</p>
<p><u>STREET TREES AND LANDSCAPING (PRIVATE)</u>          34. Trees and irrigation for the proposed development shall be owned and maintained by the property owner(s).          35. Landscape and irrigation plans shall be submitted with the civil plans for work (PX permit) for review and approval by the City's Arborist.          36. Landscape, irrigation plans and tree species shall meet City standards for Street Tree Planting.          37. Tree shall be spaced twenty feet (20') on center and shall not obstruct street lights. Tree wells shall be 3 ft. x 3ft. or 4 ft. x 4 ft. (minimum) for mature tree height of 25 to 40 feet.          38. Tree Grates, Root Barrier and Staking Details for new trees shall be included in the approved plans. Tree Grates must be ADA compliant.</p>	<p>Conditions may apply at the time of the PX Permit application.</p>
<p><u>EASEMENTS AND ENCROACHMENTS</u>          39. All property lines, existing and proposed easements, shall be clearly shown on the plans for construction (PX permit).          40. Easement dedication or vacation requires separate application and permit (PPE permit) if not included on a Final Tract Map or Parcel Map.          41. Major Encroachment permits require City Council resolution and Indenture Agreement with County Recorder's Number shown on the Final or Parcel Map.          42. Permanent building elements encroaching into the right-of-way normally require a Major Encroachment (ENMJ permit) Other approved encroachments may be part of Minor Encroachment (ENMI permit).          43. City may revoke encroachment permit at its sole discretion and may charge property owner(s) for use of the right-of-way.</p>	<p>Prior to recording the Parcel Map, any existing fencing encroaching into the City right-of-way or between the two future parcels shall be remedied by either removal or relocation.</p> <p>Prior to recording the Parcel Map, the length and width of the utility and shared access easement shall be approved by Oakland Fire Department (OFD).</p> <p>An agreement for access facility maintenance, parking restrictions, and any landscape maintenance shall also be approved by Planning and Engineering Services.</p>
<p><u>SITE PLAN</u>          44. A Site Plan shall be provided with permit plan set and include: north arrow, scale, property boundaries, topography, vegetation, proposed/existing structures,</p>	<p>A site plan is required with the submission of plans for a PX Permit.</p>

**CITY OF OAKLAND Department of Transportation**  
*Engineering Services "Conditions of Approval"*

<p>utilities, easements, roadways, monuments, wells, and any important key elements.</p>	
<p><b><u>STREET LIGHTS AND UTILITIES (PW ELECTRICAL)</u></b>          45. A photometric plan and analysis of existing and proposed street lights is required for all projects requiring a PX permit and as determined by the City Engineer. Design shall meet City Outdoor Lighting Standards.  <a href="http://www2.oaklandnet.com/oakcal/groups/pwa/documents/policy/oak026007.pdf">http://www2.oaklandnet.com/oakcal/groups/pwa/documents/policy/oak026007.pdf</a>          46. Upon review and approval of the photometrics analysis, the project sponsor shall design and include additional streetlights as required by the City and shall also provide 10% spare streetlight fixtures for City's Electrical Maintenance Operations.          47. Pedestrian signal and push buttons for intersection crossings shall be included in the plans for construction when required by the Traffic Engineer.          48. Utility undergrounding shall be clearly identified on all construction permitted plans as approved by the Project Planner, Oakland Fire Department, Public Works Department and Dept. of Transportation.          49. Pull boxes shall be locking.          50. Existing, reinstalled and new Streetlights, Parking Meters and Kiosks shall be included on the plans approved for construction. Separate fees and approvals by Public Works Maintenance is required to remove or install Streetlights, Parking Meters and Kiosk.</p>	<p>General Requirements may apply at time of PX permit application.</p>
<p><b><u>SPECIAL ZONES: CDMG Designation (LS/LQ), A-P Zone, Flood Zone, Creek/water course, GAAD, etc.</u></b>          51. Design, approvals, outside agency permits, and construction methods shall meet all applicable Federal, State, and City's Municipal Code requirements for properties located in hazard zone and flood zone.          52. Peer Review of Soils, Geotechnical, Hydrology, Hydraulic, and Structural Reports, engineering plans, grading, remediation, final map may be required.          53. CDMG Designation and potential for liquefaction(LQ) and/or landslide(LS) shall be clearly identified on individual lots of the Tentative Map, Parcel Map of final Tract Map.</p>	<p>Conditions may apply at the time of a building permit application.</p>
<p><b><u>TENTATIVE MAP, PARCEL MAP, TRACT MAP</u></b>          54. Fire Access, Emergency Vehicle Access, Shared Access (Agreement or CC&amp;R's), Utility Easements shall be clearly shown and identified on Maps.          55. Setbacks from the property lines, buffer areas, easements, buildings and separation required between structures and buildings shall be identified on Tentative Map.          56. After approval by Planning and Zoning of a Tentative Map a separate application to Engineering Services is required for review and approval of the Parcel or Tract Map by the City Surveyor and City Engineer.          57. Tract Map and Subdivision Improvement Agreement(SIA) requires City Council Approval.          58. Survey Monuments Protection, Surety/Bond may be required prior to approval of Parcel or Final Map.</p>	<p>After approval by Planning and Zoning of the Tentative Map, a separate application to Engineering Service is required for review and approval of the Parcel Map by City Surveyor and City Engineer.</p>

