

CITY OF OAKLAND

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AGENDA REPORT

TO: JOHN FLORES
INTERIM CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: 4690 Tompkins Avenue Project Appeal

DATE: April 20, 2015

City Administrator
Approval

Date: April 20, 2015

COUNCIL DISTRICT: 4

RECOMMENDATION

Planning staff recommends that the City Council conduct a public hearing and upon conclusion adopt:

A Resolution Denying Appeal # CMD13067-A01 and Upholding the Decision of the City Planning Commission To Approve an Application to Convert a Vacant Senior Facility Into 40 Condominium Units at 4690 Tompkins Avenue, Subject to Revised Conditions of Approval

OUTCOME

Adoption of this Resolution would result in upholding the Planning Commission's approval of the Major Conditional Use Permit (CUP), Minor CUPs, Tentative Parcel Map, Regular Design Review, and Tree Removal Permit to convert a vacant senior facility into forty condominium units at 4690 Tompkins Avenue, subject to the findings, additional findings, and conditions of approval adopted by the Planning Commission, as modified by additional conditions of approval agreed upon by the appellants and the applicant.

EXECUTIVE SUMMARY

On January 29, 2014, the Planning Commission held a public hearing and approved an application by Kevin Skiles of 4690 Tompkins LLC (Urban Green Investments) (Applicant) for a Major CUP, Minor CUPs, Tentative Parcel Map, Regular Design Review, and a Tree Removal Permit to convert a vacant senior facility into forty condominium units at 4690 Tompkins Avenue. On February 10, 2014, the appellant Leila Moncharsh, on behalf of BEST Neighborhood Association, Gabriel Reynoso, Danford Cieloha, and Benjamin Lau (Appellants), filed a timely appeal (# CMD13067-A01) of the Planning Commission's decision to approve the

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Project. Since the appeal was filed, the appellants and the applicant have worked together to reach an agreement on additional conditions of approval (Additional COAs) to be imposed on the Project as a way to resolve the appeal. Appeals of Planning Commission decisions are heard and decided by the City Council. Zoning staff requests the City Council review and decide on the Appeal.

BACKGROUND

On April 6, 2012 the applicant submitted a Zoning Pre-Application (#ZP120015) to the Bureau of Planning requesting feedback on a concept to convert a site with a vacant senior facility at 4690 Tompkins Avenue into 40 apartment units. The 2.35 acre site is located at the end of a City block terminating at Wilkie Street between Tompkins and Fair Avenues. The property is located east of MacArthur Boulevard and the 580 freeway and slopes upward from Tompkins. The site was used as a senior nursing home facility/campus starting in the 1930s, with additions and other structures added over the years. It features a vacant 47,000 square-foot senior nursing home facility building (Beulah Heights, built c. 1928) facing Tompkins and centered at Wilkie, with an addition running along Wilkie to Fair; a vacant civic building along Tompkins ("House of Psalms"); one occupied duplex and seven occupied single family homes towards Fair, a curvilinear driveway with parking spaces at Tompkins, a small driveway accessing a garage along Wilkie, and an access that runs through the block between buildings from Fair to Tompkins. This interior access contains 21 parking spaces. The site also contains open spaces and trees. The main building on the property has been essentially vacant for approximately 15 years. It features stucco siding and a partially tiled roof and is a Potential Designated Historic Property of "major importance" (Survey rating: B+3) under the Oakland Cultural Heritage Survey. The surrounding neighborhood is predominantly characterized by single family homes, with some civic uses as well.

Staff requested the applicant convene neighborhood meetings to introduce the concept to the community and receive their input for consideration. The applicant proceeded to hold meetings with the community (ultimately, at least four were held and a major revision was made as a result: the units would be condominiums as described in this report). The applicant submitted a formal application to the City on February 20, 2013 (#CMD13067/T1300012). Additional community meetings were held, and some of these meetings were attended by Zoning staff. The proposal was also reviewed by the City's Bureau of Building and Fire Department.

On June 26, 2013 the Design Review Committee (DRC) reviewed the project. Members of the public attended the meeting and provided public testimony. The DRC provided direction to the applicant and staff, and recommended the project for approval to the Planning Commission. DRC provided direction related to issues of design, vehicular exiting, slope stability, tree preservation, and privacy issues related to trees, windows, and balconies. The applicant followed up with additional community meetings, a parking study, a redesign of the plans to contain greater tree preservation, more parking spaces, and stairs on grade, and generated a

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subdivision map for lot split and condominium purposes. On November 14, 2013 the applicant submitted an application for a Tentative Parcel Map to subdivide the property and to establish the forty new apartment units as condominium units, as an enhancement to the pending application. Staff publicly noticed the revised project for 17 days. On January 29, 2014 the Planning Commission heard public testimony and reviewed and approved the application for a Major CUP, Minor CUPs, Tentative Parcel Map, Regular Design Review, and Tree Removal Permit to convert a vacant senior facility into 40 condominium units (Project) by a 6-0 vote subject to findings, additional findings, and conditions of approval.

On February 10, 2014, the appellant Ms. Leila Moncharsh, on behalf of BEST Neighborhood Association, Gabriel Reynoso, Danford Cieloha, and Benjamin Lau (Appellants), filed a timely appeal (# CMD13067-A01) of the Planning Commission's decision to approve the Project (**Attachment A**). Appellants Gabriel Reynoso and Benjamin Lau have since assigned their rights on appeal to Danford Cieloha, and since the appeal was filed, the appellants and the applicant have worked together to reach an agreement on additional conditions of approval (Additional COAs) to be imposed on the Project as a way to resolve the appeal.

ANALYSIS

Project Description

The proposal is to convert the vacant facility into 40 market rate condominiums. This would involve:

- Subdividing the lot along the internal driveway into two lots sharing the driveway;
- Retrofitting the interior of the vacant facility into units;
- Façade and site alterations including installation of balconies and creation of patios;
- Demolition of the vacant non-residential building along Tompkins to create a surface on-site parking lot;
- Creation of additional parking stalls throughout the site;
- Tree removal and replacement;
- Installation of landscaping throughout the site;
- Installation of exterior illumination; and,
- Other minor site modifications.

The appeal focuses on the belief that the project was not eligible from environmental review due to lack of consistency to the General Plan and Zoning, and due to potential hydrology and transportation impacts. Following are the bases of the appeal:

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- (1) The project is not consistent with the General Plan and with Zoning, and therefore should be denied;
- (2) The project does not qualify for an infill development project exemption under CEQA Guidelines section 15332 because the project does not meet the criteria for this exemption (including potential alleged impacts to hydrology and traffic and because the project relies upon mitigation measures), and the unusual circumstances exception to the categorical exemption removes the project from any categorical exemption, therefore an Environmental Impact Report (EIR) should have been prepared;
- (3) CEQA Guidelines section 15183 (the Project Consistency exemption) does not apply to the project because the General Plan relied on an overly general EIR that cannot be adequately applied to the project, and new information has since been revealed; and,
- (4) The project relied on the 2010 Housing Element, but is not consistent to it in terms of potentially significant impacts, and should therefore be denied.

Section 17.134.070(A) of the Planning Code sets forth the standard of review for an appeal of a Planning Commission decision on a Major Conditional Use Permit:

The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record previously presented to City Planning Commission prior to the close of its public hearing on the item, which supports the basis of the appeal; failure to do so will preclude the appellant from raising such issues and/or evidence during the appeal and/or in court.

The following are the bases of the appeal, including excerpts from the appeal letter, followed by staff's responses (shown in italicized text), including excerpts from the Planning Commission's Findings to approve the project:

Appeal Issue #1: The project is not consistent with the General Plan and with Zoning, and therefore should be denied.

The appeal letter indicated: "The Planning Commission abused its discretion by making findings that the proposed project was consistent with the General Plan and zoning."

Staff's Response:

Staff disagrees with the appellant's assertion; the Planning Commission's findings to approve the project included the following:

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6. *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 property is located in the Mixed Housing Type Residential area under the General Plan. The intent of the area 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." Desired Character and Uses is: "Future development within this classification should be primarily residential in character." The proposed design for a multi-family facility and site is, therefore, consistent with the intent and desired character and uses of the General Plan as well as the following Policies:

Policy N3.2 Encouraging Infill Development.

In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

Policy N3.8 Required High-Quality Design.

High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

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.

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 is a residential in-fill development project that both preserves and enhances a potential designated historic property formerly serving a use that was classified as civic and technically not residential, as well as the mix of housing types in a residential area.

Staff asserts that the project is consistent with the General Plan as indicated in the preceding findings to approve the project and with Zoning Regulations as is evidenced by all findings being met and no Variances required.

Appeal Issue #2: The project does not qualify for an infill development project exemption under CEQA Guidelines section 15332 because the project does not meet the criteria for this exemption (including potential alleged impacts to hydrology and traffic and because the project relies upon mitigation measures), and the unusual circumstances exception to the categorical exemption removes the project from any categorical exemption, therefore an EIR should have been thus been prepared.

The Appellants state: “After the hearing, the community retained (a) traffic engineer...(who) opined that Wilkie Street did not meet City standards and needed to be widened and that the one-way street solution was “impractical” and would be extremely difficult to enforce...(and) that the on-site parking was inadequate and that the shared access driveway did not provide adequate access for emergency service providers or garbage trucks..”

“(The neighbor, a retired engineer) believed that the City’s storm water system may not be able to handle the volume of water that could result from project-related runoff, even though the project was reducing impervious ground by four percent.”

“The in-fill exemption is only available if the proposed project meets five criteria. The project here does not meet criteria (1) because it is not consistent with the general plan and zoning... (or) with the City’s regulations, as demonstrated in (the traffic consultant’s) letter.”

“...the shared access facility was inadequate for emergency vehicles...demonstrates that the project presents safety impacts (and) the increase in residents will overwhelm the sewer and storm water systems...none of the potential adverse impacts found in the...proposed project are normally found in 40 unit condo developments...(they) are the result of placing a high density, multi-unit residential use into a single-family residential neighborhood.”

Staff’s Response:

Contrary to the appellants’ claims, the project conforms to required findings for a California Environmental Quality Act Class 32 infill exemption and does not involve mitigation monitoring (which is featured in projects that are not exempt from environmental review). In addition, comments made at a public hearing related to hydrology and transportation do not constitute new significant information requiring environmental review. The appellants’ claim that assertions during a public hearing by a neighbor who is a former City of Oakland public works

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engineer and subsequent findings by a transportation consultant introduce new information that eliminates the project from eligibility for an environmental exemption is incorrect.

With regard to hydrology, testimony during the Planning Commission meeting by a neighbor (who is a retired City of Oakland engineer) related more to potential for flooding several blocks away from the site as opposed to impacts caused by the project; moreover, these statements were merely this neighbor's opinion. Nonetheless, the building has previously served up to at least ninety-four bedrooms where fifty-nine are now proposed; furthermore, impervious surface will be slightly reduced at the site as a result of the project.

With regard to transportation, the project exceeds the Planning Code requirement for site parking, and the trip calculation for the project did not exceed the City's threshold to require a transportation study. Furthermore, the applicant's parking study indicated reasonable on-street parking in the neighborhood. The appellants imply that the public provided testimony at the Planning Commission hearing to indicate traffic impacts would be significant; the claims were actually made after the hearing by a subsequent report. The appeal letter incorrectly asserts that the applicant attempted to count street parking towards the project's required parking count. Also, one-way traffic is proposed for the private access on-site, not for Wilkie Street, a public thoroughfare, as indicated by the appellant. The majority of project traffic would not utilize Wilkie Street because a parking lot containing most of the site's stalls would be constructed along Tompkins Avenue, the primary connector to the site. Only a minority of the project traffic would utilize Wilkie Street, one direction (uphill), to access the entrance to the shared access which contains existing parking stalls and furthermore would be converted to one-way. The appellant also indicates that the consultant's subsequent study emphasizes significant impacts by the project; however, "emphasizing" an impact is not proof of an impact, and moreover the study hardly alleges significant impacts. The appellants feel that Wilkie Street should be converted to one-side parking and one-way traffic; however, their appeal relies on a consultant's subsequent traffic report which conversely recommended that Wilkie Street be widened by three and one-half feet (3.5') and maintained for two-side parking and two-way traffic. The consultant indicated that at least 68 stalls should be provided where 59 are approved and 49 are required, based on two stalls per bedroom at a site with 68 bedrooms; this is a professional opinion but does not refute the fact that the proposal exceeds requirements for consistency with Zoning Regulations set forth under the Oakland Planning Code. The following are the Planning Commission's findings for an infill exemption from environmental review:

IN-FILL DEVELOPMENT PROJECTS (CALIFORNIA ENVIRONMENTAL QUALITY ACT, GUIDELINES SECTION 15332)

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

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The project conforms to the General Plan and Planning Code and no variances are required as described in the staff report.

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

The 2.35 acre site is substantially surrounded by urban uses and is located entirely within the City of Oakland.

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

The project site has no value as habitat for endangered, rare or threatened species. The site was developed as early as 1928 and contains significant impervious surface.

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

The proposal does not require a traffic study or transportation management plan although a parking study has indicated no adverse impacts and a driveway will be improved and converted to one-way.

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

The site is already developed and is located in an urbanized area. New dwelling units will be served by existing utilities and public services.

Appeal Issue #3: CEQA Guidelines section 15183 (the project consistency exemption) does not apply to the proposed project because the General Plan relied on an overly general EIR that cannot be adequately applied to the project, and, new information has since been revealed.

Staff's Response:

The Planning Commission properly relied on CEQA Guidelines Section 15183 ("Project Consistent with a Community Plan, General Plan or Zoning") because the proposal is consistent with the General Plan and Zoning. Staff's report to the Planning Commission indicated:

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“...CEQA mandates that projects which are consistent with the development density established by existing zoning or general plan policies for which an EIR was certified shall not require additional environmental review. (CEQA Guidelines, § 15183(a).)”

To the appellant's assertion: The General Plans' Land Use and Transportation Element adequately prepared for such adaptive reuses and there are no peculiar impacts associated with the project: no variances or additional special studies were required by City standards, and all findings were met as previously described in this report.

Appeal Issue #4: The project relied upon the 2010 Housing Element, but is not consistent with it in terms of potentially significant impacts, and should therefore be denied.

Staff's Response:

The project does not purport to rely upon the City's 2010 Housing Element, which relates more to affordable and senior housing, which the project does not involve. That document is thus not mentioned in the Planning Commission's findings. The project also does not contradict the Policies of the Housing Element. The appellant's assertions are accurate to the extent that statements and reports not presented or submitted until after staff's report was public were not reviewed; they could not have been reviewed until submitted. Again, those submittals, while appreciated, do not introduce vital information. The project is consistent with the General Plan as described in Staff's Response to Appeal Issue #1 in this report.

POLICY ALTERNATIVES

The project features a thoughtful design that incorporates Planning Commission and community input and is a creative reuse of an obsolete site. Staff recommends denial of the appeal, with amendments to Conditions of Approval agreed upon by the appellants and applicant. This recommendation will meet both parties' ultimate goals, based on their agreed-upon compromises, and maintain an excellent project.

The following options are available to the City Council (staff recommends option 1), and could require staff to return to City Council at a future date:

- (1) Deny the appeal, and uphold the Planning Commission's decision with amendments to Conditions of Approval agreed upon by the applicant (developer) and appellants (neighbors and representative), and allow the project to proceed as amended by the City Council;

(2) Deny the appeal, uphold the Planning Commission's decision, and allow the project to proceed as approved by the Planning Commission (without amendments to Conditions of Approval);

(3) Grant the appeal, reverse the Planning Commission's decision, and thereby deny the project. The applicant would have the options of no project or to submit a new application to the Bureau of Planning;

(4) Continue the item to a future meeting for further information or clarification, solely related to the appellate issues; or

(5) Refer the matter back to the Planning Commission for further consideration on specific issues/concerns of the City Council, solely related to the appellate issues. Under this option, the appeal would be forwarded back to the City Council for decision.

PUBLIC OUTREACH/INTEREST

The appeal was publicly noticed and discussed with the appellants by staff.

COORDINATION

This agenda report and legislation have been reviewed by the Office of the City Attorney and by the Controller's Bureau.

COST SUMMARY/IMPLICATIONS

This appeal action would have no fiscal impact.

SUSTAINABLE OPPORTUNITIES

Economic: The appeal Denial with amended Conditions of Approval would have no economic impact.

Environmental: The appeal Denial with amended Conditions of Approval would not have an adverse effect on the environment.

Social Equity: The appeal Denial with amended Conditions of Approval would not affect social equity.

CEQA

If the City Council follows staff's recommendation and adopts the Resolution to deny the appeal and uphold the Planning Commission's approval, subject to revised Conditions of Approval, the project is exempt from environmental review under CEQA Guidelines Section 15332 (infill development projects) and Section 15183 (projects consistent with a community plan, general plan, or zoning). None of the exceptions to the exemptions in CEQA Guidelines section 15300.2 are triggered by the proposed project.

For questions regarding this report, please contact **Aubrey Rose AICP, Planner III** at (510) 238-2071 or arose@oaklandnet.com

Respectfully submitted,



Rachel Flynn, Director
Planning and Building Department

Reviewed by:
Robert D. Merkamp, Development Planning Manager

Prepared by:
Aubrey Rose AICP, Planner III

Attachments:

- A. Appeal #CMD13067-A01 filed February 10, 2014 with Exhibits
- B. Planning Commission staff report dated January 29, 2014 with Exhibits
- C. Planning Commission January 29, 2014 hearing minutes
- D. Settlement Agreement Between Appellants and Applicant

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EXHIBIT A

The conditions of approval for the Project consist of all the conditions of approval included in Attachment B to the January 29, 2014 Planning Commission staff report, which remain in full force and effect, as modified by the Additional COAs, which revise Condition of Approval #1 and add Condition of Approval #52. New language is shown in double underline.

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **staff report**, and the plans dated **October 30, 2013 and November 7, 2013 (TPM)** and submitted on **February 20, 2013 and November 14, 2013 (TPM)**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.

- b) This action by the **City Planning Commission** (“this Approval”) includes the approvals set forth below. This Approval includes:

I. Major Conditional Use Permit to exceed 7 units on two lots in the RM-3 Zone on an existing site exceeding one acre; Minor Conditional Use Permits to create a Multifamily Dwelling Residential Facility in the RM-3 Zone, for lot split between existing buildings, for a shared access facility; Tentative Parcel Map to split one lot into two and establish 40 new dwelling units as condominiums; Regular Design Review for construction of new dwelling units and for exterior architectural and site modifications; CEQA Class 32 Infill Development Project environmental review exemption; and Tree Removal Permit to remove Protected Trees to: split the lot along the internal driveway; convert the vacant senior facility into 40 condominium units, with façade and site changes including balconies and patios; demolish the other vacant non-residential facility to create a surface parking lot on-site along Tompkins Ave; create additional parking stalls throughout the site; tree removal and replacement; installation of landscaping throughout the site; illumination; and other minor site modifications including stairs on grade leading to Fair Ave.

II. Project Description to be modified from building retrofit as 21 one-bedroom units and 19 two bedroom units to include: 17 one-bed units; 2 one-bed plus den/office units; 21 two-bed units (totaling 40 new units, in addition to dwelling units on site).

52. Additional Conditions of Approval

Prior to building permit application, during construction, and ongoing as applicable.

