Summary

Diller Capital has filed an application with the Bureau of Planning to demolish an existing structure, formerly used as a restaurant (Dorsey’s Locker), and construct a new three-story, nine-unit apartment building. The subject 0.23-acre (10,077 sq. ft.) site is located midblock on Shattuck Avenue between 58th Street and 59th Street and within a block from Bushrod Park.

Pursuant to Section 17.17.050(A) of the Oakland Municipal Code (O.M.C), a Conditional Use Permit (CUP) is required for five or more residential units. Under Section 17.134.020(A.1)(c)(ii), the CUP becomes a Major CUP for seven or more units in the RM-4 Zone. Pursuant to Section 17.17.020 Regular Design Review is also required for demolition of the existing structure and construction of the new project.

The proposed project is a well-designed contemporary residential facility, designed to fit in with the existing context which is a mixture of small to medium scale housing types. The new nine-unit apartment development complies with the CUP and Design Review criteria and all the other applicable regulations and development standards for the RM-4 Zone. The proposed development will enhance the Shattuck Avenue corridor with a new contemporary design. Staff recommends that the Planning Commission approve the project, subject to the attached conditions of approval.
Case File: PLN17052
Applicant: Jim Diller
Address: 5817 Shattuck Avenue
Zone: RM-4
PROPERTY DESCRIPTION

The subject 0.23-acre (10,077 sq. ft.) site is located midblock on Shattuck Avenue between 58th Street and 59th Street in North Oakland. The site contains a non-descript two-story building with surface parking that was previously used as a restaurant and bar (Dorsey’s Locker) with an upper floor residential unit at some point in time. The vicinity has a variety of detached single-family and multi-family homes as well as incidental civic facilities such as a public park (Bushrod Park), an elementary school (Sankofa Academy) and commercial uses such as corner stores, medical offices, and book publishing (New Harbinger Publications). The former use has often been the subject of complaints from the nearby neighborhood for noise and nuisances associated with the bar.

PROJECT DESCRIPTION

The proposed project involves the demolition of the existing two-story building formerly used as a restaurant (Dorsey’s Locker), and construction of a new three-story, nine-unit apartment building. The proposed design involves a ground level podium that contains an entry lobby and accessways, a motor court and living space. The two upper levels contain living spaces and group and private open spaces. The building mass is split into two wings linked by a central circulation area. This composition breaks up the bulk of the front elevation to achieve moderately-scaled building volumes similar in scale and proportion to the immediate detached residential structures. The main exterior materials of the project include cement plaster, hardie board siding, metal and glass. The design incorporates various elements and detailing including projecting, recessed, angled wall planes, a series of grouped fenestration, a rhythm of shapes and forms, and material changes, to achieve a visually attractive development that features distinctive elements that come together as a unified whole.

CEQA ANALYSIS

The project qualifies for Categorical Infill Exemption under Section 15332 of the state Environmental Quality Act (CEQA) Guidelines because: a) it is consistent with the Oakland General Plan; b) it occurs within city limits on a site less than 5 acres; c) the site has no value as habitat or endangered species; d) the project would not have significant effects on traffic, noise air quality or water quality; and, e) the site can be adequately served by required utilities and public services. On a separate and independent basis, the project qualifies under Section 15183 of the CEQA Guidelines for projects consistent with a community plan, general plan, or zoning.

GENERAL PLAN ANALYSIS

The subject site is located in the Mixed Housing Type Residential classification of the Land Use and transportation element (LUTE) of the Oakland General Plan which is intended 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. The proposed project is a small multi-unit development located along Shattuck Avenue, which is a major transit corridor in Oakland, and is therefore, consistent with the character of the Mixed Housing Type Residential classification. The proposed project is consistent in all significant respects with the following LUTE objectives and policies:

- **Objective N3**: Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future housing needs of the Oakland community. The project will provide the North Oakland community with nine new housing units.

- **Policy N3.1, Facilitating Housing Construction**: Facilitating the construction of housing units should be considered a high priority for the City of Oakland. The City of Oakland's Bureau of Planning staff have streamlined its systems in order to facilitate the construction of new homes and assist developers with navigating the permitting process smoothly and in a timely manner. Staff met with the applicant on several occasions to provide information and direction during the design development of the project.

- **Policy N3.2, Encouraging Infill Development**: In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City Oakland. The project is proposed for a site located in North Oakland. The new development will be an infill development for the currently underutilized site.