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<p><b>CONSTRUCTION</b></p> <p>59. All work within the City's right-of-way or easement requires a valid permit.</p> <p>60. Shoring Plans, Retaining Walls, Streetlight and Traffic Signal Pole Foundations and other structures require a separate Building Permit from the Building Department.</p> <p>61. An Obstruction Permit (OB) may be required prior to issuance of a Grading, Building, PX, CGS or another related permit. OB permits are required for temporary or permanent removal of metered and non-metered parking spaces, sidewalk closure(s), staging of materials, construction dewatering equipment, blocking, placement of storage units, equipment within the right-of-way.</p> <p>62. An approved Traffic Control Plan (TCP) may be required prior to issuance of an OB permit, PX permit or any work requiring Traffic Control Measures within the City's right-of-way.</p>	<p>Prior to beginning any construction within the right-of-way applicant shall obtain all necessary permits.</p>
<p><b>OTHER</b></p> <p>63. Projects with "<i>Special</i>" considerations, for example; may require utility undergrounding of overhead utilities, improvements off-site (i.e. new traffic signal), ownership of land/project sponsor TCSE Economics &amp; Workforce Development, a City Capital Project, or may be part of a larger "Master Planned Development" with Development Agreement and/or phased Final Maps.</p>	<p>None noted.</p>

**PER CITY RECORDS AND INFORMATION RECEIVED FOR REVIEW ITEMS NOTED BELOW MAY AFFECT THE DESIGN, REVIEW AND APPROVAL, PERMITTING, MAP APPROVAL PROCESSES.** *(The City assumes No Responsibility for the Accuracy and/or Completeness thereof.)*

Preliminary Title Report		Vacation / Dedication	
Flood Zone		Easement	Shared Access & Utility Easement
Creek Permit / Water Course		Existing Utilities / Overhead	
Land / Boundary Survey		BART	
Lot Dimension(s)		CALTRANS	
Sidewalk Clearance (i.e. 5.5 ft.)		EBMUD	
Sidewalk Curb Ramps		PG&E	
Encroachment		UPRR	
CDMG Designation		City of Oakland Ownership	
Land Stability		City of Berkley	
Street Lighting		City of Emeryville	
Traffic Circulation / Bicycle Lane		City of Piedmont	
Traffic Signal		Other	

\*Additional information is provided below:

Prior to recording the Parcel Map the dimensions, length and width, of proposed shared access and utility easement must be approved by Oakland Fire District (OFD).

<b>Planning/Zoning Number</b>	<b>Map Number (if applicable)</b>	<b>DATE</b>
PLN18149	TPM10777	04/09/2018