- a. The applicant/property owner will construct and maintain a room (“supply room”) in the basement of the proposed project that is approximately 250 square feet, which may be used by the local residents to store emergency supplies.

b. The supply room will be kept secured by a key. One key will be kept with the onsite manager and one with a representative designated by the community. Upon request by the City, a key will be provided to the Oakland Fire Department and Oakland Police Department. The applicant will ensure that a key is available at all times for emergency access to the supply room.

c. With the exception of the house located at 4701 Fair Avenue, the applicant/property owner agrees to execute a deed restriction on the property and record with the County of Alameda that will restrict tenancy of the eight bungalows (4690 Tompkins Ave #1A, #1B, #2, #3, #4, #5, #6, #7) to persons 55 years or older.

d. The proposed project door on the first floor closest to Fair Ave. and facing Wilkie Street will be solely for exiting from the Main building (4690 Tompkins). There will be no door handles or locks on the exterior side of each door.

e. The proposed project will include 62 off-street parking spaces that comply with the requirements of the Oakland Planning Code. Three of the legal parking spaces are to be tandem spaces and located behind the current garage spaces on the Wilkie Street side of 4690 Tompkins (UGI will excavate). Prior to issuance of the building permit, the applicant/property owner will submit a plan showing the final details and location of three legal tandem parking spaces, subject to the approval of the planning director.

f. The applicant will pay \$1,000 per month to the licensed neighborhood security patrol service chose by the neighborhood watch organization that includes the project site. In the event that the neighborhood watch organization does not wish to fund a security patrol service, the applicant is not required to pay the \$1,000. If the neighborhood watch organization chooses to resume using a security patrol service, the applicant will resume paying the \$1,000 per month the security patrol service.

g. Prior to receiving its building permit, the applicant/property owner will fund the qualified traffic engineering study based on the proposal by TJKM, attached hereto as Exhibit A, to study and report to the city on the feasibility of the following potential projects:

1. Converting Wilkie Street into a one-way street.
2. Installing stop signs in appropriate locations to create an all-way stop at the intersections of:
 - i. Buell and Tompkins;
 - ii. Cunningham and Fair; and
 - iii. Kaphan and Fair.
3. Installing speed bumps in the following locations:
 - i. Tompkins on both sides of Enos Street;
 - ii. Daisy Street between Fair Ave and Davenport; and
 - iii. Fair Avenue between Cunningham and Kaphan.
4. Installing additional freeway signage to facilitate freeway-bound traffic flow towards the Buell St. and Calaveras intersection which is near on-ramps and off-ramps to and from east and west bound 580.
5. Closing Davenport Avenue at Mountain Boulevard to create a cul-de-sac.

h. In the event that any or all of the above projects in subsection (g) are feasible, according to the traffic study, and if any or all of them are approved by the city, the applicant/property owner will fund any traffic control items, including, but not limited to, signage and speed bumps to effectuate the traffic controls, with the exception of the closing of Davenport Avenue. Applicant/property owner will pay for the study regarding the potential closing of Davenport Avenue, but will not be responsible to fund any such closing. The applicant/property owner will fund the traffic controls prior to issuance of the certificate of occupancy.

i. After construction and prior to issuance of a certificate of occupancy, the applicant will fill all potholes on the streets adjacent to the project site to the satisfaction of the city public works department.

j. After construction and prior to issuance of a certificate of occupancy, the applicant/property owner will plant at least 5 (five) trees that can grow to at least 20 (twenty) feet tall on Fair Avenue and reasonable landscaping adjacent to the project site. If permitted and consistent with City of Oakland standards, applicant/property owner will also provide an irrigation system and maintenance for the landscaping and trees. The applicant will choose the materials that conform with the city's approved tree list and will obtain approval for the landscaping, trees, and irrigation system from the City.

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RESOLUTION NO. _____ C.M.S.

A RESOLUTION DENYING APPEAL #CMD13067-A01 AND UPHOLDING THE DECISION OF THE CITY PLANNING COMMISSION TO APPROVE AN APPLICATION TO CONVERT A VACANT SENIOR FACILITY INTO 40 CONDOMINIUM UNITS AT 4690 TOMPKINS AVENUE, SUBJECT TO REVISED CONDITIONS OF APPROVAL

WHEREAS, on April 6, 2012, Mr. Kevin Skiles of Urban Green Investments (Applicant) submitted a Zoning Pre-Application (#ZP120015) to the Bureau of Planning requesting feedback on a concept to convert a site with a vacant senior facility at 4690 Tompkins Avenue into forty apartment units; and

WHEREAS, community meetings were held to introduce the proposal to the neighbors; and

WHEREAS, on February 20, 2013, the Applicant submitted an application for a Major Conditional Use Permit (CUP), Minor CUPs, Regular Design Review, CEQA Class 32 Infill Development Project environmental review exemption, and Tree Removal Permit to convert a vacant senior facility into forty apartment units, and other site improvements at 4690 Tompkins Avenue, as case # CMD13067/T1300012; and

WHEREAS, additional community meetings were held to continue the dialogue regarding the proposal with neighbors; and

WHEREAS, the application was agendaized for the Design Review Committee hearing of June 26, 2013, and public notices were duly distributed; and

WHEREAS, on June 26, 2013, the Design Review Committee reviewed and considered the application and provided direction to staff and the Applicant regarding issues of design, vehicular exiting, slope stability, tree preservation, and privacy issues related to trees, windows, and balconies, and

WHEREAS, additional community meetings were held to continue the dialogue regarding the proposal with neighbors and to solicit their input for incorporation into the proposal; and

WHEREAS, the Applicant conducted a parking study, redesigned the plans to include greater tree preservation, more parking spaces, and stairs on grade, and generated a subdivision map for lot split and condominium purposes to enhance the application; and

WHEREAS, on November 14, 2013 the Applicant submitted an application for a Tentative Parcel Map (#TPM10191) to subdivide the property and to complete the forty new apartment units as condominium units, as an enhancement to the pending application; and

WHEREAS, the application was agendized for the Planning Commission hearing of January 29, 2014, and public notices were duly distributed, and

WHEREAS, on January 29, 2014, the Planning Commission independently reviewed, considered, and determined that the Project is exempt from the environmental review requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15332 (infill development projects) and section 15183 (projects consistent with a community plan, general plan or zoning), and

WHEREAS, on January 29, 2014, the City Planning Commission reviewed and approved the application for a Major CUP, Minor CUPs, Tentative Parcel Map, Regular Design Review, and Tree Removal Permit to convert a vacant senior facility into 40 condominium units (#CMD13067/TPM10191/T1300012) (Project) subject to findings, additional findings, and conditions of approval; and

WHEREAS, on February 10, 2014, the appellant Ms. Leila Moncharsh, on behalf of BEST Neighborhood Association, Gabriel Reynoso, Danford Cieloha, and Benjamin Lau (Appellants), filed a timely Appeal (# CMD13067-A01) of the Planning Commission's decision to approve the Project; and

WHEREAS, Appellants Gabriel Reynoso and Benjamin Lau have since assigned their rights on Appeal to Danford Cieloha; and

WHEREAS, since the Appeal was filed, the Appellants and the Applicant have worked together to reach an agreement on additional conditions of approval (Additional COAs) to be imposed on the Project as a way to resolve the Appeal; and

WHEREAS, the City of Oakland hereby determines that the conditions of approval for the Project consist of all the conditions of approval included in Attachment B to the January 29, 2014 Planning Commission staff report, which remain in full force and effect, as modified by the Additional COAs, which are attached hereto as Exhibit A and incorporated herein; and

WHEREAS, the City of Oakland hereby determines that the Additional COAs are not CEQA mitigations but are imposed to address the Appellants' concerns and to resolve the Appeal; and

WHEREAS, after giving due notice to the Appellants, the Applicant, all interested parties, and the public, the Appeal came before the City Council for a duly noticed public hearing on May 5, 2015, and

WHEREAS, the Appellants, the Applicant, supporters of the application, those opposed to the application and interested neutral parties were given ample opportunity to participate in the public hearing by submittal of oral and/or written comments; and

WHEREAS, the public hearing on the Appeal was closed by the City Council on May 5, 2015; now, therefore, be it

RESOLVED: The City Council independently finds and determines that this Resolution complies with CEQA, as the Project is exempt from CEQA pursuant to CEQA Guidelines section 15332 (infill development projects) and section 15183 (projects consistent with a community plan, general plan or zoning), and the Environmental Review Officer is directed to cause to be filed a Notice of Determination/Exemption with the appropriate agencies; and be it

FURTHER RESOLVED: That the City Council, having independently heard, considered and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Application, the Planning Commission's decision, and the Appeal, hereby finds and determines that the Appellants have **not** shown, by reliance on appropriate/proper evidence in the record, that the Planning Commission's decision was made in error, that there was an abuse of discretion by the Planning Commission, or that the Planning Commission's decision was not supported by substantial evidence in the record. This decision is based, in part, on the May 5, 2015 City Council Agenda Report and the January 29, 2014 Planning Commission staff report, both of which are hereby incorporated by reference as if fully set forth herein, on the reports and testimony provided at the hearing, and on the City's General Plan, Planning Code, and other planning regulations as set forth below; and be it

FURTHER RESOLVED: That the Appeal is hereby denied, and the Planning Commission's decision to approve a Major Conditional Use Permit, Minor Conditional Use Permits, Tentative Parcel Map, Regular Design Review, and Tree Removal Permit to convert a vacant senior facility into 40 condominium units at 4690 Tompkins Avenue is upheld, subject to the findings, additional findings, and conditions of approval adopted by the Planning Commission, as modified by the Additional COAs, each of which is hereby separately and independently adopted by this Council in full; and be it

FURTHER RESOLVED: That, in support of the City Council's decision to deny the Appeal and approve the Project, with attendant Conditions of Approval, the City Council affirms and adopts as its own independent findings and determinations: (i) the May 5, 2015 City Council Agenda Report (including without limitation the discussion, findings and conclusions (each of which is hereby separately and independently adopted by this Council in full), and (ii) the January 29, 2014 Planning Commission staff report approving the Project, including without limitation the discussion, findings, additional findings, conclusions, and conditions of approval, including amendments, (each of which is hereby separately and independently adopted by this Council in full); and be it

FURTHER RESOLVED: The record before this Council relating to this Project Application and Appeal includes, without limitation, the following:

1. The Application, including all accompanying maps and papers;
2. All plans submitted by the Applicant and its representatives;
3. The notice of appeal and all accompanying statements and materials;
4. All final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including without limitation all related/supporting final materials, and all final notices relating to the Application and attendant hearings;
5. All oral and written evidence received by the Planning Commission and City Council during the public hearings on the Application and Appeal; and all written evidence received by relevant City Staff before and during the public hearings on the Application and Appeal; and
6. All matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan; (b) the Oakland Municipal Code; (c) the Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable State and federal laws, rules and regulations; and be it

FURTHER RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are located at (a) the Planning and Building Department, Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, and (b) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, First Floor, Oakland, California; and be it

FURTHER RESOLVED: Per standard City practice, if litigation is filed challenging this decision, or any subsequent implementing actions, then the time period for obtaining necessary permits for construction or alteration and/or commencement of authorized construction-related activities stated in Condition of Approval #2 is automatically extended for the duration of the litigation; and be it

FURTHER RESOLVED: The recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, CAMPBELL WASHINGTON and
PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council of the
City of Oakland, California

LEGAL NOTICE:

PURSUANT TO OAKLAND MUNICIPAL CODE SECTION 17.134.070(A), THIS DECISION OF THE CITY COUNCIL IS FINAL IMMEDIATELY AND IS NOT ADMINISTRATIVELY APPEALABLE. ANY PARTY SEEKING TO CHALLENGE SUCH DECISION IN COURT MUST DO SO WITHIN NINETY (90) DAYS OF THE DATE OF THIS DECISION, UNLESS A DIFFERENT DATE APPLIES.



**CITY OF OAKLAND
APPEAL FORM
FOR DECISION TO PLANNING COMMISSION, CITY
COUNCIL OR HEARING OFFICER**

PROJECT INFORMATION

Case No. of Appealed Project: CMD13067/TPM 10191/T1300012

Project Address of Appealed Project: 4690 Tompkins

Assigned Case Planner/City Staff: Aubrey Rose

for: BEST Neighborhood Assn., Gabriel Reynoso,
Daniel Cienlo, Benjamin Lau

APPELLANT INFORMATION:

Printed Name: Heila H. Moncharsh Phone Number: (510) 482-0390

Mailing Address: 5707 Redwood Rd. #10 Alternate Contact Number: _____

City/Zip Code Oakland 94619 Representing: see above

Email: 101550@msn.com

An appeal is hereby submitted on:

- AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)**

YOU MUST INDICATE ALL THAT APPLY:

- Approving an application on an Administrative Decision
- Denying an application for an Administrative Decision
- Administrative Determination or Interpretation by the Zoning Administrator
- Other (please specify) _____

Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:

- Administrative Determination or Interpretation (OPC Sec. 17.132.020)
- Determination of General Plan Conformity (OPC Sec. 17.01.080)
- Design Review (OPC Sec. 17.136.080)
- Small Project Design Review (OPC Sec. 17.136.130)
- Minor Conditional Use Permit (OPC Sec. 17.134.060)
- Minor Variance (OPC Sec. 17.148.060)
- Tentative Parcel Map (OMC Section 16.304.100)
- Certain Environmental Determinations (OPC Sec. 17.158.220)
- Creek Protection Permit (OMC Sec. 13.16.450)
- Creek Determination (OMC Sec. 13.16.460)
- City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)
- Hearing Officer's revocation/impose or amend conditions (OPC Secs. 17.152.150 &/or 17.156.160)
- Other (please specify) _____

(continued on reverse)

(Continued)

A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL) Granting an application to: OR Denying an application to:

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- Major Conditional Use Permit (OPC Sec. 17.134.070)
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) Minor CUP, Tree Removal permit

FOR ANY APPEAL: An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision.

You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

The appeal is based on the following: *(Attach additional sheets as needed.)*

The Planning Commission abused its discretion as shown in the attached letter and report by Tom Brohard. It should have required an EIR and denied the approvals. Appellants incorporate the city file, all materials submitted to the P.C., this appeal, and report of Supporting Evidence or Documents Attached. (The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

Tom
Brohard.

(Continued on reverse)

(Continued)

John N. Small

Signature of Appellant or Representative of
Appealing Organization

2/10/14

Date

.....
Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:
.....

DONNA M. VENERUSO (d.'09)
LEILA H. MONCHARSH

LAW OFFICES
VENERUSO & MONCHARSH
5707 REDWOOD RD., STE 10
OAKLAND, CALIFORNIA 94619
TELEPHONE (510) 482-0390
FACSIMILE (510) 482-0391

February 9, 2014

Aubrey Rose, Planner II
Planning Department
1 Frank Ogawa Plaza
Oakland, CA 94612

Re: Appeal – 4690 Tompkins – CMD13067/TPM10191/T1300012

Dear Mr. Rose:

On behalf of BEST Neighborhood Association, Gabriel Reynoso, Daniel Ciehlo, and Benjamin Lau, please accept this appeal of the Planning Commission's decision to approve the above project. BEST Neighborhood Association consists of neighbors living within a four block radius around the project site. Mr. Reynoso, Mr. Ciehlo, and Mr. Lau all are neighbors living within a block of the proposed project site. This appeal applies to all of the approvals for the proposed project, including major CUP, minor CUP, tentative parcel map, design review, and tree removal permit.

The appeal is based upon all of the materials already submitted to the City prior to and during the Planning Commission hearing on January 29, 2014, the hearing videotape, and upon this letter and the accompanying report from traffic engineer Tom Brohard. It incorporates my letter and exhibits submitted to the Planning Commission prior to the hearing.

The Planning Commission abused its discretion by making findings that the proposed project was consistent with the General Plan and zoning. I have previously discussed the project's inconsistencies in my earlier letter submitted to the commission. The Planning Commission also abused its discretion by adopting the in-fill exemption as applicable to the proposed project under the California Environmental Quality Act (CEQA). Neither of the two exemptions cited by the City apply to the project. During the Planning Commission hearing, the community met the fair argument standard as to hydrology, traffic, and cumulative impacts such that the City should require an environmental impact report (EIR) before approving the project.

**A. The Project Does Not Qualify for the In-fill Exemption
(Guidelines § 15332)**

1. Background Information

The proposed project is located on a 2-acre site with a shared access roadway dividing the property. On one side of the shared access driveway, there are nine cottages

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used as rentals. The other side consists of a large building, formerly used as a senior facility and the project proposal involves converting it into 40 condo units. The developer proposes using Wilkie Street, adjacent to the project site, and the shared access roadway to meet part of its on-site parking requirement.

a. Traffic Impacts

Prior to the Planning Commission hearing, the community met with the developer and told him that Wilkie Street was too narrow for two-way traffic, and that by increasing the number of residents in the condo units, that street would become congested and negatively impact traffic flow because the residents would need to use it for egress and ingress to the project site. The developer said he intended to ask the City to change Wilkie Street into a one-way street, but the neighbors still believed that this would not be a viable solution. Many neighbors spoke about the expected results of having residents in 40 condo units joining the traffic load on the streets surrounding the proposed project. Appellant Ben Lau brought pictures showing that Wilkie is too narrow for the increased load.

After the hearing, the community retained traffic engineer Tom Brohard, who prepared the attached report. He opined that Wilkie Street did not meet City standards and needed to be widened and that the one-way street solution was "impractical" and would be extremely difficult to enforce. He pointed out that the on-site parking was inadequate and that the shared access driveway did not provide adequate access for emergency service providers or garbage trucks because it was too narrow and involved a nearly 90 degree turn as part of the access. He concluded that without further study and/or modifications, "the proposed project will have a significant effect on traffic circulation and parking, as well as emergency and non-emergency access." (Brohard report, p. 4.)

b. Hydrology Impacts & Cumulative Impacts

During the Planning Commission hearing, Joyce Carlson spoke and identified herself as a retired engineer formerly employed by the City of Oakland Public Works Department for 20 years. Ms. Carlson stated that she lived near the project site and was familiar with Oakland's ability to handle sewage and storm water. She believed that the City's storm water system may not be able to handle the volume of water that could result from project-related runoff, even though the project was reducing impervious ground by four percent. The cumulative impacts of multiple users throughout the area, combined with residents of 40 condo units could possibly overwhelm the City's storm and sewer systems. She also believed that the City should evaluate whether the sewer pipes could handle the increased waste from 40 additional condos, when the prior use was a senior

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facility. Ms. Carlson believed that the City should evaluate both of these public services before approving the project.

2. The In-fill Exemption is Not Available for This Project

An EIR must be prepared on any project "a local agency intends to approve or carry out which may have a significant on the environment." (Public Resources Code §§ 21100, 21151; Guidelines § 15002, subd. (f)(1); *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318.) Projects that that have been determined not to have a significant effect on the environment are categorically exempt from CEQA. (Guidelines § 15300 et seq.) Guidelines § 15300.2 specifies exceptions and qualifications to the exemptions.

The in-fill exemption is only available if the proposed project meets five criteria. The project here does not meet criteria (1) because it is not consistent with the general plan and zoning as shown in my last letter. However, it also does not meet the first criteria because the project is not consistent with the City's regulations, as demonstrated in Mr. Brohard's letter. These municipal code regulations require certain widths of the streets, adequate on-site parking to avoid creating traffic problems, and the Oakland Planning Code requires adequate emergency vehicle access on a shared access facility.

The proposed project does not meet criteria (4) because it will result in "significant effects related to traffic," as described by Mr. Brohard and neighbors. It also does not qualify for the in-fill exemption under criteria (5) because it may overwhelm the existing public services and utilities at the site, according to Ms. Carlson.

Even if the proposed project met the criteria for the in-fill exemption, there is an exception to this exemption under Guidelines § 15300.2, subd. (c) for unusual circumstances.

B. The Unusual Circumstances Exception Removes the Project From Any Categorical Exemption

Once the City claimed the in-fill exemption, the burden shifted to the community. "A challenger must therefore produce substantial evidence showing a reasonable possibility of adverse environmental impact sufficient to remove the project from the categorically exempt class." (*Fairbank v. City of Mill Valley* (1999) 75 Cal.App.4th 1243, 1259; *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 205-206 .)

Effects on safety, such as inadequate emergency vehicle access and flooding, fall within unusual circumstances. (*Committee for a Better Environment v. California*

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Resources Agency (2002) 103 Cal.App.4th 98, 129.) Furthermore, if a proposed project may have a negative impact on the environment, that fact alone is itself an unusual circumstance because it would not fall “within a class of activities that does not normally threaten the environment.” (*Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1206.)

Here, the report of traffic engineer Brohard, combined with the 2003 staff report attached to my earlier letter (Planner Merkamp stated that the shared access facility was inadequate for emergency vehicles) demonstrates that the project presents safety impacts. Ms. Carlson’s statements also demonstrate a reasonable possibility that the increase in residents will overwhelm the sewer and storm water systems, another safety issue. Similarly, the Brohard letter emphasizes that the project will cause adverse impacts due to the project without further study and modifications of the project.