**ZONING ANALYSIS**

The subject site is located in the RM-4 Zone which is intended to create, maintain, and enhance residential areas typically located on or near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings at somewhat higher densities than RM-3, and neighborhood businesses where appropriate. The project requires Regular Design Review for the demolition of the existing structure and construction of the project pursuant to Section 17.17.020 of the Oakland Municipal Code (O.M.C.) Furthermore and pursuant to Sections 17.17.050(A) and 17.134.020(A.1)(c)(ii) of the O.M.C., a Conditional Use Permit (CUP) is required for five or more residential units and a Major CUP is required for seven or more units in the RM-4 zone.

The project complies with the applicable development standards as follows:

**Development Standards**

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. Residential Density</td>
<td>9 units (1,100 sq. ft./unit)</td>
<td>9 units</td>
</tr>
<tr>
<td>Max. Height</td>
<td>35 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Min. setbacks</td>
<td>15 ft. front; 4 ft. sides; 15 ft. rear</td>
<td>15 ft. front; 4 ft. sides; 15 ft. rear</td>
</tr>
<tr>
<td>Min. useable open space</td>
<td>1,575 sq. ft. (175 sq. ft./unit)</td>
<td>6,778 sq. ft./unit</td>
</tr>
<tr>
<td>Reqd. Bicycle Parking</td>
<td>2 Long term (LT) 1/10 units</td>
<td>2 LT</td>
</tr>
<tr>
<td></td>
<td>2 Short Term (ST) 1/20 units</td>
<td>2 ST</td>
</tr>
<tr>
<td>Reqd. off-street parking</td>
<td>9 spaces</td>
<td>9 spaces</td>
</tr>
</tbody>
</table>
KEY ISSUES AND IMPACTS

Overall, the proposed project site plan and design is successful and consistent with the goal of creating a befitting medium-density housing development in North Oakland. The key issues and impacts are discussed below:

New housing in North Oakland
The proposed nine-unit housing development is located on Shattuck Avenue, which is a major transit corridor. The new housing will provide more housing stock and help ease the housing crises in Oakland. The setting provides opportunities for convenient accommodations with easy access to neighborhood shops, services and public transit.

Automobile Parking
The project provides nine off-street parking spaces within a ground level motor court that has a combination of four individual garages and five (5) open parking stall spaces.

Site Plan, Building Design and Landscaping
The site plan presents a medium-density development that responds to the context of urbanized development in the vicinity. The design achieves a visually attractive development that features distinctive elements that come together as a unified whole. The proposed landscaping include trees, shrubs, ground cover, as well as hardscape such as decorative pavers, planters and other features that enhance the visual quality, functionality, and experience of the open areas.

Useable Open Space
The RM-4 zone requires 175 square feet of useable open space per dwelling unit and a total of 1,575 square feet for the entire development. The project provides a total of 6,778 square feet. The project also incorporates landscaping (softscape and hardscape) to enhance the open areas to achieve a net reduction of peak flow stormwater run-off.

RECOMMENDATIONS:

Based on the analysis contained in this report, the findings, and the conditions of approval attached to this report and elsewhere within the administrative record, staff believes that the proposed project is an appropriate development that will further the overall objectives of the Oakland General Plan, particularly related to encouraging new infill housing. Thus, staff recommends that the Commission:

1. Affirm staff’s CEQA determination; and

2. Approve the Design Review subject to the attached Findings and Conditions of Approval.
Oakland City Planning Commission
Case File Number: PLN17-052

Prepared by:

MAURICE BRENYAH-ADDO - Planner III

Reviewed by:

SCOTT MILLER - Zoning Manager

Approved for forwarding to the City Planning Commission:

DARIN RANELLETTI – Interim Director
Planning and Building Department

ATTACHMENTS: A. Project Plans
ATTACHMENT A: FINDINGS

This proposal meets the required findings and standards under Sections 17.134.050, Conditional Use Permit and 17.136.050, Regular Design Review criteria of the Oakland Planning Code as set forth below. Required findings are shown in normal type; reasons your proposal satisfies them are shown in **bold** type.