Moreover, none of the potential adverse impacts found in the instant proposed project are normally found in 40 unit condo developments. The impacts are the result of placing a high density, multi-unit residential use into a single-family residential neighborhood. The storm, sewer, and street plans were designed for low intensity, associated with a senior facility and single family housing units, not for 40 unit apartment or condo buildings.

C. The Community Has Met the Fair Argument Test

When the community produces substantial evidence of a fair argument of a significant environmental impact, the City cannot rely on a categorical exemption. It also cannot rely on the exemption when the community meets the fair argument test as to an exception to the exemption. (*Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 266.) Through the statements of Joyce Carlson and Mr. Brohard’s report, the community has met the fair argument test.

D. The Statutory Partial Exemption Does Not Apply to the Proposed Project

The face of the Staff report states that the statutory partial exemption under Guideline § 15183 applies to the project. However, there were no findings listed in the staff report or approved by the Planning Commission. In case the planner meant to rely on this partial exemption, I discuss why it does not apply below.

Guideline § 15183 applies to “various special circumstances [where] CEQA offers partial or conditional exemptions which operate much like ‘piggy-backing.’ [This]

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partial exemption applies to a residential development project that is consistent with a general plan for which an EIR has been certified.” (*Gentry v. City of Murrieta* (1995) 38 Cal.App.4th 1359, 1374.)

This Guideline requires the City to limit its environmental examination to impacts that:

- (1) Are peculiar to the project or the parcel on which the project would be located,
- (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent,
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the [General Plan] EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Under all four tests, the statutory exemption does not apply.

(1) There are Impacts Peculiar to the Proposed Project or the Parcel Upon Which it Would Exist

The General Plan housing element EIR that was certified by the City in 2010 will not apply to the proposed project if the community presents a fair argument that there is a “reasonably foreseeable *project-specific* significant change in the environment that is *peculiar* to the [project] or its site.” (*Wal-Mart Stores, Inc. v. City of Turlock* (2006) 138 Cal.App.4th 273, 288.) “Peculiar” is defined as “a physical change in the environment [that] belongs exclusively or especially” to the project or its site. (*Id.* at pg. 294.) The effects of the environmental change peculiar to the project can occur directly or indirectly, but they must be reasonably foreseeable and not speculative. (*Id.* at p. 288.)

Here, the community’s traffic expert and Ms. Carlson opined that there are reasonably foreseeable impacts due to the proposed project from overwhelming the storm drain and sewer systems, failing to provide adequate access for emergency vehicles on the shared access facility, and from overloading the traffic in the area of the project. These are environmental impacts that are peculiar to the proposed project.

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(2) The Policies Cited by the EIR are Very General and Do Not Address the Specific Project impacts.

Staff apparently is relying on Guideline § 15183 (f), which states in part:

An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the City or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR . . .

As mentioned above, there were no findings made by the Planning Commission to support use of this partial exemption. There was "new information" presented by the community that has not been addressed in any standard condition of approval. While the City stated that it would consider making Wilkie a one-way street, it did not offer any evidence that this would be a viable mitigation or even would be incorporated into the plans.

(3) The Impacts Identified by Mr. Brohard and Ms. Carlson Include Potentially Significant Off-site Impacts and On-site Impacts that Were Not Addressed in the 2010 Housing Element Update EIR

There are no indications that the expert reports that were extant for the instant project, from either the developer or from the community were even reviewed and discussed in the 2010 housing element update EIR.

(4) Significant Impacts Identified Here Have a More Severe Adverse Impact than Discussed in the 2010 EIR

At the time of the 2010 EIR, there was no discussion of the impacts covered by the community's expert traffic engineer or by Ms. Carlson.

E. Possible Mitigation Measures Cannot be Relied Upon to Support Use of an Exemption

During the Planning Commission hearing, there was discussion about fixing the traffic problems on Wilkie by making it into a one-way street. The

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Planning Department
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mitigation was also discussed as a possible solution in the staff report on page 16, under findings for the in-fill exemption, subsection (e). It is unclear whether the staff report was addressing the shared access facility or Wilkie Street, but either way, an exemption cannot include a mitigation:

. . . [T]here are sound reasons for precluding reliance upon mitigation measures at the preliminary stage of determining eligibility for a categorical exemption. Regulatory guidelines dealing with the environmental review process under CEQA contain elaborate standards—as well as significant procedural requirements—for determining whether proposed mitigation will adequately protect the environment and hence make an EIR unnecessary; in sharp contrast, the Guidelines governing preliminary review do not contain any requirements that expressly deal with the evaluation of mitigation measures. (cite.) An agency should not be permitted to evade standards governing the preparation of a mitigated negative declaration by evaluating proposed mitigation measures in connection with the significant effect exception to a categorical exemption.

(*Salmon Protection & Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098, 1108.)

For all of the foregoing reasons, the City Council should set aside the approvals granted by the Planning Commission and order the City to obtain a complete EIR.

Very truly yours,



Leila H. Moncharsh, J.D., M.U.P.

Tom Brohard and Associates

February 7, 2014

Aubrey Rose, AICP, Planner II
Planning and Building Department, Planning and Zoning Division
Oakland City Hall
1 Frank H. Ogawa Plaza
Oakland, CA 94612

SUBJECT: Review of the Proposed Project at 4690 Tompkins Avenue in the City of Oakland – Circulation, Parking, and Access Issues

Dear Ms. Rose:

At the request of Leila H. Moncharsh, I, Tom Brohard, P.E., have reviewed the traffic and parking portions of the January 29, 2014 Staff Report to the City of Oakland Planning Commission regarding the Proposed Project at 4690 Tompkins Avenue. In addition to the Staff Report itself, I reviewed Attachment E (January 14, 2014 Memorandum from the City of Oakland Community and Economic Development Agency) and Attachment F (October 1, 2013 letter from TJKM Transportation Consultants Regarding 4690 Tompkins Avenue Parking Study). I have also reviewed portions of several documents available on the City of Oakland's website including Section 16.16.020 of the City's Municipal Code (Width of street right-of-way and width of pavement for "non-hillside areas") and Section 17.102.090 of the City's Planning Code (Shared access facilities).

Based on my review of these documents and as explained in detail in this letter, further study is required before the City of Oakland considers the Proposed Project to construct 40 condominiums at 4690 Tompkins Avenue.

Education and Experience

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 40 years of professional engineering experience. I am licensed as a Professional Civil Engineer both in California and Hawaii and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and now serve as the City Traffic Engineer for the City of Indio and as Consulting Transportation Engineer for the Cities of Big Bear Lake and Sas Fernando. As shown on the enclosed resume, I have extensive experience in traffic engineering and transportation planning. During my career in both the public and private sectors, I have reviewed numerous environmental documents and traffic studies for various projects.

Traffic and Parking Issues

Based on the information provided in the January 29, 2014 Staff Report and its attachments for the Proposed Project at 4690 Tompkins Avenue, my review disclosed several significant issues relating to traffic circulation and parking, as

81905 Mountain View Lane, La Quinta, California 92253-7611
Phone (760) 398-8885 Fax (760) 398-8897
Email tbrohard@earthlink.net

Ms. Aubrey Rose
4690 Tompkins Avenue Project – Circulation, Parking, and Access Issues
February 7, 2014

well as emergency and nonemergency access. Each of the following findings and comments must be addressed by further study and/or necessary modifications before the Proposed Project is ready to be considered further by the City:

- 1) Wilkie Avenue Does Not Meet City Standards and Must Be Widened – Page 1 of Attachment F to the January 29, 2014 Staff Report (October 1, 2013 letter from TJKM regarding the 4690 Tompkins Avenue Parking Study) indicates the curb to curb width of Wilkie Avenue is 26.5 feet, and states this "...is less than the typical cross section width of 30-32 feet that would reasonably accommodate two-way traffic with on-street parking on either side of the roadway." The letter then indicates "Because of the relatively narrow curb to curb width of Wilkie Avenue, the City of Oakland may wish to consider parking restrictions along the north side of Wilkie Avenue to better accommodate two-way traffic along the roadway."

Section 16.16.020 of the City's Municipal Code (enclosed) mandates the "Width of street right of way and width of pavement for non-hillside areas". Section 16.16.020 defines "non-hillside areas" as "...land areas within the City adjacent to street right of way which has an average difference in elevation of 15 feet or less in a horizontal distance of 100 feet." Subsection C requires that "Local Streets shall not be less than 50 feet in right of way width and not less than 30 feet in pavement width." From my review of the plans provided in the January 29, 2014 Staff Report and my review of the site using Google Earth, the project site is located in a "non-hillside area" as it has less than "...an average difference in elevation of 15 feet or less in a horizontal distance of 100 feet", or a 15 percent slope.

The Proposed Project occupies the entire north side of Wilkie Avenue from Tompkins Avenue to Fair Avenue. The existing curb to curb width is 26.5 feet within a right of way of about 40 feet (as I measured from Google Earth). Based on my review, Wilkie Avenue does not meet the city standards identified in Section 16.16.020. Widening the roadway to at least 30 feet and dedicating additional right of way to retain an adequate sidewalk width adjacent to the project is required. Additionally, these improvements will "more reasonably" accommodate two-way traffic together with parking on both sides as stated on Page 1 of Attachment F.

Proposed Condition of Approval #11 on Page 2 of Attachment E to the January 29, 2014 Staff Report (January 14, 2014 Memorandum from the Community and Economic Development Agency) states "Improvements within the public right of way may be required for this project." Based on my review, Condition of Approval #11 must be modified to require the additional right of way as well as construction of the street improvements by the Proposed Project in order to bring Wilkie Avenue into conformance with provisions of the City's Municipal Code for a local street in a "non-hillside

Ms. Aubrey Rose
4690 Tompkins Avenue Project – Circulation, Parking, and Access Issues
February 7, 2014

area". Widening of the roadway will also enable retention of needed parking on both sides of Wilkie Avenue and will not require conversion to a one-way street, an impractical measure that would likely be frequently violated and extremely difficult to enforce.

- 2) On-Site Parking Is Insufficient – The project proposes to provide 59 parking spaces on-site for the 49 units including the 40 new condominiums and the nine existing cottages that will remain. Parking on-site is proposed to occur in four separate areas including a new parking lot at the north end of the Tompkins Avenue frontage, in the existing lot at Tompkins Avenue and Wilkie Avenue, in the middle of the block on Wilkie Avenue, and along the access driveway that runs diagonally through the project.

The January 29, 2014 Staff Report indicates that only 49 parking spaces on site are required but does not provide any justification or support for this conclusion. The Parking Study indicates there is sufficient on-street parking in the area, but omits analyses and calculations of the amount of parking required for the Proposed Project on-site.

With 21 one-bedroom and 19 two-bedroom condominiums, most agencies require one parking space for each bedroom, or a total of 59 parking spaces for the 40 units. For the overall project including the nine cottages, an additional nine to 18 parking spaces would be required (depending on the number of bedrooms per cottage), bringing the total number of parking spaces on the site up to between 68 and 77 parking spaces. The amount of parking on-site with 59 spaces provided for the 49 units is clearly insufficient.

With parking on-site in four different areas, residents and guests will be required to search for on-site parking and will likely just park on-street instead. While on-street parking may be available in the area, it cannot be counted to make up for the deficient amount of on-site parking scattered throughout the site. It also appears that there may be more than 50 percent "compact" spaces proposed on-site, exceeding the maximum required by the Oakland Planning Code Section 17.116.200 (enclosed).

- 3) Internal Driveway Does Not Provide Adequate Access – The travel width of the proposed one-way westbound only internal driveway is only 12 feet wide and shallow angled parking is proposed at various locations between Fair Avenue and Tompkins Avenue. A trash enclosure is proposed on the side of the driveway just prior to the nearly 90 degree turn east of Tompkins Avenue.

It is my understanding that the emergency service providers requested widening of the access driveway in concert with a previous development on the same site, but there is no indication in the January 29, 2014 Staff Report that police, ambulance, fire, or any other emergency services providers were

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4690 Tompkins Avenue Project – Circulation, Parking, and Access Issues
February 7, 2014

asked to comment on the Proposed Project. From my review of the site plan, it is doubtful that fire apparatus could negotiate the nearly 90 degree turn just east of Tompkins Avenue or that trash trucks could service the proposed trash enclosure on the narrow internal driveway.

From my review, the Proposed Project does not comply with Section 17.102.090 B.2 of the Oakland Planning Code (enclosed). For Public Safety, this provision requires that "The width of a shared access facility shall be adequate to ensure unimpeded emergency and nonemergency ingress and egress at all times. Additionally, the shared access facility shall conform to City standards for roadway layout and design."

The issues identified in my findings and comments in this letter require further study and/or modifications to the Proposed Project. Without further study and/or modifications, the Proposed Project will have a significant effect on traffic circulation and parking, as well as emergency and nonemergency access.

If you have questions regarding these comments, please call me at your convenience.

Respectfully submitted,

Tom Brohard and Associates

Tom Brohard

Tom Brohard, PE
Principal

Enclosures



Tom Brohard, PE

- Licenses:** 1975 / Professional Engineer / California – Civil, No. 24577
1977 / Professional Engineer / California – Traffic, No. 724
2006 / Professional Engineer / Hawaii – Civil, No. 12321
- Education:** 1969 / BSE / Civil Engineering / Duke University
- Experience:** 40+ Years
- Memberships:** 1977 / Institute of Transportation Engineers – Fellow, Life
1978 / Orange County Traffic Engineers Council - Chair 1982-1983
1981 / American Public Works Association – Life Member

Tom is a recognized expert in the field of traffic engineering and transportation planning. His background also includes responsibility for leading and managing the delivery of various contract services to numerous cities in Southern California.

Tom has extensive experience in providing transportation planning and traffic engineering services to public agencies. Since May 2005, he has served as Consulting City Traffic Engineer for the City of Indio. He also currently provides "on call" Traffic and Transportation Engineer services to the Cities of Big Bear Lake, Mission Viejo, and San Fernando. In addition to conducting traffic engineering investigations for Los Angeles County from 1972 to 1978, he has previously served as City Traffic Engineer in the following communities:

- o Bellflower..... 1997 - 1998
- o Bell Gardens..... 1982 - 1995
- o Huntington Beach..... 1998 - 2004
- o Lawndale..... 1973 - 1978
- o Los Alamitos..... 1981 - 1982
- o Oceanside..... 1981 - 1982
- o Paramount..... 1982 - 1988
- o Rancho Palos Verdes..... 1973 - 1978
- o Rolling Hills..... 1973 - 1978, 1985 - 1993
- o Rolling Hills Estates..... 1973 - 1978, 1984 - 1991
- o San Marcos..... 1981
- o Santa Ana..... 1978 - 1981
- o Westlake Village..... 1983 - 1994

During these assignments, Tom has supervised City staff and directed other consultants including traffic engineers and transportation planners, traffic signal and street lighting personnel, and signing, striping, and marking crews. He has secured over \$5 million in grant funding for various improvements. He has managed and directed many traffic and transportation studies and projects. While serving these communities, he has personally conducted investigations of hundreds of citizen requests for various traffic control devices. Tom has also successfully presented numerous engineering reports at City Council, Planning Commission, and Traffic Commission meetings in these and other municipalities.

Tom Brohard and Associates

In his service to the City of Indio since May 2005, Tom has accomplished the following:

- ❖ Oversaw preparation and adoption of the Circulation Element Update of the General Plan including development of Year 2035 buildout traffic volumes, revised and simplified arterial roadway cross sections, and reduction in acceptable Level of Service criteria under certain constraints. Reviewed Riverside County's updated traffic model for consistency with the adopted City of Indio Circulation Plan.
- ❖ Oversaw preparation of fact sheets/design exceptions to reduce shoulder widths on Jackson Street over I-10 as well as justifications for protected-permissive left turn phasing at I-10 on-ramps, the first such installation in Caltrans District 8 in Riverside County; reviewed plans and provided assistance during construction of a \$1.5 million project to install traffic signals and widen three of four ramps at the I-10/Jackson Street Interchange under a Caltrans encroachment permit.
- ❖ Oversaw preparation of fact sheets/design exceptions to reduce shoulder widths on Monroe Street over I-10 as well as striping plans to install left turn lanes on Monroe Street at the I-10 Interchanges under a Caltrans encroachment permit; reviewed plans to install traffic signals and widen three of four ramps at the I-10/Monroe Street Interchange.
- ❖ Reviewed traffic impact analyses for Project Study Reports evaluating different alternatives for buildout improvement of the I-10 Interchanges at Jefferson Street, Monroe Street, Jackson Street and Golf Center Parkway.
- ❖ Oversaw preparation of plans, specifications, and contract documents and provided construction assistance for over 40 traffic signal installations and modifications.
- ❖ Reviewed and approved over 600 work area traffic control plans as well as signing and striping plans for all City and developer funded roadway improvement projects.
- ❖ Oversaw preparation of a City wide traffic safety study of conditions at all schools.
- ❖ Prepared over 500 work orders directing City forces to install, modify, and/or remove traffic signs, pavement and curb markings, and roadway striping.
- ❖ Oversaw preparation of engineering and traffic surveys to establish enforceable speed limits on over 200 street segments.
- ❖ Reviewed and approved traffic impact studies for more than 25 major developments.
- ❖ Developed the Golf Cart Transportation Program and administrative procedures; implemented routes forming the initial baseline system.

Since forming Tom Brohard and Associates in 2000, Tom has reviewed many traffic impact reports and environmental documents for various development projects. He has provided expert witness services and also prepared traffic studies for public agencies and private sector clients.

Tom Brohard and Associates

16.16.020 Width of street right-of-way and width of pavement for non-hillside areas.

For the purpose of this chapter, the term "non-hillside area" shall be construed to mean land areas within the City adjacent to street right-of-way which has an average difference in elevation of 15 feet or less in a horizontal distance of 100 feet. Street right-of-way widths and pavement widths for non-hillside areas are established in the context of the complete streets approach as follows:

- A. Arterial streets shall be of the width indicated on the approved plans and not less than 80 feet in right-of-way width, and shall have a pavement width as determined by the Director of Public Works or his designee.
- B. Collector streets shall not be less than 60 feet in right-of-way width and shall have a pavement width as determined by the Director of Public Works or his designee.
- C. Local streets shall not be less than 50 feet in right-of-way width and not less than 30 feet in pavement width.
- D. Blind streets shall not be over 600 feet in length unless it includes means of a secondary access and shall not be less than 50 feet in right-of-way width and not less than 30 feet in pavement width. All blind streets shall terminate in a circular end having a minimum right-of-way diameter of 80 feet and a minimum pavement diameter of 70 feet, unless the Advisory Agency or other approving authority approves a "T" or "Y" shaped space in lieu of required turning circle.
- E. Alleys shall not be less than 26 feet in right-of-way width, and not less than 20 feet in pavement width.

(Ord. No. 13153, § 3, 2-19-2013)

Editor's note—

Ord. No. 13153, § 3, adopted February 19, 2013, amended Section 16.16.020 in its entirety to read as herein set out. Formerly, Section 16.16.020 pertained to width of streets, and derived from the prior code § 7-4.16.

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17.102.010 Title, purpose, and applicability.

The provisions of this chapter and Chapters 17.104 through 17.108 shall be known as the regulations applicable to certain activities and facilities. The purpose of these provisions is to set forth certain of the regulations which apply throughout the City or in several zones. These regulations shall apply in the zones and situations specified hereinafter.

(Ord. No. 13172, § 3(Exh. A), 7-2-2013, Prior planning code § 7000)

17.102.020—17.102.080 Reserved.

Editor's note—

Ord. No. 13172, § 3(Exh. A), adopted July 2, 2013, repealed the former Sections 17 102.020, 17.102.040, 17.102.070, and 17 102.080 in their entirety, which pertained to supplemental zoning provisions, effect of prior permits, application of zoning regulations to lots divided by zone boundaries, and permitted and conditionally permitted uses, respectively, and derived from the prior planning code, §§ 7001, 7003, 7006, 7008, Ord. No. 12872, § 4, adopted 2008, and Ord. No. 13064, § 2(Exh. A), adopted March 15, 2011

17.102.090 Shared access facilities.

- A. Use Permit Required. A shared access facility shall be allowed only upon the granting of a conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134
- B. Use Permit Criteria. A conditional use permit under this Section may be granted only upon determination that the proposal conforms to the general use permit criteria set forth in the conditional use permit procedure in Chapter 17.134 and to all of the following additional use permit criteria:
 - 1. Compliance with Guidelines. Each shared access facility proposal shall be in compliance with all applicable City standards, including but not limited to the City Planning Commission guidelines for development and evaluation of shared access facilities.
 - 2. Public Safety. The width of a shared access facility shall be adequate to ensure unimpeded emergency and nonemergency ingress and egress at all times. Additionally, the shared access facility shall conform to City standards for roadway layout and design.
 - 3. Aesthetics. A shared access facility shall be designed to provide the environmentally superior alternative to other approaches for the development of the property and shall be designed to be visually compatible with its surroundings, as set forth in the City Planning Commission guidelines; 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.
 - 4. On-Going Owner Responsibility. Applicants for a shared access facility shall submit, for approval, an agreement for access facility maintenance, parking restrictions, and landscape maintenance. Upon staff approval, the proposed agreement shall be recorded by the applicant within thirty (30) days with the Alameda County Recorder. In addition, applicants for a shared access facility shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the City thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage.
 - 5. Certification. Prior to construction, applicants for a shared access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was constructed in accordance with the approved plans and construction standards. This requirement may be modified or waived at the discretion of the Director of Public Works, based

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17.116.200 Parking space dimensions.

(See illustration I-21.) The provisions of this section shall apply to all activities in all zones except Residential Activities occupying One-Family, Two-Family, or Multifamily Residential Facilities located within the S-12 residential parking combining zone, where the provisions of Section 17.94.060 shall apply. All required parking spaces shall have the minimum dimensions set forth below and shall be provided, where necessary, with driveways and maneuvering aisles as set forth in Section 17.116.210. Compact and intermediate parking spaces shall count toward the off-street parking requirements only if located on a lot containing a total of three or more required spaces. On such a lot, up to fifty percent (50%) of the required parking spaces may be compact spaces, provided that at least fifty percent (50%) of the required spaces are regular and/or handicapped spaces. Alternatively, when five or more parking spaces are required, up to seventy-five percent (75%) of the required spaces may be intermediate spaces, provided that if any required spaces are compact spaces, an equal or greater number of the required spaces shall be regular and/or handicapped spaces.

- A. **Regular Parking Spaces.** A regular parking space shall be not less than eighteen (18) feet long and eight and one-half feet (8½) wide for all parking patterns except parallel parking. However, where one or both of the long sides of a regular parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. (See subsection D for exceptions to this two (2) foot requirement). For parallel parking, a regular parking space shall be not less than twenty-two (22) feet long and eight (8) feet wide.
- B. **Intermediate Parking Spaces.** An intermediate parking space shall be not less than sixteen and one-half (16½) feet long and eight (8) feet wide for all parking patterns except parallel parking. However, where one or both of the long sides of a regular parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. See subsection D for exceptions to this two (2) foot requirement. For parallel parking, an intermediate parking space shall be not less than twenty and one-half (20½) feet long and seven and one-half (7½) feet wide.
- C. **Compact Parking Spaces.** A compact parking space shall be not less than fifteen (15) feet long and seven and one-half (7½) feet wide for all parking patterns except parallel parking. However, where one or both of the long sides of a compact parking space which is at an angle of ninety (90) degrees or less, but more than sixty (60) degrees, to a maneuvering aisle abuts a wall or other, similar obstruction, the width specified above shall be increased by two (2) feet. (See subsection D for exceptions to this two (2) foot requirement) For parallel parking, a compact parking space shall be not less than nineteen (19) feet long and seven (7) feet wide.
- D. **Posts and Other Obstructions.** Posts and other similar structural members may be located immediately adjacent to a required parking space, provided that:
 - 1. Such required parking space is a regular space or, if the City-Traffic Engineer determines that sufficient maneuvering area is present, an intermediate or compact space; and
 - 2. Such post or other similar structural member is located at least three (3) feet but not more than five (5) feet from the maneuvering aisle or located not more than four (4) feet from the end of the parking space opposite the maneuvering aisle; and
 - 3. Such post or other similar structural member does not impede pedestrian access to vehicle parking in the space; and
 - 4. Such posts and other similar structural members shall be located on one side only of a required parking space.

(Ord No 13064, § 2(Exh. A), 3-15-2011, Ord 12376 § 3 (part), 2001 prior planning code § 7539)

Location: 4690 Tompkins Avenue (APN: 037 -2544-017-01)
(see map on reverse)

Proposal: At a 2-acre property (bound by Tompkins Ave, Wilkie St, and Fair Ave) containing a vacant senior facility (built c. 1928), one occupied duplex, seven occupied single family homes, another vacant non-residential facility, an internal through block driveway between facilities and residences, open spaces, and trees:

Split the lot along the internal driveway; convert the vacant senior facility into 40 condominium units, with façade and site changes including balconies and patios; demolish the other vacant non-residential facility to create a surface parking lot on-site along Tompkins Ave; create additional parking stalls throughout the site; tree removal and replacement; installation of landscaping throughout the site; illumination; and other minor site modifications including stairs on grade leading to Fair Ave.

Community meetings and a Design Review Committee meeting on June 26, 2013 have been held; suggested revisions have been incorporated and a parking study has been submitted and reviewed

Applicant: Kevin Skiles

Phone Number: (415) 659-9409

Owner: 4690 Tompkins LLC

Planning Permits Required: Major Conditional Use Permit to exceed 7 units on two lots in the RM-3 Zone on an existing site exceeding one acre;
Minor Conditional Use Permits to create a Multifamily Dwelling Residential Facility in the RM-3 Zone; for lot split between existing buildings; for a shared access facility;
Tentative Parcel Map to split one lot into two and establish 40 new condominium units;
Regular Design Review for construction of new dwelling units and for exterior architectural and site modifications;
CEQA Class 32 Infill Development Project environmental review exemption;

Tree Removal Permit to remove Protected Trees

General Plan: Mixed Housing Type Residential

Zoning: RM-3 Mixed Housing Type Residential Zone

Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines:
In-Fill Development Projects;

Section 15183 of the State CEQA Guidelines:

Projects Consistent with a Community Plan, General Plan or Zoning

Potential Designated Historic Property (Survey rating: B+3)

Historic Status:

Service Delivery District: 4

City Council District: 4

Dates Filed: February 20, 2013 / November 14, 2013 (TPM)

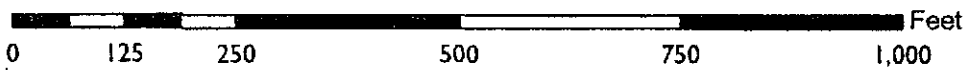
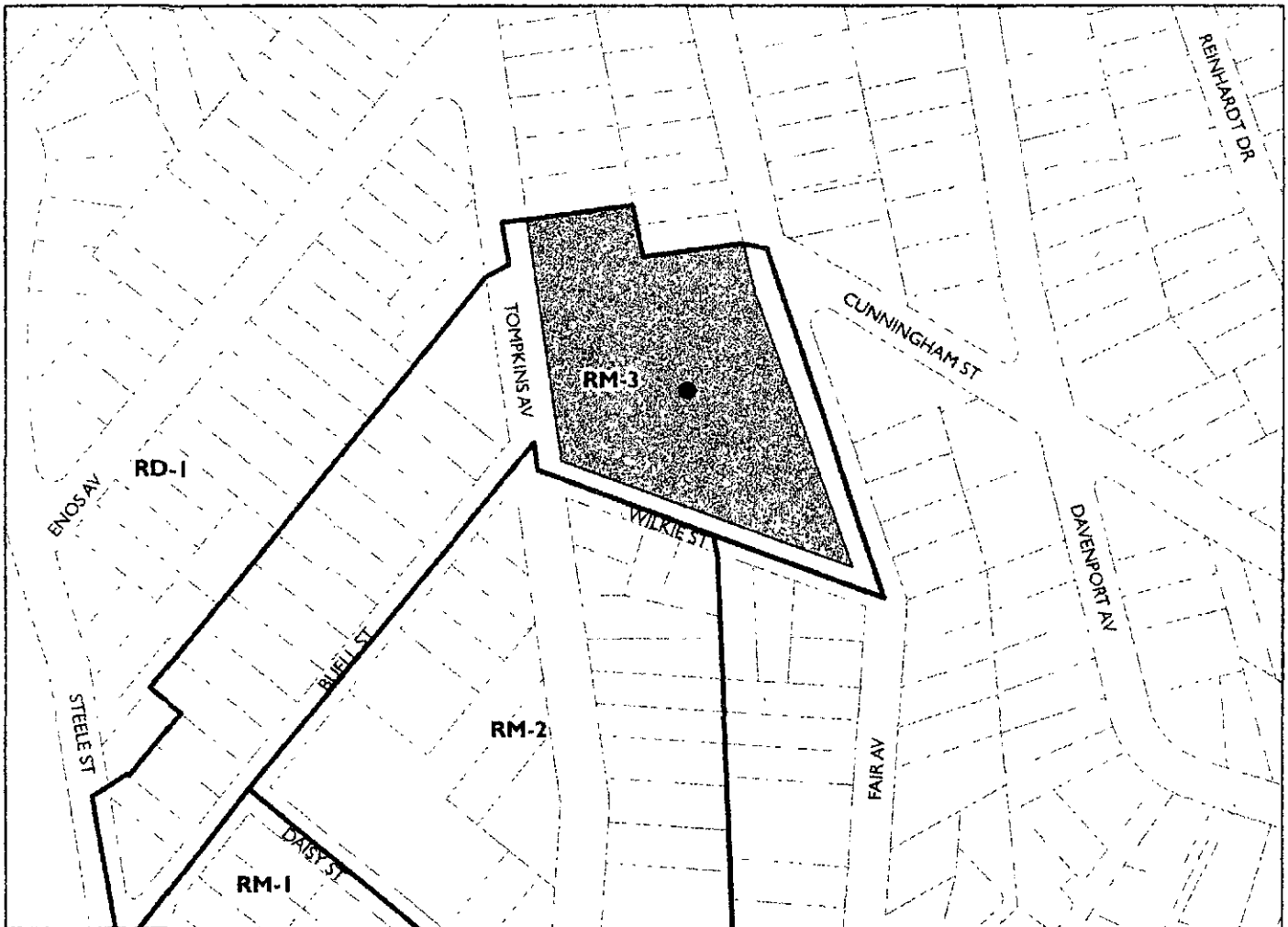
Action to be Taken: Decision by Planning Commission

Staff Recommendation: Approve with Conditions

Finality of decision: *Appealable to City Council within 10 calendar days*

For Further Information: Contact case planner **Aubrey Rose AICP, Planner II** at (510) 238-2071 or arose@oaklandnet.com

CITY OF OAKLAND PLANNING COMMISSION



Case File: CMD13067 / TPM10191 / T1300012
Applicant: Kevin Skiles
Address: 4690 Tompkins Avenue
Zone: RM-3

SUMMARY

The applicant requests Planning Commission approval of Zoning Permits to convert a vacant senior nursing home facility into a forty unit condominium building. The proposal involves:

- Subdividing the property;
- Converting the facility into condominium units;
- Performing façade improvements;
- Demolishing a building;
- Creating a surface parking lot; and
- Site improvements.

At least four community meetings and a Design Review Committee meeting have been held regarding the project. A parking study has been submitted. The Building Division has reviewed and commented on the project. Various suggested design revisions have been incorporated.

Staff recommends approval subject to Conditions as described in this report.

PROPERTY DESCRIPTION

The 2.35 acre site is at the end of a City block terminating at Wilkie Street between Tompkins and Fair Avenues. It is located east of MacArthur Boulevard and the 580 freeway. The property consists of nine merged lots sloping upward from Tompkins (approximately 18-percent cross sloping grade). The site was used as a senior nursing home facility/campus starting in the 1930s, with additions and other structures added over the years. It features a vacant 63,000 square-foot senior nursing home facility building (Beulah Heights, built c. 1928) facing Tompkins and centered at Wilkie, with an addition running along Wilkie to Fair; a vacant civic building along Tompkins ("House of Psalms"); one occupied duplex and seven occupied single family homes towards Fair, curvilinear driveways with parking spaces at Tompkins/Wilkie that run through the block between buildings to connect Fair and Tompkins together. This interior street contains twenty-one parking spaces. The site also contains open spaces and trees. The main building on the property has been essentially vacant for approximately fifteen years.

The main facility (Beulah Heights) is a Potential Designated Historic Property of "major importance" (Survey rating: B+3) under the Oakland Cultural Heritage Survey. This is due to the original portion of the building. It is primarily two stories with a third story tower addition. The building has stucco siding and a partially tiled roof. The building contains approximately fifteen kitchens and once contained ninety-four bedrooms. Rear entrances face the interior driveway. The building has been largely vacant for approximately fifteen years.

The Tompkins frontage (300 feet) faces a church and two single family homes. The Wilkie frontage (365 feet) faces three homes, a duplex and a vacant lot. The Fair frontage (420 feet) faces five homes. The interior lot line (325 feet) abuts three single family properties. The site is part of a mixed housing type residential zone consisting of homes, duplexes, and small apartment buildings (mostly four-plexes). The site is flanked by single family home zoning on three uphill sides and approximately one dozen apartment buildings extend west downhill approximately one thousand feet to MacArthur Boulevard (approximately 6-percent slope). To the west is a six-acre public elementary school campus on Steele Street and to the south is a one-acre bed & breakfast/conference center on Daisy Street. Across the 580 freeway to the south is the Mills College campus. To the north is the Laurel shopping district. To the east is an additional shopping center and large open space areas in the hills.

PROJECT DESCRIPTION

The proposal is to convert the vacant facility into forty market rate condominiums. This would involve:

- Subdividing the lot along the internal driveway into two lots sharing the driveway;
- Retrofitting the interior of the vacant facility into units;

- Façade and site alterations including installation of balconies and creation of patios;
- Demolition of the other vacant building to create a surface parking lot on-site along Tompkins;
- Creation of additional parking stalls throughout the site;
- Tree removal and replacement;
- Installation of landscaping throughout the site;
- Installation of exterior illumination; and
- Other minor site modifications.

Subdivision/Condominium units

The subdivision will result in one lot with the existing occupied nine residences and another lot containing the vacant facility. Condominium units would consist of a total of twenty-one (21) one-bedroom units and nineteen (19) two-bedroom units. The basement crawl space would be partially excavated and converted into three (3) of the one bedroom condominiums with patios. The first floor would contain condominiums and six exterior patios (10' x 10') and balconies (5' x 5') would be constructed. Some patios would be adjoined. The second floor would contain condominiums with new balconies. The third floor would contain two (2) of the condominiums, a manager's unit, and balconies. Units would be sold or rented at market rate.

Building exterior

Windows would be enlarged and updated throughout and building. Mounted lighting would be installed. Along the Tompkins elevation, doors would replace windows to service the new balconies. The balconies would contain metal rails and four-inch stucco trim would be applied around doorways. Balconies would consist of usable types, some containing space interior to the unit, as well as purely decorative types. A new ramp would be installed and new patios would be created with patterned paving, six-foot high divider walls, concrete piers and metal rails. Decorative lights, new sill trim, raised planters, and new front doors would be installed. The building would be repainted. Along the Wilkie frontage, three garage doors and exterior stairs would also be replaced.

Site improvements

Trash enclosures would be installed behind the Tompkins parking lot and beside the Fair driveway. Gaps in a retaining wall along Wilkie would be filled. A fence and gate would be installed at the Tompkins driveway. Infiltration planters would be installed there on either side. Front and side paths would be improved with decorative paving. Three new twelve-foot tall light poles would be installed at the driveway and parking lot. Stairs would be added on grade leading to Fair, a recent revision to the proposal.

Open space

Usable open space, both private and group, would be provided through the patios at the first floor, balconies at the second and third floors, a courtyard, a terrace, and a garden. Some of the open spaces would be interior to the site, not facing a street. A large, gated outdoor community area would be installed along Wilkie.

Parking

The demolished non-residential building would be replaced with a new eighteen space open parking lot with a new curb cut, trees, landscaping, and lighting. Hedges would be installed to screen the parking lot from residential units. Ten additional spaces would be created in the front driveway at Tompkins. Two spaces would be added alongside the Wilkie driveway. Total parking on-site would be fifty-nine spaces. Bicycle parking would also be installed, including two spaces in the front yard. A stairway would be constructed to connect the new lot with the upper parking lot.

Trees and landscaping

The site contains fifty-eight trees consisting of forty species and twelve protected trees. The project would remove several trees and replace with new trees. The City's Tree Division has recommended approval of the Tree Permit.

BACKGROUND

In 2000, a twenty-seven unit residential project was proposed at this site by previous owners. The project was denied by the Planning Commission in 2004 and an appeal was denied by the City Council in 2004. That proposal lacked adequate site improvements (landscaping, new paint, new paving).

In 2012, a new owner approached the Planning and Zoning Division with a concept for the current proposal. Staff advised the developer that any project should be designed to be compatible with the neighborhood, should meet requirements to avoid variances (for example, deficient parking), and that a neighborhood meeting should be held to introduce the proposal to the community (Zoning Pre-Application #ZC120015). A neighborhood meeting was held by the developer and the project was formally submitted. Follow-up neighborhood meetings were held by City staff due to significant neighborhood interest and opposition led by the BEST (Buell-Enos-Steele-Tompkins) neighborhood committee. On June 26, 2013 the Design Review Committee reviewed the project. The Committee heard public testimony including testimony from BEST and its representative Ms. Leila Moneharsh. Community concerns related to use and design are summarized as follows:

Change in use not conducive to site or neighborhood; preferred use is senior facility; affordable housing and/or rental units undesirable; density is excessive and detrimental to neighborhood character and function; negative effect on surrounding property values; nuisances (air quality, noise, privacy (from balconies), traffic/speeding, lack of public transit, crime, parking- guest capacity and street width); property owner's business structure and strategies

Parking (appearance); preserved more trees; use trees to screen window glare; install additional landscaping; vehicular exiting (On site alley should be one-way/downhill only); child safety; and slope stability

The Committee directed staff to work with the applicant to address potential issues of design; vehicular exiting; slope stability; tree preservation; and privacy issues related to trees, windows, and balconies. Subsequent community meetings were held in the form of smaller focus groups at the site on August 16, 2013 and at the neighborhood representative's office on September 23, 2013. In response, the applicant conducted a satisfactory parking study; redesigned the plans to contain greater tree preservation, more parking spaces, and stairs on grade; and submitted an application for a subdivision to complete the apartment units as condominiums. Lastly, the applicant met with a BEST member to follow-up. These items are discussed further in the Key Issues and Impacts section of this report.

GENERAL PLAN ANALYSIS

The property is located in the Mixed Housing Type Residential area under the General Plan. The intent of the area 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." Desired Character and Uses is: "Future development within this classification should be primarily residential in character." The proposed conversion to a multi-family facility is, therefore, consistent with the intent and desired character and uses of the General Plan as well as the following Policies:

Policy N3.2 Encouraging Infill Development.

In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

Policy N3.8 Required High-Quality Design.

High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

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.

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 is a residential in-fill development project that reuses and enhances a long vacant Potential Designated Historic Property as well as the mix of housing types in a residential area. These items are discussed further in the Key Issues and Impacts section of this report.

Staff finds that the proposal conforms to the General Plan.

ZONING ANALYSIS

The property is located in the RM-3 Mixed Housing Type Residential Zone. The intent of the RM-3 Zone is, "to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings at somewhat higher densities than in RM-2, and neighborhood businesses where appropriate."

Considerations to approve the project relate to compatibility of density with the site and surrounding neighborhood; usability of resultant subdivided lots; quality of architectural and site modifications; applicability of an environmental review exemption; and appropriateness of tree removal plan. Density would increase dramatically although not to the maximum conditionally permitted density under Zoning. Lot coverage (building footprint) and impervious surface (paving) would decrease. Parking would increase beyond the required supply. Open space would increase, primarily through the installation of patios and balconies.