**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. **Pursuant to Sections 17.17.050(A) and 17.134.020(A.1)(c)(ii) of the Oakland Municipal Code (O.M.C), a Conditional Use Permit (CUP) is required for five or more residential units and a Major CUP is required for seven or more units in the RM-4 zone. The proposed density is appropriate for the subject site because Shattuck Avenue is a major transit corridor that calls for higher density developments. The proposed nine residential units will be compatible with the mixed housing type neighborhood in that it is similar in scale, bulk, lot coverage and density to the small multi-family buildings in the vicinity.**

(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 project will create a convenient and functional living environment for future residents by means of providing spacious dwelling units with useable indoor and outdoor spaces and appropriate number of off-street parking. The new units will be an improvement to the currently underutilized site.**

(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 proposed project will be residential in nature and use. This will contribute to the successful operation of the surrounding area in its basic community function as a medium density residential area with incidental civic and commercial uses. Further, the project meets the intent and character of the Mixed Housing Type LUTE designation.**

(d) That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURES at Section 17.136.070(a). **The proposed**
contemporary design applies techniques to minimize perceived bulk, scale down the building masses, and minimize potential adverse impacts on adjoining buildings and is therefore compatible with the development pattern and architectural styles in the neighborhood, and therefore, the proposal conforms to the applicable design review criteria.

(e) That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council. The proposed small multi-family development, designed to the maximum allowed density and located on a major transit corridor conforms to the Mixed Housing Type Residential General Plan which encourages the development of medium density residential units along transit corridors. Specifically, the project is consistent with LUTE Policies N3.1, N3.2, N6.1 and N7.1.

SECTION 17.136.050(a)
REGULAR DESIGN REVIEW FINDINGS:

1. That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures. The proposed new development responds to the Shattuck Avenue corridor surroundings with a three-story structure that has a ground floor occupied space and parking. The design incorporates elements and materials that articulate the façades with recesses and projections to manage massing and minimize perceived bulk. The overall design relates well to the surrounding area in their setting, scale, bulk, height, materials and textures. Therefore, the proposed new project will be compatible with the surroundings in its setting, scale, bulk, height, materials and textures.

2. That the proposed design will protect, preserve or enhance desirable neighborhood characteristics. The proposed new housing development will result in a new and attractive building structure that will revitalize the neighborhood. The attached standard conditions of approval will ensure that all potential negative impacts have been reduced to less than significant.

3. That the proposed design will be sensitive to the topography and landscape. The proposed development is expected to involve minimal earthwork for foundations and other site improvements.

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

5. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City council. See Section 17.134.050(e) above.

FINDINGS
CONDITIONS OF APPROVAL

1. **Approved Use**
The project shall be constructed and operated in accordance with the approved use as described in the approved application materials, Staff report and the approved plans dated February 27, 2017 and submitted February 27, 2017, 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 calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire Two Calendar Years from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

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

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

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**CONDITIONS OF APPROVAL**
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 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

**CONDITIONS OF APPROVAL**
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 the Bureau of Building, if directed by the Building Official, Director of City Planning, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

11. **Public Improvements**

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

**CONDITIONS OF APPROVAL**
12. **Construction Management Plan**

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

13. **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

### AESTHETICS

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

**CONDITIONS OF APPROVAL**
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.

   When Required: Prior to approval of construction-related permit
   Initial Approval: Bureau of Planning

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.

CONDITIONS OF APPROVAL
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

**AIR QUALITY**

17. **Construction-Related Air Pollution Controls (Dust and Equipment Emissions)**
   **Requirement:** The project applicant shall implement all of the following applicable air pollution control measures during construction of the project:
   a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
   b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
   c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.

e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).

f. Limit vehicle speeds on unpaved roads to 15 miles per hour.

g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.

h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).

i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. **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

**CONDITIONS OF APPROVAL**
BIOLOGICAL RESOURCES

19. 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, filing, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project’s consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.

iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project’s consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project’s consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.

v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project’s consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.

vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

When Required: During construction
Initial Approval: Public Works Department, Tree Division
Monitoring/Inspection: Bureau of Building

c. Tree Replacement Plantings

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

i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.

ii. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye), Umbellularia californica (California Bay Laurel), or other tree species acceptable to the Tree Division.

iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.

iv. Minimum planting areas must be available on site as follows:
   • For Sequoia sempervirens, three hundred fifteen (315) square feet per tree;
   • For other species listed, seven hundred (700) square feet per tree.

v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City’s Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.