The following table indicates existing and proposed development standards:

	Existing	Proposed	Required/Allowed
Lots	1	2	25
Units	9	49	68 (136 affordable or senior)
Usable Group Open Space	NA	10,791 sq ft	4,090 sq ft
Parking Spaces	21	59	49
Lot Coverage	61,368 sq ft (60%)	56,299 sq ft (55%)	51,075 sq ft (50%)
Impervious Surface	33,357 sq ft (32%)	28,288 sq ft (28%)	51,075 sq ft (50%)

These items are discussed further in the Key Issues and Impacts section of this report. The project meets Planning Code requirements for buffering (screening residential parking), bicycle parking, recycling, landscaping, and Green Building. The proposed design for conversion into a multi-family facility and site is, therefore, consistent with the intent of the Planning Code and the following Purpose of the Planning Code:

"To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provision for sunlight, fresh air, and usable open space...." (OMC Sec. 17.07.030(D).)

Staff finds that the proposal conforms to the Planning Code.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15332 of the State CEQA Guidelines exempts "In-Fill Development Projects." The proposal to create additional dwelling units within an existing structure in a developed urban area meets the conditions described in Section 15332. In addition, CEQA mandates that projects which are consistent with the development density established by existing zoning or general plan policies for which an EIR was certified shall not require additional environmental review. (CEQA Guidelines, § 15183(a).)

The proposal does not require a Traffic Impact Study under the City's environmental review thresholds or a Transportation Demand Management Plan under the City's Standard Conditions of Approval for new vehicle trips generated according to ITE (Institute of Transportation Engineers) guidelines (Attachment F). The project exceeds required on-site parking pursuant to the Planning Code. Nonetheless, staff required the applicant to obtain a parking study. The study (Attachment F) indicates the neighborhood contains adequate on-street parking although as indicated excess on-site supply is proposed. Additionally, the proposal would not impair the Potential Designated Historic Property status of the property's primary structure. The minor alterations would not have the potential to disqualify the property from Landmark eligibility or have substantial adverse effects on the property's character-defining elements.

The project is therefore exempt from further Environmental Review.

KEY ISSUES AND IMPACTS

Following are staff's responses to outstanding concerns regarding the proposal:

The residentially-zoned site has traditionally been classified as civic (senior nursing home) and neighbors have expressed interest in the site returning to this use rather than a denser multi-family use. However, the City has received an application for a multi-family project and is obligated to review and process the application for conformity and compatibility. The City's review generally does not involve suggestions by the Planning and Zoning Division of alternative land uses to replace a viable proposal. Were an application for a senior nursing home to be filed, it would be processed by the Division and either approved or denied by the Planning Commission, as it would be a conditionally permitted use.

The site is already multi-family in use (with two large vacant buildings) as are several other properties in this Zoning District extending along Buell Street from the site to MacArthur Boulevard. The proposal for forty-nine units total is fewer than the maximum number of units conditionally permitted by current and prior Zoning of 68 units, or 136 if approved as a senior or affordable housing project under a Density Bonus and Incentive procedure (which often includes reduced parking). Were the lot to be hypothetically cleared and subdivided with single family homes, under Zoning the lot size would potentially yield up to fifty households under a scenario of twenty-five single family homes and twenty-five secondary units (fifty units total). The prior use contained ninety-four bedrooms whereas the proposal would consist of fifty-nine bedrooms (within forty condominiums). In the past, city planning practice tended to segregate uses such as single family homes, apartments, and senior facilities. Current trends are to mix housing types in residential zones, and to locate senior facilities in mixed use (urban residential and commercial) areas close to amenities.

The concerns for potential crime as a result of future residents and/or their guests is beyond the scope of a Zoning review, although the applicant has modified his proposal to construct apartment units to the development of condominium units for sale or rent. Condominiums denote home ownership and are, therefore, generally considered less prone to generation of crime. The project will reuse a vacant Potential Designated Historic Property that may otherwise become further dilapidated and could attract vandals and squatters. Staff anticipates improvements will actually enhance neighborhood character and property values. Additionally, Conditions of Approval require a CPTED review (Crime Prevention Through Environmental Design), although staff finds the proposal to be largely in compliance.

Neighbors expressed concern for the corporate parent company of the property owner. This is not a Zoning issue, although staff would point out that many developers are for-profit operations with corporate affiliations. Neighbors also expressed concerns for the property owner's ownership and management of a rooming house located in Oakland's Central Business District. Although often considered problematic by the public, the City strives to preserve housing alternatives that provide transitional and supportive housing. In the case of the subject property, staff understands that the current owner (project applicant) has improved the overall condition of the building.

Parking would be provided on-site in to meet the demand. The longer internal driveway would be converted to a one-way street. The proposal does not require a Traffic Impact Study under the City's environmental review thresholds or a Transportation Demand Management Plan under the City's Standard Conditions of Approval for new vehicle trips generated. The parking study (Attachment F) indicates the neighborhood contains adequate on-street parking although as indicated, excess on-site supply is proposed. Staff would also point out that a senior nursing home facility scenario would also generate traffic and parking demand including a greater number of delivery and transport vehicles and visitors. Public transit, which is located approximately one thousand feet away at MacArthur Boulevard (AC Transit with connections to BART), is more accessible for non-senior pedestrians.

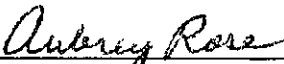
Air quality is not anticipated to be an issue. Noise should increase only minimally given open spaces are primarily at the interior of the site, and given the site has been and continues to be inhabited. Staff notes, permitted uses such as childcare could be issued with no Zoning review and could potentially generate more noise than the proposed use. Additional trees have been preserved for appearance and screening and ample landscaping is proposed. The Building Division has reviewed the subdivision and required various seismic, geotechnical, and soil studies prior to construction, as set forth in a Memorandum dated January 14, 2014 (Attachment E); these requirements are included as Conditions of Approval. Concern was expressed by the Design Review Committee, neighbors, and staff for various architectural components of the proposal; particularly the design of balconies and patios. The Secretary to the Landmarks Board reviewed the proposal because the building is a B-rated Potential Designated Historic Property and recommended that the plans should be revised to eliminate some of the street-facing balconies. Elimination of these balconies would also reduce potential privacy impacts to neighbors. The applicant has revised plans accordingly.

CONCLUSION

In conclusion, staff finds the proposal, especially with revisions to address concerns to the extent possible, to be a positive, viable infill project meeting the needs, goals, and policies of the City and conforming to Zoning requirements. The proposal provides for an adaptive re-use of a long-vacant PDHP that provides additional housing opportunities. Staff recommends approval subject to conditions.

- RECOMMENDATIONS:**
1. Affirm staff's environmental determination.
 2. Approve the Major Conditional Use Permit, Minor Conditional Use Permits; Tentative Parcel Map; Regular Design Review; and Tree Removal Permit subject to the attached Findings and Conditions of Approval.

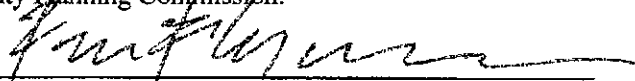
Prepared by:


AUBREY ROSE, AICP
Planner II

Approved by:


SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:


RACHEL FLYNN, Director
Department of Planning and Building

ATTACHMENTS:

- A. Findings
- B. Conditions of Approval
- C. Plans
- D. Design Review Committee staff reported dated June 26, 2013
- E. Building Division Memorandum dated January 14, 2014
- F. Parking Study (Transportation Memorandum) by TJKM dated October 1, 2013
- G. Correspondences

ATTACHMENT A: FINDINGS

This proposal meets all the required findings under the General Use Permit Criteria (OMC Sec. 17.134.050); RM Mixed Housing Type Residential Zones Regulations / Property Development Standards (OMC Sec. 17.17.050(A)(3)); Conditional Use Permit to Subdivide a Parcel Between Existing Buildings (OMC Sec. 17.106.010B); Conditional Use Permit for Shared Access Facilities/Use Permit Criteria (OMC Sec. 17.102.090(B)); Regular Design Review Criteria (OMC Sec. 17.136.050); Tentative Maps/Action On (OMC Sec. 16.08.030); Parcel Maps/Lot Design Standards (OMC Sec. 16.24.040) of the Oakland Planning Code (OMC Title 17) and In-Fill Development Projects under California Environmental Quality Act/ Guidelines Section 15332, 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.

SECTION 17.134.050 – GENERAL USE PERMIT CRITERIA

1. 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 project will enhance an existing underutilized site with improvements featuring the renovation and conversion of a vacant B rated building into market rate for sale housing for persons of all ages compatible with the mixed housing type residential neighborhood adjacent to public transit that links to shopping. The building has been vacant for fifteen years and the project will reuse the building at a site providing privacy, parking, open space, and landscaping compatible with the neighborhood.

2. 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 enhance an existing underutilized site with major improvements. The project will provide much needed housing units in an attractive building located in a pleasant neighborhood.

3. 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 project will enhance an existing site with improvements. The project will provide much needed housing units in close proximity to public transit and the 580 freeway as well as to schools, shopping districts, and open space.

4. The proposal conforms with all applicable Regular Design Review criteria set forth in Section 17.136.050 of the Oakland Planning Code:

The proposal conforms to design review criteria as described in a separate section of this attachment.

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

1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that

allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite 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 site does include homes and a duplex; however, the Conditional Use permit does not concern regulations governing development standards such as height, yards, coverage, or building length. This finding is, therefore, inapplicable.

6. 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 property is located in the Mixed Housing Type Residential area under the General Plan. The intent of the area 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." Desired Character and Uses is: "Future development within this classification should be primarily residential in character." The proposed design for a multi-family facility and site is, therefore, consistent with the intent and desired character and uses of the General Plan as well as the following Policies:

Policy N3.2 Encouraging Infill Development.

In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

Policy N3.8 Required High-Quality Design.

High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

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.

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 is a residential in-fill development project that enhances a potential designated historic property formerly serving a use that was classified as civic and technically not residential, as well as the mix of housing types in a residential area.

SECTION 17.17.050(A)(3) - RM MIXED HOUSING TYPE RESIDENTIAL ZONES REGULATIONS / PROPERTY DEVELOPMENT STANDARDS

a. 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 project features an existing building on an existing site in a mixed housing type neighborhood located one thousand feet from a major arterial and freeway. The project will provide privacy, parking, open space, and

landscaping for new residents and will continue to be compatible with the surrounding neighborhood.

d. 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;

Open space will be largely located at the large site's interior, with trees for screening and new stairs on grade to reach the public right-of-way.

e. 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 lot contains driveways, parking, and walkways and will be improved with additional parking that is landscaped and illuminated.

SECTION 17.106.010B – CONDITIONAL USE PERMIT TO SUBDIVIDE A PARCEL BETWEEN EXISTING BUILDINGS

1. All principal structures are habitable or in sound condition:

The single family homes and duplexes are inhabited; the large facility will be renovated into forty condominium apartment units.

2. The proposal will not result in a lot which is so small, so shaped, or so situated that it would be impractical for subsequent permitted uses:

The subdivision will rely on a shared access facility.

3. The proposal will result in a reasonable amount of usable open space and off-street parking spaces for any Residential Facilities involved:

Usable open space and required parking will be maintained on each resultant parcel.

SECTION 17.102.090(B) – CONDITIONAL USE PERMIT FOR SHARED ACCESS FACILITIES/USE PERMIT CRITERIA

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

The existing internal driveway will become a shared access facility.

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

The shared access facility will consist of an existing driveway that will be converted to one-way for increased safety.

3. Aesthetics. A shared access facility shall be designed to provide the environmentally superior alternative to other approaches for the development of the property and shall be designed to be visually compatible with its surroundings, as set forth in the City Planning Commission guidelines; 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 shared access facility will consist of an existing driveway that is internal to a large property and primarily screened from the public right-of-way.

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

This criterion is included as a Conditional of Approval.

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

This criterion is included as a Conditional of Approval.

SECTION 17.136.050 - REGULAR DESIGN REVIEW CRITERIA

Regular design review approval may be granted only if the proposal conforms to all of the following general design review criteria, as well as to any and all other applicable design review criteria:

A. For Residential Facilities.

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 design will enhance a B rated building and large landscaped site with paint, balconies, patios, new enlarged windows, new doors, new trees and landscaping, new illumination, new paving, less impervious surface, and other improvements.

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

The existing facility and site to be improved are located in a mixed housing type residential neighborhood adjacent to a single family neighborhood. The improvements to the structure and site described in this report that are visible from the public right-of-way and adjacent properties will enhance the residential character of the neighborhood.

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

The proposal involves preservation of several mature trees and minimal grading at the 2.35 acre site.

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

The proposal will include new stairs on grade and improvements to a steep driveway.

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 design modifications to an existing B rated building conform to the City's Design Review Criteria (Guidelines) for High Density Housing.

D. For Potential Designated Historic Properties that are not Local Register Properties: That for additions or alterations,

1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or

Alterations to the B rated building are compatible with the existing structure.

2. The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or

As described in previous findings, the alterations will enhance the B rated structure.

3. The existing design is undistinguished and does not warrant retention

The B rated structure is distinguished and alterations will not detract from its design quality.

SECTION 16.08.030 – TENTATIVE MAPS/ACTION ON

(Pursuant to California Government Code Section 66474, Chapter 4 of the Subdivision Map Act).

The Advisory Agency shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

A. That the proposed map is not consistent with the applicable general and specific plans as specified in the State Government Code Section 65451.

The proposal to subdivide an existing developed lot and convert a building there into condominium apartment units is consistent with the Mixed Housing Type Residential area of the General Plan and the RM-3 Mixed Housing Type Residential Zone as described in the staff report.

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

The subdivision along a central through access to split a site and to complete new apartment units in an existing building as condominiums is consistent with the Mixed Housing Type Residential area of the General Plan and the RM-3 Mixed Housing Type Residential Zone as described in the staff report.

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

The existing developed site with a central through access and a 63,000 square foot building is suitable for a lot split and condominium apartments.

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

The resultant lot to contain an 63,000 square foot building can accommodate forty condominium apartment units and the other resultant lot to contain seven homes and one duplex will conform to the General Plan and Zoning and will all be served by open space and parking.

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

The site is developed, will not be further developed with new structures, and is located in a developed urban neighborhood not directly adjacent to significant open space.

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

The site is developed, is not proposed to be further developed with new structures, and is located in a developed urban neighborhood. The proposal includes open space, light, air and will be served by utilities.

G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. (This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision).

The site does not contain easements.

H. That the design of the subdivision does not provide to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

The site is already developed.

SECTION 16.24.040- PARCEL MAPS/LOT DESIGN STANDARDS

A. No lot shall be created without frontage on a public street, as defined by Section 16.04.030, except:

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

The lots will contain street frontage.

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.

The lot lines shall follow an existing access driveway that runs perpendicular to a cross slope.

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

The project conforms to Zoning regulations and no variances are required.

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

- 1. Where the area is still considered acreage.**
- 2. 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 two resultant lots will be larger than surrounding lots.

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 project will preserve numerous mature, healthy trees.

IN-FILL DEVELOPMENT PROJECTS (CALIFORNIA ENVIRONMENTAL QUALITY ACT, GUIDELINES SECTION 15332)

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

The project conforms to the General Plan and Planning Code and no variances are required as described in the staff report.

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

The 2.35 acre site is located entirely within the City of Oakland.

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

The site was developed as early as 1928 and contains significant impervious surface.

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

The proposal does not require a traffic study or transportation management plan although a parking study has indicated no adverse impacts and a driveway will be improved and converted to one-way.

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

The site is already developed and is located in an urbanized area. New dwelling units will be served by existing utilities and public services.

ATTACHMENT B: CONDITIONS OF APPROVAL

1. **Approved Use**

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **staff report**, and the plans dated **October 30, 2013 and November 7, 2013 (TPM)** and submitted on **February 20, 2013 and November 14, 2013 (TPM)**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.
- b) This action by the **City Planning Commission** ("this Approval") includes the approvals set forth below. This Approval includes:
- I. Major Conditional Use Permit to exceed 7 units on two lots in the RM-3 Zone on an existing site exceeding one acre; Minor Conditional Use Permits to create a Multifamily Dwelling Residential Facility in the RM-3 Zone, for lot split between existing buildings, for a shared access facility; Tentative Parcel Map to split one lot into two and establish 40 new apartment dwelling units as condominiums; Regular Design Review for construction of new dwelling units and for exterior architectural and site modifications; CEQA Class 32 Infill Development Project environmental review exemption; and Tree Removal Permit to remove Protected Trees to: split the lot along the internal driveway; convert the vacant senior facility into 40 condominium apartment units, with façade and site changes including balconies and patios; demolish the other vacant non-residential facility to create a surface parking lot on-site along Tompkins Ave; create additional parking stalls throughout the site; tree removal and replacement; installation of landscaping throughout the site; illumination; and other minor site modifications including stairs on grade leading to Fair Ave.**

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

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, 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 permit, 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 for this project may invalidate this Approval if the said extension period has also expired.

3. **Scope of This Approval; Major and Minor Changes**

Ongoing

The project is approved pursuant to the **Planning Code, Subdivision Regulations, and Tree Ordinance** only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. **Conformance with other Requirements**

Prior to issuance of a demolition, grading, P-job, or other construction related permit

- a) The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. 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 of Approval 3.
- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

5. **Conformance to Approved Plans; Modification of Conditions or Revocation**

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, **Conditions** or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals 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 Conditions of Approval.

6. **Signed Copy of the Conditions**

With submittal of a demolition, grading, and building permit

A copy of the approval letter and **Conditions** shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

7. **Indemnification**

Ongoing

- a) To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and its respective agents, officers, and employees (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, (1) an approval by the City relating to a development-related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the 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 applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the applicant of any of the obligations contained in this condition or other requirements or conditions of approval that may be imposed by the City.

8. **Compliance with Conditions of Approval**

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. **Severability**

Ongoing

Approval of the project 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. **Job Site Plans**

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval, shall be available for review at the job site at all times.

11. **Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management**

Prior to issuance of a demolition, grading, and/or construction permit

The project applicant may be required to pay for on-call third-party special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review or construction. The project applicant may also be required to cover the full costs of independent technical review and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. **Payment for Public Improvements**

Prior to issuance of a final inspection of the building permit.

The project applicant shall pay for and install public improvements made necessary by the project including damage caused by construction activity.

13. Compliance Matrix

Prior to issuance of a demolition, grading, or building permit

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a **Conditions** compliance matrix that lists each condition of approval, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval. The compliance matrix shall be organized per step in the plancheck/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance matrix and provide it with each item submittal.

14. Construction Management Plan

Prior to issuance of a demolition, grading, or building permit

The project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan that identifies the conditions of approval related to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval.

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

Ongoing throughout demolition, grading, and/or construction

During construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

- a) Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). 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 possible.
- 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. as soon as feasible. In addition, building pads should be laid as soon as possible after grading 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 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) 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.

- i) Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.
- j) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- k) All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
- l) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- m) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- n) Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- o) Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.
- p) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- q) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
- r) All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- s) 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
- t) Minimize the idling time of diesel-powered construction equipment to two minutes.
- u) The project applicant shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOx reduction and 45 percent particulate matter (PM) reduction compared to the most recent California Air Resources Board (CARB) fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as they become available.
- v) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).
- w) All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.
- x) Off-road heavy diesel engines shall meet the CARB's most recent certification standard.

16. Noise Control

Ongoing throughout demolition, grading, and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

- 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) Stationary noise sources shall be located as far from adjacent receptors 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.
- d) 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.

17. **Noise Complaint Procedures**

Ongoing throughout demolition, grading, and/or construction

Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- a) A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);
- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

18. **Interior Noise**

Prior to issuance of a building permit and Certificate of Occupancy

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:

- (a) Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and
- (b) Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.

- (c) Inclusion of a Statement of Disclosure Notice in the CC&R's on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:
 - a) Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.
 - b) Prohibition of Z-duct construction.

19. Operational Noise-General

Ongoing.

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 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 Planning and Zoning Division and Building Services.

20. Construction Traffic and Parking

Prior to the issuance of a demolition, grading or building permit

The project applicant and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project and other nearby projects that could be simultaneously under construction. The project applicant shall develop a construction management plan for review and approval by the Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles at an approved location.
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.
- e) Provision for accommodation of pedestrian flow.

21. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on 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) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- 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 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 notification of 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.

22. Waste Reduction and Recycling

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

Prior to issuance of demolition, grading, or building permit

Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

23. Lighting Plan

Prior to the issuance of an electrical or building permit

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. Plans shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site.

24. Asbestos Removal in Structures

Prior to issuance of a demolition permit

If asbestos-containing materials (ACM) are found to be present in building materials to be removed, demolition and disposal, the project applicant shall submit specifications signed by a certified asbestos consultant for the removal, encapsulation, or enclosure of the identified ACM in accordance with all applicable laws and regulations, including but not necessarily limited to: California Code of Regulations, Title 8; Business and Professions Code; Division 3; California Health & Safety Code 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended.

25. Tree Removal During Breeding Season

Prior to issuance of a tree removal permit

To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites 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 start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences 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 CDFG, 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.

26. Tree Removal Permit

Prior to issuance of a demolition, grading, or building permit

Prior to removal of any protected trees, per the Protected Tree Ordinance, located on the project site or in the public right-of-way adjacent to the project, the project applicant must secure a tree removal permit from the Tree Division of the Public Works Agency, and abide by the conditions of that permit.

27. Tree Replacement Plantings

Prior to issuance of a final inspection of the building permit

Replacement plantings shall be required for erosion control, groundwater replenishment, visual screening and wildlife habitat, and in order to prevent excessive loss of shade, in accordance with the following criteria:

- a) 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.
- b) Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California Buckeye) or *Umbellularia californica* (California Bay Laurel) or other tree species acceptable to the Tree Services Division.
- c) Replacement trees shall be at least of 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.
- d) Minimum planting areas must be available on site as follows:
 - i. For *Sequoia sempervirens*, three hundred fifteen square feet per tree;
 - ii. For all other species listed in #2 above, seven hundred (700) square feet per tree.

- e) In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee as determined by the master fee schedule of the city may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- f) Plantings shall be installed prior to the issuance of a final inspection of the building permit, subject to seasonal constraints, and shall be maintained by the project applicant until established. The Tree Reviewer of the Tree Division of the Public Works Agency may require a landscape plan showing the replacement planting and the method of irrigation. Any replacement planting which fails to become established within one year of planting shall be replanted at the project applicant's expense.

28. Tree Protection During Construction

Prior to issuance of a demolition, grading, or building permit

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:

- a) 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 City Tree Reviewer. 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.
- b) 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 City Tree Reviewer 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.
- c) 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 Tree Reviewer 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 tree reviewer. 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.
- d) 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.
- e) 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 Agency of such damage. 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.
- f) 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.

29. Erosion and Sedimentation Control Plan

Prior to any grading activities

- a) The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. 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 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 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 Director of Development or designee. 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.

Ongoing throughout grading and construction activities

- b) The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

30. Soils Report

Required as part of the submittal of a Tentative Tract or Tentative Parcel Map.

A preliminary soils report for each construction site within the project area shall be required as part of this project and submitted for review and approval by the Building Services Division. The soils reports shall be based, at least in part, on information obtained from on-site testing. Specifically the minimum contents of the report should include:

A. Logs of borings and/or profiles of test pits and trenches:

- a) The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two (2), when in the opinion of the Soils Engineer such borings shall be sufficient to establish a soils profile suitable for the design of all the footings, foundations, and retaining structures.
- b) The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.
- c) All boring logs shall be included in the soils report.

B. Test pits and trenches

- a) Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.
- b) Soils profiles of all test pits and trenches shall be included in the soils report.

C. A plat shall be included which shows the relationship of all the borings, test pits, and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.

D. Copies of all data generated by the field and/or laboratory testing to determine allowable soil bearing pressures, shear strength, active and passive pressures, maximum allowable slopes where applicable and any other information which may be required for the proper design of foundations, retaining walls, and other structures to be erected subsequent to or concurrent with work done under the grading permit.

- E. Soils Report. A written report shall be submitted which shall include, but is not limited to, the following:
- a) Site description;
 - b) Local and site geology;
 - c) Review of previous field and laboratory investigations for the site;
 - d) Review of information on or in the vicinity of the site on file at the Information Counter, City of Oakland, Office of Planning and Building,
 - e) Site stability shall be addressed with particular attention to existing conditions and proposed corrective attention to existing conditions and proposed corrective actions at locations where land stability problems exist;
 - f) Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes, and specifications, for fills, and pavement design as required;
 - g) Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report;
 - h) All other items which a Soils Engineer deems necessary;
 - i) The signature and registration number of the Civil Engineer preparing the report.
- F. The Director of Planning and Building may reject a report that she/he believes is not sufficient. The Director of Planning and Building may refuse to accept a soils report if the certification date of the responsible soils engineer on said document is more than three years old. In this instance, the Director may require that the old soils report be recertified, that an addendum to the soils report be submitted, or that a new soils report be provided.

31. Geotechnical Report

Required as part of the submittal of a tentative Tract Map or tentative Parcel Map

- a) A site-specific, design level, Fault Zone geotechnical investigation for each construction site within the project area shall be required as part of this project and submitted for review and approval to the Building Services Division. Specifically:
 - i. Each investigation shall include an analysis of expected ground motions at the site from identified faults. The analyses shall be in accordance with applicable City ordinances and policies, and consistent with the most recent version of the California Building Code, which requires structural design that can accommodate ground accelerations expected from identified faults.
 - ii. The investigations shall determine final design parameters for the walls, foundations, foundation slabs, surrounding related improvements, and infrastructure (utilities, roadways, parking lots, and sidewalks).
 - iii. The investigations shall be reviewed and approved by a registered geotechnical engineer. All recommendations by the project engineer, geotechnical engineer, shall be included in the final design, as approved by the City of Oakland.
 - iv. The geotechnical report shall include a map prepared by a land surveyor or civil engineer that shows all field work and location of the "No Build" zone. The map shall include a statement that the locations and limitations of the geologic features are accurate representations of said features as they exist on the ground, were placed on this map by the surveyor, the civil engineer or under their supervision, and are accurate to the best of their knowledge.
 - v. Recommendations that are applicable to foundation design, earthwork, and site preparation that were prepared prior to or during the project's design phase, shall be incorporated in the project.
 - vi. Final seismic considerations for the site shall be submitted to and approved by the City of Oakland Building Services Division prior to commencement of the project.

- vii. A peer review is required for the Geotechnical Report. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.
- b) Tentative Tract or Parcel Map approvals shall require, but not be limited to, approval of the Geotechnical Report.

32. Vegetation Management Plan

<http://www.oaklandnet.com/wildfirePrevention/WildfirePreventionAssessmentDistrictMap.pdf>
Prior to issuance of a demolition, grading, and/or construction and Ongoing

- a) The project applicant shall submit a vegetation management plan to the Planning and Zoning Division and Fire Services Division that includes if deemed appropriate, but not limited to the, following measures:
 - i. Removal of dead vegetation overhanging roof and chimney areas;
 - ii. Removal of leaves and needles from roofs;
 - iii. Planting and placement of fire-resistant plants around the house and phasing out flammable vegetation;
 - iv. Trimming back vegetation around windows;
 - v. Removal of flammable vegetation on hillside slopes greater than 20%;
 - vi. Pruning the lower branches of tall trees;
 - vii. Clearing out ground-level brush and debris;
 - viii. Stacking woodpiles away from structures.
- b) The project applicant shall enter into a maintenance agreement with the City that ensures that landscaping will be maintained and adhere to measures listed above.

33. Drainage Plan for Projects on Slopes Greater than 20%

Prior to issuance of building permit (or other construction-related permit)

The project drawings submitted for a building permit (or other construction-related permit) shall contain a drainage plan to be reviewed and approved by the Building Services Division. The drainage plan shall include measures to reduce the post-construction volume and velocity of stormwater runoff to the maximum extent practicable. Stormwater runoff shall not be augmented to adjacent properties or creeks. The drainage plan shall include and identify the following:

- i. All proposed impervious surface on the site;
- ii. Anticipated directional flows of on-site stormwater runoff;
- iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces;
- iv. Source control measures to limit the potential for stormwater pollution; and
- v. Stormwater treatment measures to remove pollutants from stormwater runoff.

34. Erosion, Sedimentation, and Debris Control Measures

Prior to issuance of demolition, grading, or construction-related permit

The project applicant shall submit an erosion and sedimentation control plan for review and approval by the Building Services Division. All work shall incorporate all applicable "Best Management Practices (BMPs)" for the construction industry, and as outlined in the Alameda Countywide Clean Water Program pamphlets, including BMP's for dust, erosion and sedimentation abatement per Chapter Section 15.04 of the Oakland Municipal Code. The measures shall include, but are not limited to, the following:

- a) On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the street, gutters, stormdrains.

- b) In accordance with an approved erosion control plan, the project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent degradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.
- c) Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.
- d) Install filter materials acceptable to the Engineering Division at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.
- e) Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.
- f) Direct and locate tool and equipment cleaning so that wash water does not discharge into the street, gutters, or stormdrains.
- g) Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.
- h) Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
- i) Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- j) Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the street, gutter, stormdrains.
- k) All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Board (RWQB).
- l) All erosion and sedimentation control measures shall be monitored regularly by the project applicant. The City may require erosion and sedimentation control measures to be inspected by a qualified environmental consultant (paid for by the project applicant) during or after rain events. If measures are insufficient to control sedimentation and erosion then the project applicant shall develop and implement additional and more effective measures immediately

35. Site Design Measures for Post-Construction Stormwater Management

Prior to issuance of building permit (or other construction-related permit)

The project drawings submitted for a building permit (or other construction-related permit) shall contain a final site plan to be reviewed and approved by Planning and Zoning. The final site plan shall incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. These measures may include, but are not limited to, the following:

- i. Minimize impervious surfaces, especially directly connected impervious surfaces;

- ii. Utilize permeable paving in place of impervious paving where appropriate;
- iii. Cluster buildings;
- iv. Preserve quality open space; and
- v. Establish vegetated buffer areas.

Ongoing

The approved plan shall be implemented and the site design measures shown on the plan shall be permanently maintained.

36. Source Control Measures to Limit Stormwater Pollution

Prior to issuance of building permit (or other construction-related permit)

The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

Ongoing

The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.

37. Post-Construction Stormwater Management Plan

Prior to issuance of building permit (or other construction-related permit)

The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- a) The post-construction stormwater management plan shall include and identify the following:
 - i. All proposed impervious surface on the site;
 - ii. Anticipated directional flows of on-site stormwater runoff; and
 - iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
 - iv. Source control measures to limit the potential for stormwater pollution;
 - v. Stormwater treatment measures to remove pollutants from stormwater runoff; and
 - vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.

- b) The following additional information shall be submitted with the post-construction stormwater management plan:
 - i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
 - ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape-based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

Prior to final permit inspection

The applicant shall implement the approved stormwater management plan.

38. Maintenance Agreement for Stormwater Treatment Measures

Prior to final zoning inspection

For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- i. The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

39. Stormwater and Sewer

Prior to completing the final design for the project's sewer service

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the Sewer and Stormwater Division. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

40. Compliance with the Green Building Ordinance, OMC Chapter 18.02

Prior to issuance of a demolition, grading, or building permit

The applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance, OMC Chapter 18.02.

- a) The following information shall be submitted to the Building Services Division for review and approval with the application for a building permit:
 - i. Documentation showing compliance with Title 24 of the 2008 California Building Energy Efficiency Standards.
 - ii. Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.

- iii. Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - iv. Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (b) below.
 - v. 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.
 - vi. 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.
 - vii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- b) The set of plans in subsection (a) shall demonstrate compliance with the following:
- i. CALGreen mandatory measures.
 - ii. All pre-requisites per the **GreenPoint Rated** 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.
 - iii. **Minimum 50 points (6 Community; 30 Energy; 5 IAQ/Health; 6 Resources; 3 Water)** per the appropriate checklist approved during the Planning entitlement process.
 - iv. 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 Planning and Zoning Division that shows the previously approved points that will be eliminated or substituted.
 - v. The required green building point minimums in the appropriate credit categories.

During construction

The applicant shall comply with the applicable requirements CALGreen and the Green Building Ordinance, Chapter 18.02.

- c) The following information shall be submitted to the Building Inspections Division of the Building Services Division 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.

After construction, as specified below

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 **Build It Green** and attain the minimum certification/point level identified in subsection (a) above. Within one year of the final inspection of the building permit for the project, the applicant shall submit to the Planning and Zoning Division the Certificate from the organization listed above demonstrating certification and compliance with the minimum point/certification level noted above.

41. Compliance with the Green Building Ordinance, OMC Chapter 18.02, for Building and Landscape Projects Using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist
Prior to issuance of a building permit

The applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the Green Building Ordinance, (OMC Chapter 18.02.) for projects using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist.

- a) The following information shall be submitted to the Building Services Division for review and approval with application for a Building permit:

- i. Documentation showing compliance with the 2008 Title 24, California Building Energy Efficiency Standards.
 - ii. Completed copy of the green building checklist approved during the review of a Planning and Zoning permit.
 - iii. Permit plans that show in general notes, detailed design drawings and specifications as necessary compliance with the items listed in subsection (b) below.
 - iv. Other documentation to prove compliance.
- b) The set of plans in subsection (a) shall demonstrate compliance with the following:
- i. CALGreen mandatory measures.
 - ii. All applicable green building measures identified on the StopWaste.Org checklist approved during the review of a Planning and Zoning permit, or submittal of a Request for Revision Plan-check application that shows the previously approved points that will be eliminated or substituted.

During construction

The applicant shall comply with the applicable requirements of CALGreen and Green Building Ordinance, Chapter 18.02 for projects using the StopWaste.Org Small Commercial or Bay Friendly Basic Landscape Checklist.

- a) The following information shall be submitted to the Building Inspections Division for review and approval:
- i. Completed copy of the green building checklists approved during review of the Planning and Zoning permit and during the review of the Building permit.
 - ii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

PROJECT-SPECIFIC CONDITIONS

42. Building Division Memorandum: Subdivision

Prior to issuance of a building permit and parcel map

All Conditions of Approval from the Memorandum dated January 14, 2014 shall be incorporated into plans as follows:

1. Coordinate the language for the City Surveyor's and City Engineer's statements with the city prior to submittal of the Final Map.
2. Show location, purpose, and width of all existing and proposed easements.
3. Note that the property lies within the Hayward Fault Alquist-Priolo Zone, a seismic hazard zone. A site-investigation report prepared by a certified engineering geologist shall be performed prior to the City signing the Final Map. The results of the report may limit the applicants ability to develop the lot. Add a statement to the Map that says "This real property lies within the following hazardous area: A SEISMIC HAZARD ZONE – Alquist – Priolo Zone pursuant to Section 2696 of the Public Resources Code. These hazards may limit your ability to develop the real property, to obtain insurance, or to receive assistance after a disaster. The maps on which these disclosures are based estimate where natural hazards exist. They are not definitive indicators of whether or not a property will be affected by a natural disaster. Transferee(s) and transferor(s) may wish to obtain professional advice regarding hazards and other hazards that may affect the property."
4. Please place the following statement on the Final Map:

PUBLIC ADVISORY

"This map is based on private surveys performed by licensed professionals and will not be updated or corrected by the City of Oakland after its filing. No warranty, either expressed or implied, is made by the City of Oakland that this map and the survey information on which it is based is correct, accurate, and current, nor that the City will retain for public inspection any related information which may be subsequently submitted to the City, including alleged or actual discrepancies, inaccuracies, deficiencies, and errors."

5. Show location of the City of Oakland monuments used to establish the basis of bearing and the property lines. Provide identification numbers for City of Oakland monuments.

6. Show existing lot number(s) from earlier parcel maps for adjacent lots and the lot to be divided. Also provide numerical or alphabetic designation for each new parcel.
7. Revise title to include the following: "Lot One Being for Condominium Purposes – Forty Residential Condominiums".
8. Show nearest intersection and distance to that intersection.
9. Provide survey documentation showing the location of the all the existing buildings and their setback from all the property lines. If required the buildings shall be brought into conformance with the California Building Code.
10. The four-foot wood fence near existing house Number 5 appears to cross the proposed property line. The fence shall be moved to one lot or the other or the lot line can be adjusted or the fence can be removed.
11. Improvements within the public right-of-way may be required for this project. A P-job permit and a signed Subdivision Improvement Agreement shall be completed prior to the City signing the Parcel Map.

43. **Shared Access Facility**

Prior to issuance of a building permit

Pursuant to OMC Sec. 17.102.090 the following requirements apply:

1. **Compliance with Guidelines.** Each shared access facility proposal shall be in compliance with all applicable City standards, including but not limited to the City Planning Commission guidelines for development and evaluation of shared access facilities.
2. **Public Safety.** The width of a shared access facility shall be adequate to ensure unimpeded emergency and nonemergency ingress and egress at all times. Additionally, the shared access facility shall conform to City standards for roadway layout and design.
3. **Aesthetics.** A shared access facility shall be designed to provide the environmentally superior alternative to other approaches for the development of the property and shall be designed to be visually compatible with its surroundings, as set forth in the City Planning Commission guidelines; 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.
4. **On-Going Owner Responsibility.** Applicants for a shared access facility shall submit, for approval, an agreement for access facility maintenance, parking restrictions, and landscape maintenance. Upon staff approval, the proposed agreement shall be recorded by the applicant within thirty (30) days with the Alameda County Recorder. In addition, applicants for a shared access facility shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the City thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage.
5. **Certification.** Prior to construction, applicants for a shared access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was constructed in accordance with the approved plans and construction standards. This requirement may be modified or waived at the discretion of the Director of Public Works, based on the topography or geotechnical considerations. An applicant may also be required to show assurance of performance bonding for grading and other associated improvements. In addition, prior to the installation of landscaping, an applicant shall retain a landscape architect or other qualified individual to certify, upon completion, that landscaping was installed in accordance with the approved landscape plan.

emergency and nonemergency ingress and egress at all times. Additionally, the shared access facility shall conform to City standards for roadway layout and design.

3. **Aesthetics.** A shared access facility shall be designed to provide the environmentally superior alternative to other approaches for the development of the property and shall be designed to be visually compatible with its surroundings, as set forth in the City Planning Commission guidelines; 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.
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5. **Certification.** Prior to construction, applicants for a shared access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was constructed in accordance with the approved plans and construction standards. This requirement may be modified or waived at the discretion of the Director of Public Works, based on the topography or geotechnical considerations. An applicant may also be required to show assurance of performance bonding for grading and other associated improvements. In addition, prior to the installation of landscaping, an applicant shall retain a landscape architect or other qualified individual to certify, upon completion, that landscaping was installed in accordance with the approved landscape plan.

44. Windows, Eaves and Door Details.

Prior to issuance of building permit.

The applicant shall submit to the Planning and Zoning Division for review and approval, a window, eaves and door schedule, including cross-sections and elevations, and final architectural details of the structure. Details shall show wood or wood-like (such as aluminum clad) windows that have a minimum two inch recess from the surrounding exterior walls, have wood-like sash dimensions, and contain exterior trim with minimum depth of 2-inches from the surrounding exterior walls. Each window shall be single or double vertically hung.

45. Exterior Materials Details.

Prior to issuance of building permit.

The applicant shall submit for review and approval of the Planning and Zoning Division, plans that show the details of the exterior of each building. These details shall include the labeling of all the materials and treatments proposed for the exterior of each building. All materials and treatments shall be of high quality that provides the building with significant visual interest. All stucco shall be smooth coat and applied wet at the site. All material at ground level shall be made of durable material that can be maintained in an urban environment.

46. Crime Prevention Through Environmental Design (CPTED) Review

Prior to applying for a building permit

The applicant shall complete the CPTED Residential Checklist located at the following link:

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak022688.pdf>

The applicant shall make any projects revisions necessary to meet the checklist and submit the checklist and revised plans if applicable to the Planning and Zoning Division.

47. **Tree Permit**

Prior to a final inspection

All Conditions of Approval recommended in the attachment by the Tree Division must be met.

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote)

TREE PERMIT DECISION

City of Oakland, Public Works Agency

Tree Services Division 7101 Edgewater Drive Oakland CA 94621 (510) 615-5934
Chapter 12.36 Oakland Municipal Code

Permit #: T13-00012

Address: 4690 Tompkins

Expires: One year from date of issuance

Decision: 4-10-13*

Applicant: Rich Caldwell / HKIT Architects

Permit Type: Development

TREE DECISION COMMENTS: The applicant submitted a tree inventory on sheet L2.0, dated 2-20-13, for the Tompkins Avenue Remodel. The inventory listed 40 trees. Within the inventory, 21 trees were not protected: Monterey pine #26 was dead and the other 20 trees were either too small to require a permit or were eucalyptus trees.