CONDITIONS OF APPROVAL
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

CULTURAL RESOURCES

20. 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.

CONDITIONS OF APPROVAL
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

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**21. 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

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**GEOLOGY AND SOILS**

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**22. 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

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**CONDITIONS OF APPROVAL**
23. **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

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24. **Seismic Hazards Zone (Landslide/Liquefaction)**

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

   **When Required:** Prior to approval of construction-related permit

   **Initial Approval:** Bureau of Building

   **Monitoring/Inspection:** Bureau of Building

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**HAZARDS AND HAZARDOUS MATERIALS**

25. **Hazardous Materials Related to Construction**

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

   a. Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction;
   b. Avoid overtopping construction equipment fuel gas tanks;
   c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
   d. Properly dispose of discarded containers of fuels and other chemicals;

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**CONDITIONS OF APPROVAL**
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

HYDROLOGY AND WATER QUALITY

26. **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

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

**d. Erosion and Sedimentation Control Plan Required**

Requirement: The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms

CONDITIONS OF APPROVAL
and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

When Required: Prior to approval of construction-related permit
Initial Approval: Bureau of Building
Monitoring/Inspection: N/A

e. Erosion and Sedimentation Control During Construction

Requirement: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

When Required: During construction
Initial Approval: N/A
Monitoring/Inspection: Bureau of Building

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

CONDITIONS OF APPROVAL
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:
   
   f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
   
   g. Dumpster drips from covered trash, food waste, and compactor enclosures;
   
   h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
   
   i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
   
   j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible.

   **When Required:** Ongoing
   
   **Initial Approval:** N/A
   
   **Monitoring/Inspection:** N/A

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

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**CONDITIONS OF APPROVAL**
NOISE

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,

   **CONDITIONS OF APPROVAL**
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;

CONDITIONS OF APPROVAL
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. **Project-Specific Construction Noise Reduction Measures**

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

**When Required:** Prior to approval of construction-related permit

**Initial Approval:** Bureau of Building

**Monitoring/Inspection:** Bureau of Building

35. **Construction Noise Complaints**

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

a. Designation of an on-site construction complaint and enforcement manager for the project;

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

c. Protocols for receiving, responding to, and tracking received complaints; and

d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City’s request.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

36. **Operational Noise**

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**TRANSPORTATION/TRAFFIC**

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

a. **Obstruction Permit Required**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. **Traffic Control Plan Required**

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

**CONDITIONS OF APPROVAL**
When Required: Prior to approval of construction-related permit
Initial Approval: Public Works Department, Transportation Services Division
Monitoring/Inspection: Bureau of Building

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

38. Bicycle Parking
Requirement: The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.
When Required: Prior to approval of construction-related permit
Initial Approval: Bureau of Planning
Monitoring/Inspection: Bureau of Building

UTILITY AND SERVICE SYSTEMS

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

CONDITIONS OF APPROVAL
40. **Underground Utilities**

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

**When Required:** During construction

**Initial Approval:** N/A

**Monitoring/Inspection:** Bureau of Building

41. **Recycling Collection and Storage Space**

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

**When Required:** Prior to approval of construction-related permit

**Initial Approval:** Bureau of Planning

**Monitoring/Inspection:** Bureau of Building

42. **Green Building Requirements**

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

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

i. The following information shall be submitted to the City for review and approval with the application for a building permit:

- Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
- Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.

CONDITIONS OF APPROVAL
• Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.

• Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.

• Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.

• Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.

• Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

ii. The set of plans in subsection (i) shall demonstrate compliance with the following:

• CALGreen mandatory measures.

• All pre-requisites per the green building checklist approved during the review of the Planning and Zoning permit, or, if applicable, all the green building measures approved as part of the Unreasonable Hardship Exemption granted during the review of the Planning and Zoning permit.

• **53 points** per the appropriate checklist approved during the Planning entitlement process.

• All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

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

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

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

i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.