There were 19 protected trees on the property. The applicant planned on preserving six street trees on the Tompkins Avenue side of the project. That left 13 protected trees to consider for removal.

Two trees proposed for removal were in good health, suitable for preservation and added significant monetary value to the property: magnolia #29 and deodar cedar #30. This permit denied the applicant's request to remove them. **Condition of Approval #19 was added to require additional protection measures (see last page).**

A total of 11 protected trees were impacted by the proposed grading, construction and new landscaping. The trees were approved for removal as shown below in the Tree Decision Table.

Tree Decision Table

Removal Approved		Preservation Required	
Quantity	Identified As	Quantity	Identified As
11	Tree #: 1, 2, 5, 7, 9, 10, 11, 12, 14, 24, 32	8	Magnolia #29, deodar cedar #30, sweet gum street trees #35-40

PERMIT REVIEW – FINDINGS (A): If granted, the applicant's request would accomplish the following objectives:

- 1. To insure the public health and safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers.
- 2. To avoid an unconstitutional regulatory taking of property.
- 3. To take reasonable advantage of views, including such measures as are mandated by the resolution of a view claim in accordance with the view preservation ordinance (Chapter 15.52 of the Oakland Municipal Code).
- 4. To pursue accepted, professional practices of forestry or landscape design. Submission of a landscape plan acceptable to the Director of Public Works shall constitute compliance with this criterion.
- 5. To implement the vegetation management prescriptions in the S-11 site development review zone.

PERMIT REVIEW – FINDINGS (B): Any one of the following situations is grounds for permit denial, regardless of the findings in section (A) above:

- 1. Removal could be avoided by reasonable redesign of the site plan, prior to construction.
- 2. Removal could be avoided by trimming, thinning, tree surgery or other reasonable treatment.
- 3. Adequate provisions for drainage, erosion control, land stability or windscreen have not been made.
- 4. The tree is a member of a group of trees in which each tree is dependent upon the others for survival.

OAKLAND MUNICIPAL CODE SECTION 12.36.060 CONDITIONS OF APPROVAL

The following conditions are imposed:

1. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant and its contractor shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its 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 for or on account of any damage to property or bodily injury, including death, or damage sustained or arising out of, related to or caused by in any way from the performance of work in this tree permit matter. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
2. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its 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, (a) an approval by the City relating to this tree permit matter, City's CEQA approvals and determination, and/or notices in the tree permit matter; or (b) implementation of such. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
3. **Letter of Agreement.** Within ten (10) calendar days of the filing of any Action as specified in conditions 1 or 2 above, the applicant and/or its contractor shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in this Section or any other requirements or conditions of approval that may be imposed by the City.
4. **Debris.** All debris created as a result of any tree removal work shall be removed from the property by the applicant within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.
5. **Dust.** 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 and photosynthesis.
6. **Fencing.** Tree protection fencing shall be chain link, installed on posts driven into the ground and shall be a minimum of 5 feet tall. The fencing shall be installed at the perimeter of the drip line or a lesser distance if demolition or construction does not allow it, for trees listed above in "Preservation Required".
7. **Hazards.** The removal of extremely hazardous, diseased, and/or dead trees shall be required where such trees have been identified by the City Arborist.

8. **Insurance.** Workers compensation, public liability, and property damage insurance shall be provided by any person(s) performing tree removal work authorized by a tree removal permit.
9. **Miscellaneous.** No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the drip line 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 the drip line any protected trees. 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.
10. **Nesting Birds.** To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites 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 start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences 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 CDFG, 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.
11. **Permit.** Tree removal, as defined in the Protected Trees Ordinance, Section 12.36.020 of the Oakland Municipal Code, may not start unless and until the applicant has received this permit from Tree Services.
12. **Posting.** The applicant shall post a copy of the tree removal permit in plain view on site while tree removal work is underway.
13. **Pruning.** Construction personnel shall not prune trees or tree roots. Tree pruning of the crown or roots (if done) shall be performed by a licensed, insured tree work contractor that has an arborist on staff certified by the International Society of Arboriculture.
14. **Recording.** The applicant/owner(s) shall record the conditions of approval attached to this permit with the Alameda County Recorder's Office in a form prescribed by the Director of Public Works.
15. **Root Protection.** Roots shall be preserved and no activities shall affect the health and safety of existing trees. If roots are encountered, they may be cut only if they are less than two-inch diameter. Hand tools must be used to cut the roots; the use of excavators, backhoes, or similar equipment is prohibited. Roots larger than two-inch diameter may be cut only if inspected and approved in advance. All work must be done by a Certified Arborist from the International Society of Arboriculture or a Registered Consulting Arborist from the American Society of Consulting Arborists.
16. **Tree Damage.** If any damage to a protected tree should occur during or as a result of work on the site, the property owner/contractor shall immediately notify the Tree Services Division of such damage. If, in the professional opinion of the City Arborist, such tree cannot be preserved in a healthy state, the Arborist shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Arborist to compensate for the loss of the tree that is removed.
17. **Landscape Plan.** Prior to the Certificate of Occupancy, new landscape shall be installed as shown on Sheets L1.0 and L3.0, prepared by VanDorn Abed Landscape Architect, Inc., dated February 20, 2013.

18. Sidewalks. The damaged sidewalk shall be repaired in compliance with the rules and regulations of the City of Oakland, including a sidewalk repair permit if more than 25 square feet of sidewalk is being repaired. Contact the Sidewalk Division at 238-3499 for more information.

19. Other Conditions:

- a. The property owner shall retain a consulting arborist. The arborist shall review and pre-approve the site design changes required to provide long-term preservation of magnolia #29 and deodar cedar #30. Site development shall not damage the trees directly or indirectly. The arborist shall be a Certified Arborist from the International Society of Arboriculture or a Registered Consulting Arborist from the American Society of Consulting Arborists.
- b. The arborist shall recommend, implement, and monitor preservation measures for pre-construction, construction and post-construction phases.
- c. Preservation measures shall include, but are not limited to:
 - i. Wood chip mulch
 - ii. Supplemental irrigation
 - iii. Pruning
 - iv. Tree Protection Zone with chain-link fencing
 - v. Hand digging to protect roots.

M. Thomson 4-10-13
 Mitch Thomson Date
 Certified Arborist WE-1937A
 Certified Tree Risk Assessor #907

Robert Zahn 4-10-13
 Robert Zahn Date
 Senior Forester
 Certified Arborist WE-8102A

***This decision of the Public Works Agency, Tree Services Section may be appealed by the applicant, or the owner of any "adjoining" or "confronting" property, to the City Council within five (5) working days after the date of this decision and by 5:00 p.m. The term "adjoining" means immediately next to, and the term "confronting" means in front of or in back of. An appeal shall be on a form prescribed by and filed with the City Clerk, at One Frank H. Ogawa Plaza, second floor. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the City or wherein such decision is not supported by the evidence in the record and must include payment of \$500.00, in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal this decision and raise any and all issues in your appeal may preclude you from challenging this determination in court.*

TOMPKINS AVENUE REMODEL

4690 TOMPKINS AVE, OAKLAND, CALIFORNIA



PROPOSED ELEVATION AT MAIN ENTRANCE

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DEVELOPER
4690 Tompkins LLC
1728 Union Street / Suite #210 / San Francisco, CA 94123
CONTACT: Kevin Skiles

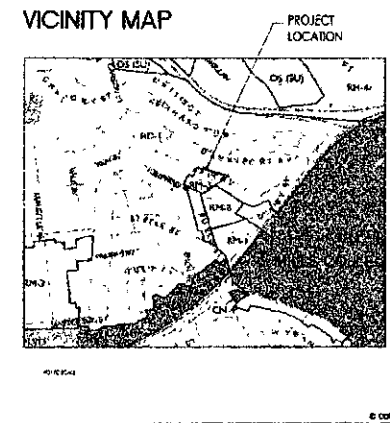
ARCHITECT
HKIT Architects
538 North Street / Suite 240 / Oakland, CA 94607
CONTACT: Rich Caldwell, Principal
PHONE: (510) 625-9800 FAX: (510) 625-9801

CIVIL ENGINEER
Luk and Associates
738 Alfred Nobel Drive / Hercules, CA 94547
CONTACT: George Luk
PHONE: (510) 724-3388 FAX: (510) 724-3380

LANDSCAPE ARCHITECT
VanDorn Abed Landscape Architect Inc
81 14th Street / San Francisco, CA 94103
CONTACT: Shan VanDorn
PHONE: (415) 864-1921 FAX: (415) 864-4796

PROJECT DATA

SITE DATA	BUILDING DATA	EXISTING CONCRETE EXTERIOR	OPEN SPACE
SITE ADDRESS 4690 TOMPKINS AVE	CONSTRUCTION: MAJOR RENOVATION	EXISTING WALLS WITH WOOD PIECE PARTITIONS	REQUIRED OPEN SPACE / CITY GROUP 201 SF / 8001
SITE AREA 3,215 SF	LIMIT: NEW REMODELED BUILDING ONE BEDROOM	31 57%	REQUIRED GROUP OPEN SPACE WHEN PRIVATE SUBSTITUTED 85 SF / 1 UNIT
ADJACENT 1728 UNION STREET / SUITE #210	THIRD BEDROOM	19 48%	UNITS SUBSTITUTING PRIVATE OPEN SPACE 34 6 UNITS
PERMITTED USE: M.F. RESIDENTIAL DENSITY	TOTAL ADJ. FLOOR AREA (S.F.) 1,100	40 UNITS	UNITS NOT SUBSTITUTING REQUIRED PRIVATE OPEN SPACE 6 UNITS
MAX DENSITY 1.560 SF / UNIT	UNITS: EXISTING BUNGALOWS #1-#8 TOTAL PROPOSED UNITS ON SITE 40 UNITS	9 UNITS	NET GROUP OPEN SPACE REQUIRED 6,086 SF
MAX ALLOWABLE UNITS 40 UNITS	BUILDING AREA (S.F.) REMODELED MAIN BUILDING GROSS AREA 5,641 SF	40 UNITS	PROPOSED GROUP OPEN SPACE BASED COURTYARD 3,187 SF
PROPOSED HEIGHT 32.0 FT	FLOOR 1 18,284 SF		WALKWAY 828 SF
PROPOSED TOTAL UNITS 40 UNITS	FLOOR 2 18,275 SF		SCREEN 305 SF
MAX ALLOWABLE HEIGHT (SFM) 32.0 FT	FLOOR 3 3,258 SF		CONCRETE TERRACE 1,305 SF
BOUNDARY FOOTPRINT (LOT COVERAGE) 50%	TOTAL MAIN BUILDING GROSS AREA 54,917 SF		SCREEN 432 SF
ALLOWABLE LOT COVERAGE 50%	EXISTING BUILDING GROSS AREA 5,641 SF		TOTAL GROUP OPEN SPACE PROVIDED 5,677 SF
EXISTING BUILDING FOOTPRINT AREA 17,284 SF	NEW CHANGE TO GROSS AREA 5,641 SF		PROPOSED PRIVATE OPEN SPACE PATIO (EXISTING AREA) 1,283 SF
MAIN BUILDING 17,284 SF	TOTAL EXISTING GROSS AREA 11,282 SF		SALONET BY S.S. (NEW) 1,584 SF
BUNGALOWS #1-#8 8,000 SF	TOTAL PROPOSED GROSS AREA 16,923 SF		TOTAL PRIVATE OPEN SPACE PROVIDED 28,761 SF
TOMPKINS S.F. (TOTAL DEVELOPMENT) 25,284 SF	NET CHANGE TO GROSS AREA 5,641 SF		
TOTAL EXISTING 25,284 SF	PERCENTAGE CHANGE: GROSS AREA 20%		
PROPOSED BUILDING FOOTPRINT AREA 17,284 SF			
PROPOSED LOT COVERAGE 50%			
PERCENT CHANGE TO EXIST. FOOTPRINT 15%			
TRUCKS: ALLOWED FRONT 15'			
REAR 15'			
SIDE 4'			



PROJECT INFORMATION
October 30, 2013 - HKIT #20280

TOMPKINS AVENUE
Urban Green Investments **GO.0**

ATTACHMENT C

ARCHITECTS

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**BOUNDARY & TOPOGRAPHIC SURVEY
FOR URBAN GREEN INVESTMENTS**

LOTS 12 & 13, BLOCK 60 (26 M 8)
LOTS 10 11 14 15, 16 17 AND THE SOUTHWEST 35 FEET
FRONT AND REAR MEASURES OF LOT 6, BLOCK 60 - (10 M 31)
ASSESSOR'S PARCEL NUMBER 037-3544-017-01
CONSISTING OF 2.30 ACRES

OAKLAND - ALAMEDA COUNTY - CALIFORNIA

**DONALD
VEGVARY**

LAND SURVEYOR
3327 MT. DIABLO BLVD. #604
EMERYVILLE, CALIFORNIA
94613-1953

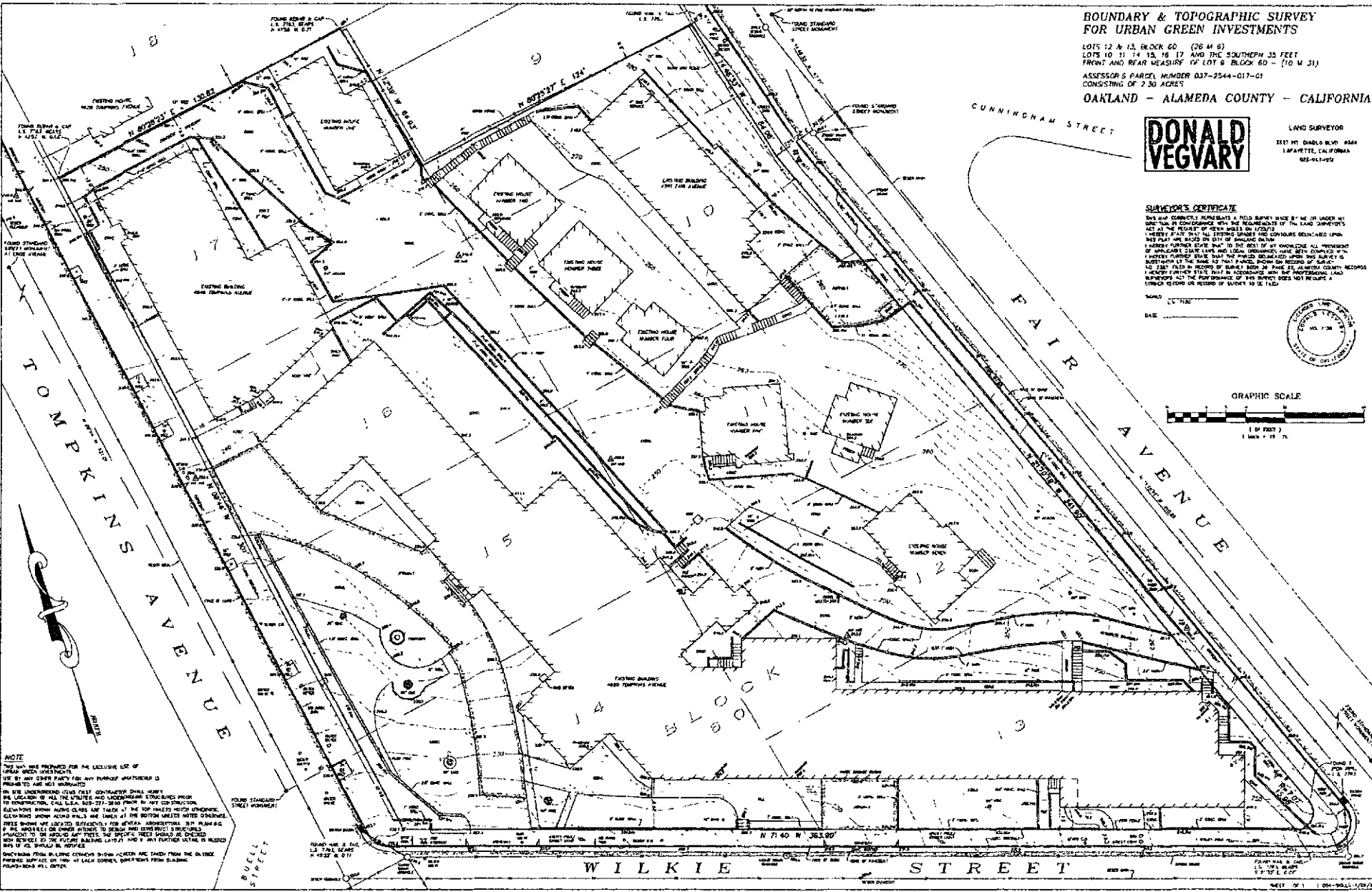
SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A FIELD SURVEY MADE BY ME OR UNDER MY
SUPERVISION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS
ACT AS THE RECORD OF OTHER MAPS ON 1/25/2017.
I HEREBY CERTIFY THAT ALL SETTINGS, MEASUREMENTS AND CALCULATIONS MADE
HEREON WERE MADE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT ALL
NECESSARY CORRECTIONS HAVE BEEN MADE TO THE ORIGINAL FIELD NOTES.
I HEREBY CERTIFY THAT THE FIELD NOTES AND CALCULATIONS HAVE BEEN COMPLETED WITH
DUE CARE AND ACCURACY AND THAT THE MAPS HEREON CORRECTLY REPRESENT THE
FIELD SURVEY AND THAT THE PARCELS SHOWN ON THESE MAPS ACCORD TO THE
RECORDS FILED IN RECORDS OF SURVEY BOOKS IN THE COUNTY RECORDS
OFFICE OF ALAMEDA COUNTY, CALIFORNIA. I HEREBY CERTIFY THAT THE
SURVEYORS ACT IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND
SURVEYORS ACT. THE PERFORMANCE OF THIS SURVEY DOES NOT REQUIRE A
CHECK OR RECORD OF SURVEY TO BE FILED.

SCALE: 1" = 100'
DATE: 12/15/17



GRAPHIC SCALE



NOTE
THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF
URBAN GREEN INVESTMENTS.
IF ANY OTHER PARTY FOR ANY PURPOSE WHATSOEVER IS
INTERESTED IN THIS SURVEY, CONTACT THE SURVEYOR.
ON SITE UNDERGROUND ITEMS (E.G. UTILITY LINES, SEWER
LINES, ETC.) ARE SHOWN AS DASHED LINES. FOR
CONSTRUCTION, CALL U.S.A. 800-777-5800 PRIOR TO ANY CONSTRUCTION.
ELEVATIONS SHOWN ABOVE CURBS ARE TAKEN AT THE TOP OF THE CURB. ELEVATIONS
SHOWN BELOW CURBS ARE TAKEN AT THE BOTTOM UNLESS NOTED OTHERWISE.
TREES SHOWN ARE LOCATED SURFACE ONLY. FOR AERIAL PHOTOGRAPHS AND PLANS
AT THE OFFICES OR OWNER ATTENTION TO DESIGN AND CONSTRUCTION OF
CONSTRUCTION TO BE SHOWN AS DASHED LINES. THE SPACING OF TREES SHOULD BE
DETERMINED BY THE PLANNING DEPARTMENT AND THE CITY ENGINEER. IT IS
REQUESTED THAT THE CITY ENGINEER BE NOTIFIED.
CONVEYANCE FROM BUILDING CONVEYANCE SHOULD BE TAKEN FROM THE OUTSIDE
CORNER SURFACE OF THE LOT AT EACH CORNER. DIRECTIONS FROM SLABING
POLYMERIZED WILL BE GIVEN.