**CONDITIONS OF APPROVAL**
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:** Within sixty (60) days of the final inspection of the building permit for the project, the Green Building Certifier shall submit the appropriate documentation to the [Green Building Certification Institute](https://www.usgbc.org) and attain the minimum required level. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Bureau of Planning the Certificate from the organization listed above demonstrating certification and compliance with the minimum level noted above.  
**When Required:** After project completion as specified  
**Initial Approval:** Bureau of Planning  
**Monitoring/Inspection:** Bureau of Building

43. **Sanitary Sewer System**  
**Requirement:** The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City’s Master Fee Schedule for funding improvements to the sanitary sewer system.  
**When Required:** Prior to approval of construction-related permit  
**Initial Approval:** Public Works Department, Department of Engineering and Construction  
**Monitoring/Inspection:** N/A

44. **Storm Drain System**  
**Requirement:** The project storm drainage system shall be designed in accordance with the City of Oakland’s Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.  
**When Required:** Prior to approval of construction-related permit  
**Initial Approval:** Bureau of Building

**CONDITIONS OF APPROVAL**
Monitoring/Inspection: Bureau of Building

Applicant Statement

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

Name of Project Applicant

Signature of Project Applicant

Date

APPROVED BY:

City Planning Commission: ________________________ (date) ________________________ (vote)
STREET VIEW AT 58TH & SHATTUCK

EAST PERSPECTIVE

SOUTH EAST PERSPECTIVE

NORTH WEST PERSPECTIVE
EXISTING STREET CONTEXT ELEVATION - ACROSS SHATTUCK

PROPOSED STREET CONTEXT ELEVATION

EXISTING STREET CONTEXT ELEVATION
GENERAL IRRIGATION NOTES:

1. The design contractor shall verify water pressure residual to construction and shall report any differences between the design water pressure and the actual working pressure assumed by the irrigation facility owner/representative.

2. This design is schematic. The drawings are intended to be a schematic representation of the proposed irrigation system. All piping, valves, etc. shown within plant areas are for system clarification only and shall be installed in plantings areas where feasible. Avoid any conflicts between the irrigation system, plantings and architectural features. Contractor shall make all necessary field modifications to accommodate actual site conditions.

3. Contractor is required to notify all owners and condominium owners on these plans at the site prior to commencement of work.

4. Contractor shall not install the irrigation system as shown on these drawings unless it is obvious that field modifications are necessary.

5. Contractor shall ensure that all irrigation systems are installed and connected in accordance with these plans within the limits of the site as shown.

6. The irrigation system shall be designed and installed to operate at a water velocity not to exceed five feet per second.

7. Benefits credits, if any, shall be installed, maintained and supervised by the irrigation system supplier/owner/developer.

8. System supplies shall be located by a watermark technician of the IGCC.

9. Contractor shall adjust all systems for optimum performance. Any adjustment of the flow control system shall be made by the irrigation system supplier/owner/developer.

10. Irrigation systems are to be installed as designed in accordance with the California Agricultural Standards to the approved points of these plans. All irrigation system components shall be installed and connected in accordance with IGCC, IGCC-COC, IGCC-OCC and IGCC-BCC. Contractor shall secure all necessary permits.

11. For remote control, valves and all other valves to be installed in accordance with IGCC-COC, IGCC-OCC and IGCC-BCC. Contractor shall secure all necessary permits.

12. Conveyance pipes shall be installed and connected in accordance with IGCC-COC, IGCC-OCC and IGCC-BCC. Contractor shall secure all necessary permits.

13. Conveyance pipes shall be installed and connected in accordance with IGCC-COC, IGCC-OCC and IGCC-BCC. Contractor shall secure all necessary permits.

14. Conveyance pipes shall be installed and connected in accordance with IGCC-COC, IGCC-OCC and IGCC-BCC. Contractor shall secure all necessary permits.

15. Conveyance pipes shall be installed and connected in accordance with IGCC-COC, IGCC-OCC and IGCC-BCC. Contractor shall secure all necessary permits.

16. Conveyance pipes shall be installed and connected in accordance with IGCC-COC, IGCC-OCC and IGCC-BCC. Contractor shall secure all necessary permits.

17. Conveyance pipes shall be installed and connected in accordance with IGCC-COC, IGCC-OCC and IGCC-BCC. Contractor shall secure all necessary permits.

18. Conveyance pipes shall be installed and connected in accordance with IGCC-COC, IGCC-OCC and IGCC-BCC. Contractor shall secure all necessary permits.

19. Conveyance pipes shall be installed and connected in accordance with IGCC-COC, IGCC-OCC and IGCC-BCC. Contractor shall secure all necessary permits.

20. Conveyance pipes shall be installed and connected in accordance with IGCC-COC, IGCC-OCC and IGCC-BCC. Contractor shall secure all necessary permits.