PARKING LOT EXHIBIT

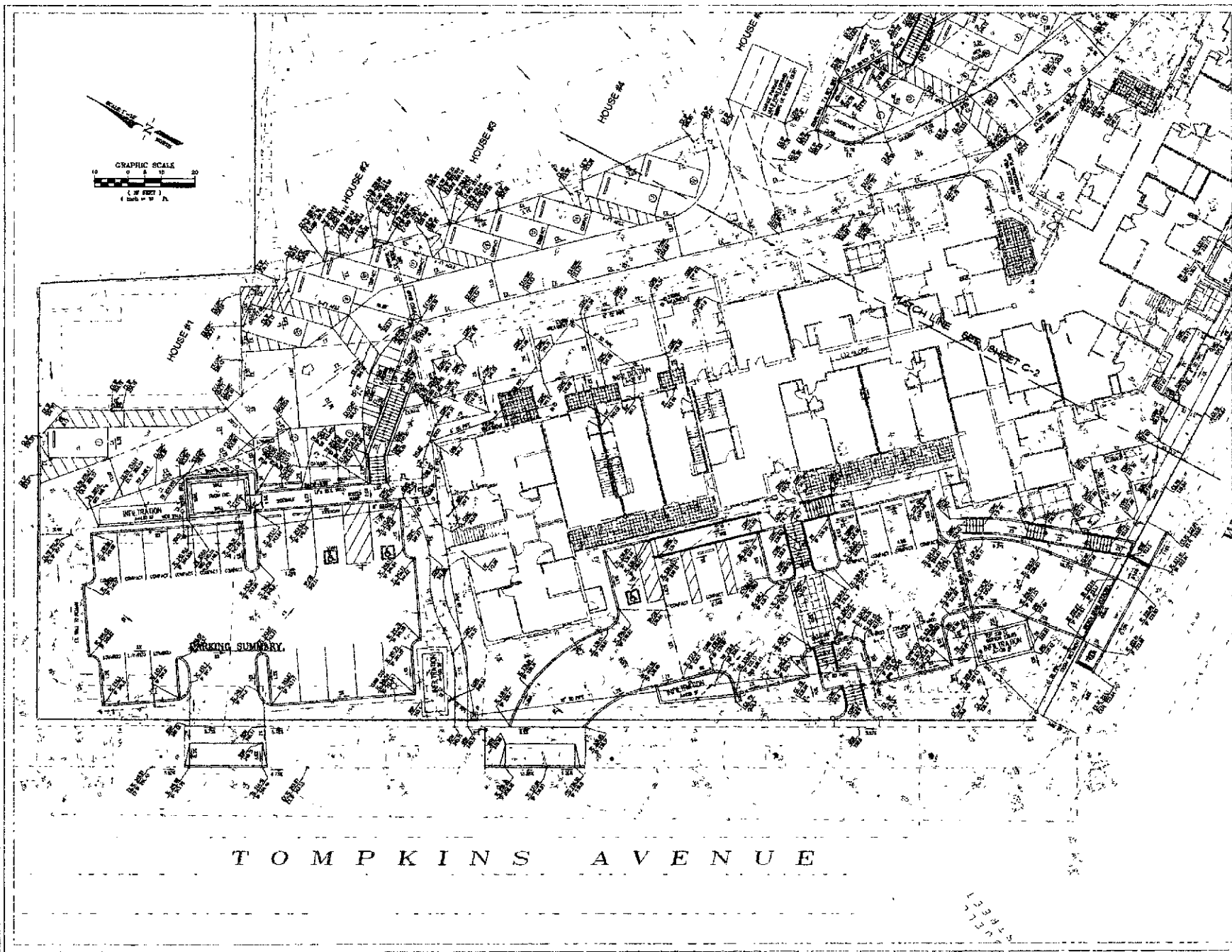
4865 TOMPKINS AVE
 OAKLAND, CA
 JOB NO. 12078A10
 DRAWN: JAO
 CHECKED: GJL
 JOB CAPTAIN: GJL
 ISSUE: OCT 2010

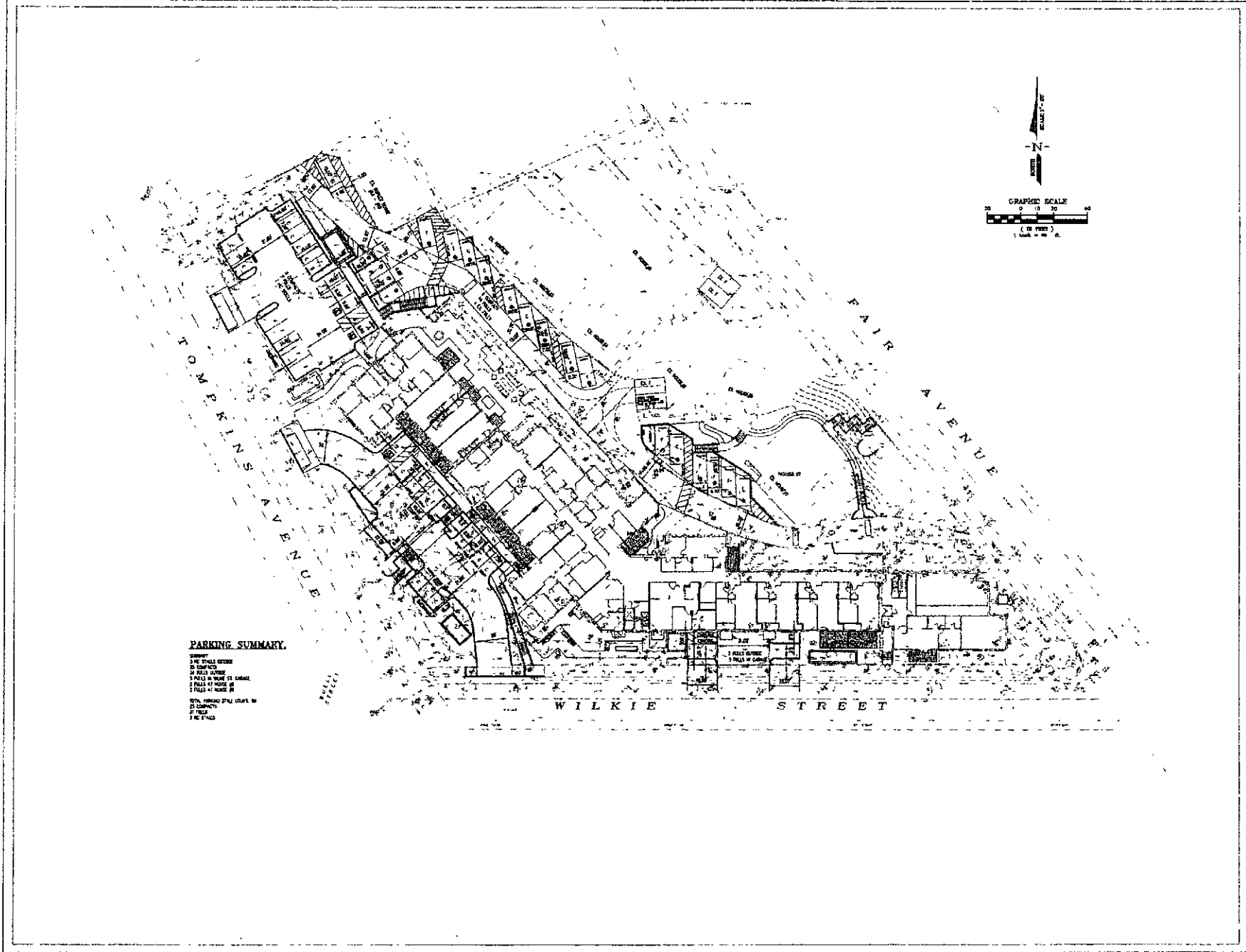
NO.	DATE	DESCRIPTION

DRAWING TITLE
**PRELIMINARY
 GRADING AND
 DRAINAGE PLAN**

SCALE 1" = 2'

C-1





PARKING SUMMARY.

- summary:**
 346 STALLS OUTSIDE
 30 GARAGES
 14 STALLS INSIDE
 1 STALL IN HOUSE OR GARAGE
 1 STALL AT HOUSE #1
 1 STALL AT HOUSE #2
TOTAL PARKING STALL COUNT:
 393 STALLS
 142 STALLS

JK ARCHITECTS
 2100 WILSON AVENUE, SUITE 1100
 OAKLAND, CA 94612
 PHONE (510) 724-3388
 FAX (510) 724-3383
 WWW.JKARCHITECTS.COM

CIVIL ENGINEER
Luk and Associates
 Civil Engineering
 Land Planning
 Land Surveying
 730 Alameda Drive
 Hercules, CA 94567
 Phone (510) 724-3388
 Fax (510) 724-3383
 email: lka@lukandassociates.com



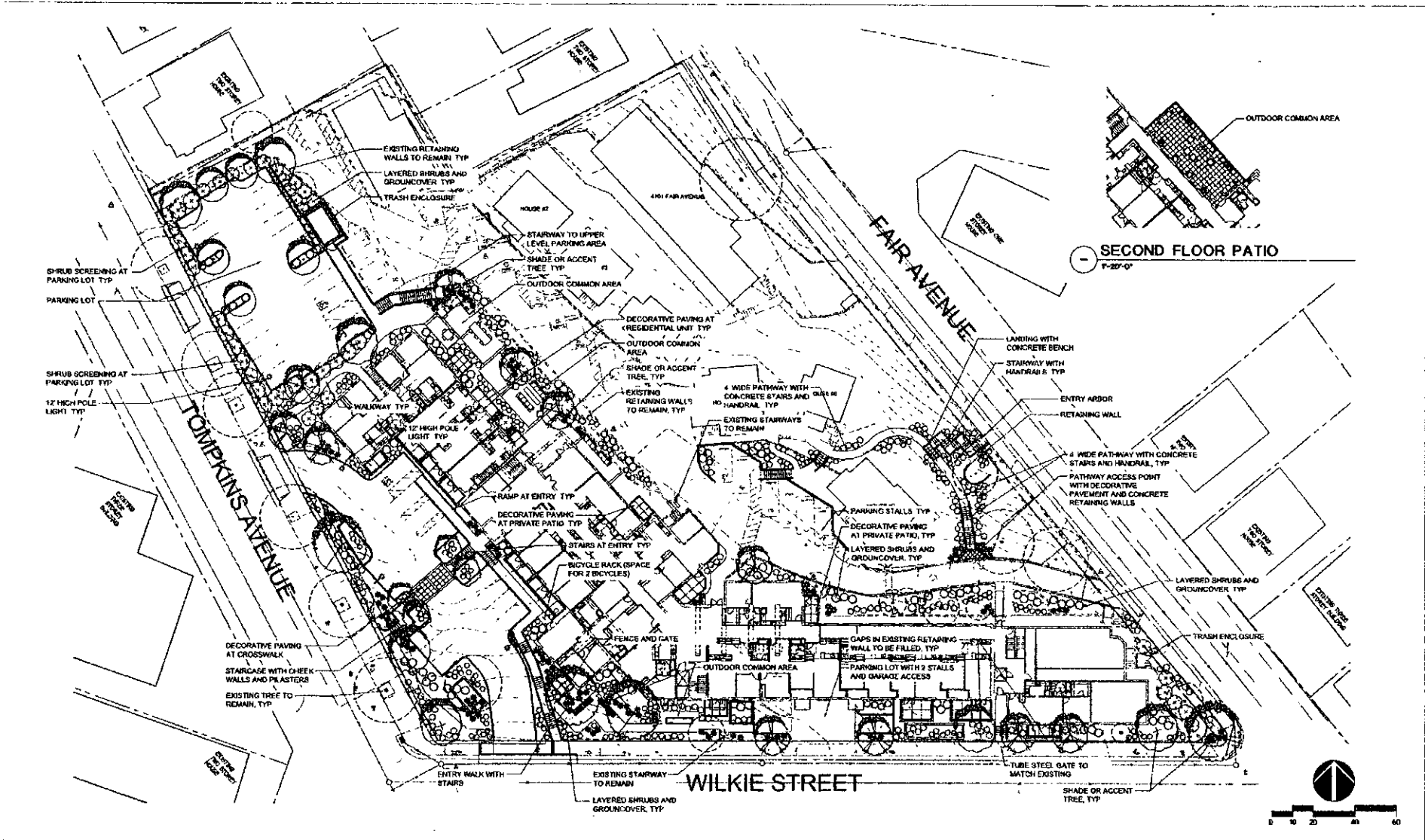
PARKING LOT EXHIBIT

4995 TOMPKINS AVE.
 OAKLAND, CA
 JOB NO. 12878A10
 DRAWN: D.A.D.
 CHECKED: C.L.
 JOB CAPTAIN: G.L.

NO.	DATE	DESCRIPTION

DRAWING TITLE
PRELIMINARY
 PARKING LOT
 COUNT EXHIBIT

SCALE: 1" = 20'
C-4



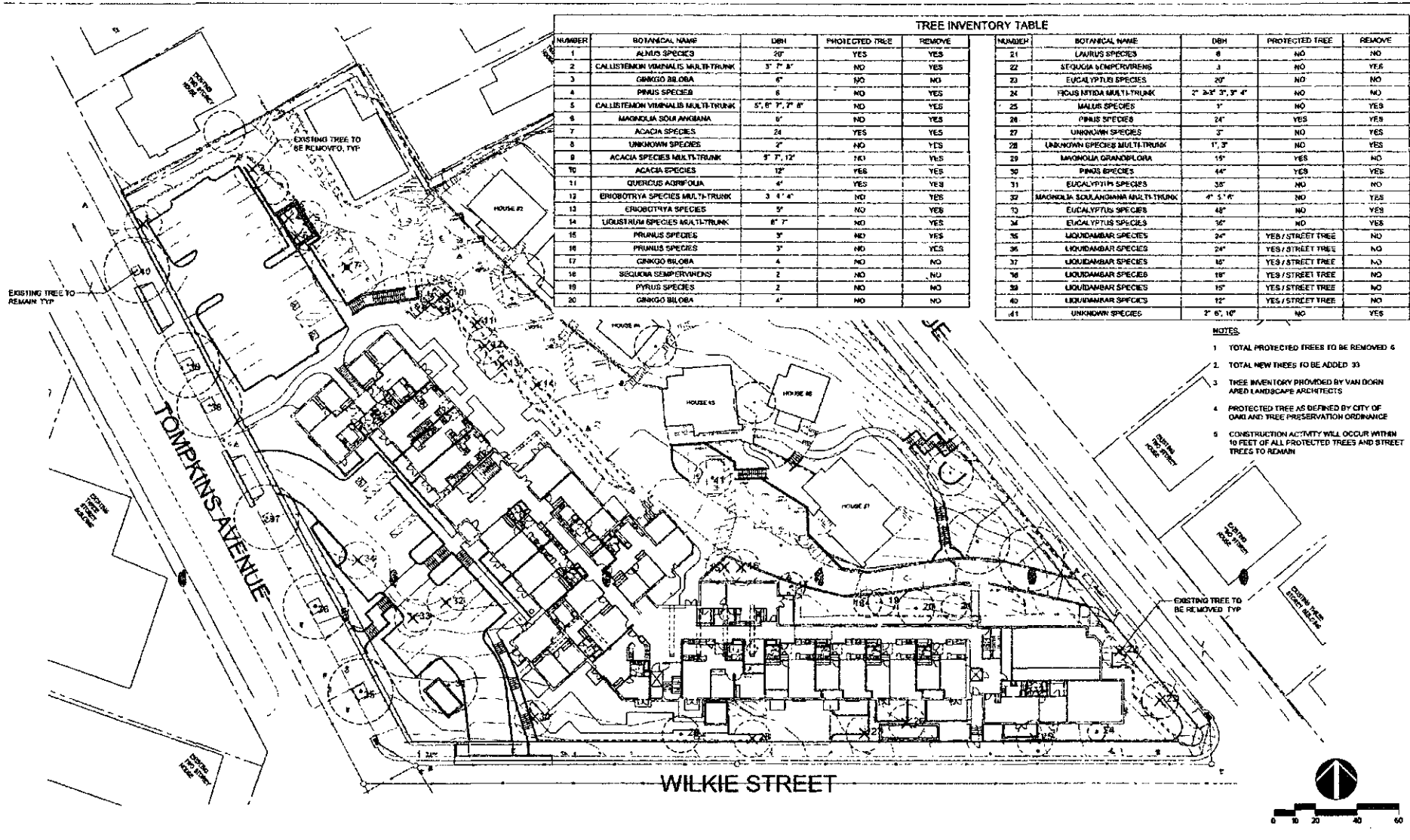
VAN DORN ABED
 LANDSCAPE ARCHITECTS, INC.
 81 14TH ST., SAN FRANCISCO, CA
 2P 9402 PH 415 864-9221 FAX 415 864-4796

URBAN GREEN INVESTMENT
TOMPKINS AVENUE REMODEL
 OAKLAND, CALIFORNIA

CONCEPTUAL LANDSCAPE PLAN
 SCALE: 1"=20'-0"

DATE: 10/30/13

L1.0



TREE INVENTORY TABLE									
NUMBER	BOTANICAL NAME	DBH	PROTECTED TREE	REMOVE	NUMBER	BOTANICAL NAME	DBH	PROTECTED TREE	REMOVE
1	ALNUS SPECIES	20"	YES	YES	21	LAURUS SPECIES	8"	NO	NO
2	CALLISTEMON VIMINALIS MULTI-TRUNK	3" 7" 8"	NO	YES	22	SEQUOIA SEMPERVIRENS	3"	NO	YES
3	GINKGO BILOBA	6"	NO	NO	23	EUCALYPTUS SPECIES	20"	NO	YES
4	PIRULIS SPECIES	6"	NO	YES	24	FOCUS NITIDA MULTI-TRUNK	2" 3x3" 3" 3" 4"	NO	NO
5	CALLISTEMON VIMINALIS MULTI-TRUNK	5" 6" 7" 7" 8"	NO	YES	25	MALUS SPECIES	1"	NO	YES
6	MAGNOLIA SOLA ANGIAMA	6"	NO	YES	26	PIRULIS SPECIES	24"	YES	YES
7	ACACIA SPECIES	24"	YES	YES	27	UNKNOWN SPECIES	3"	NO	YES
8	UNKNOWN SPECIES	2"	NO	YES	28	UNKNOWN SPECIES MULTI-TRUNK	1" 3"	NO	YES
9	ACACIA SPECIES MULTI-TRUNK	3" 7" 12"	YES	YES	29	MAGNOLIA GRANDIFLORA	15"	YES	NO
10	ACACIA SPECIES	12"	YES	YES	30	PIRUS SPECIES	44"	YES	YES
11	QUERCUS AGRIFOLIA	4"	YES	YES	31	EUCALYPTUS SPECIES	38"	NO	NO
12	ERIOBOTRYA SPECIES MULTI-TRUNK	3" 4" 4"	NO	YES	32	MAGNOLIA SCULAMANNIA MULTI-TRUNK	4" 5" 6"	NO	YES
13	ERIOBOTRYA SPECIES	5"	NO	YES	33	EUCALYPTUS SPECIES	43"	NO	YES
14	LIGUSTRUM SPECIES MULTI-TRUNK	6" 7"	NO	YES	34	EUCALYPTUS SPECIES	30"	NO	YES
15	PIRULIS SPECIES	3"	NO	YES	35	LIQUIDAMBAR SPECIES	24"	YES / STREET TREE	NO
16	PIRULIS SPECIES	3"	NO	YES	36	LIQUIDAMBAR SPECIES	24"	YES / STREET TREE	NO
17	GINKGO BILOBA	4"	NO	NO	37	LIQUIDAMBAR SPECIES	18"	YES / STREET TREE	NO
18	SEQUOIA SEMPERVIRENS	2"	NO	NO	38	LIQUIDAMBAR SPECIES	18"	YES / STREET TREE	NO
19	PIRULIS SPECIES	2"	NO	NO	40	LIQUIDAMBAR SPECIES	12"	YES / STREET TREE	NO
20	GINKGO BILOBA	4"	NO	NO	d1	UNKNOWN SPECIES	2" 6" 10"	NO	YES

- NOTES
- TOTAL PROTECTED TREES TO BE REMOVED 6
 - TOTAL NEW TREES TO BE ADDED 33
 - TREE INVENTORY PROVIDED BY VAN DORN ABED LANDSCAPE ARCHITECTS
 - PROTECTED TREE AS DEFINED BY CITY OF OAKLAND TREE PRESERVATION ORDINANCE
 - CONSTRUCTION ACTIVITY WILL OCCUR WITHIN 10 FEET OF ALL PROTECTED TREES AND STREET TREES TO REMAIN

PLANT SCHEDULE



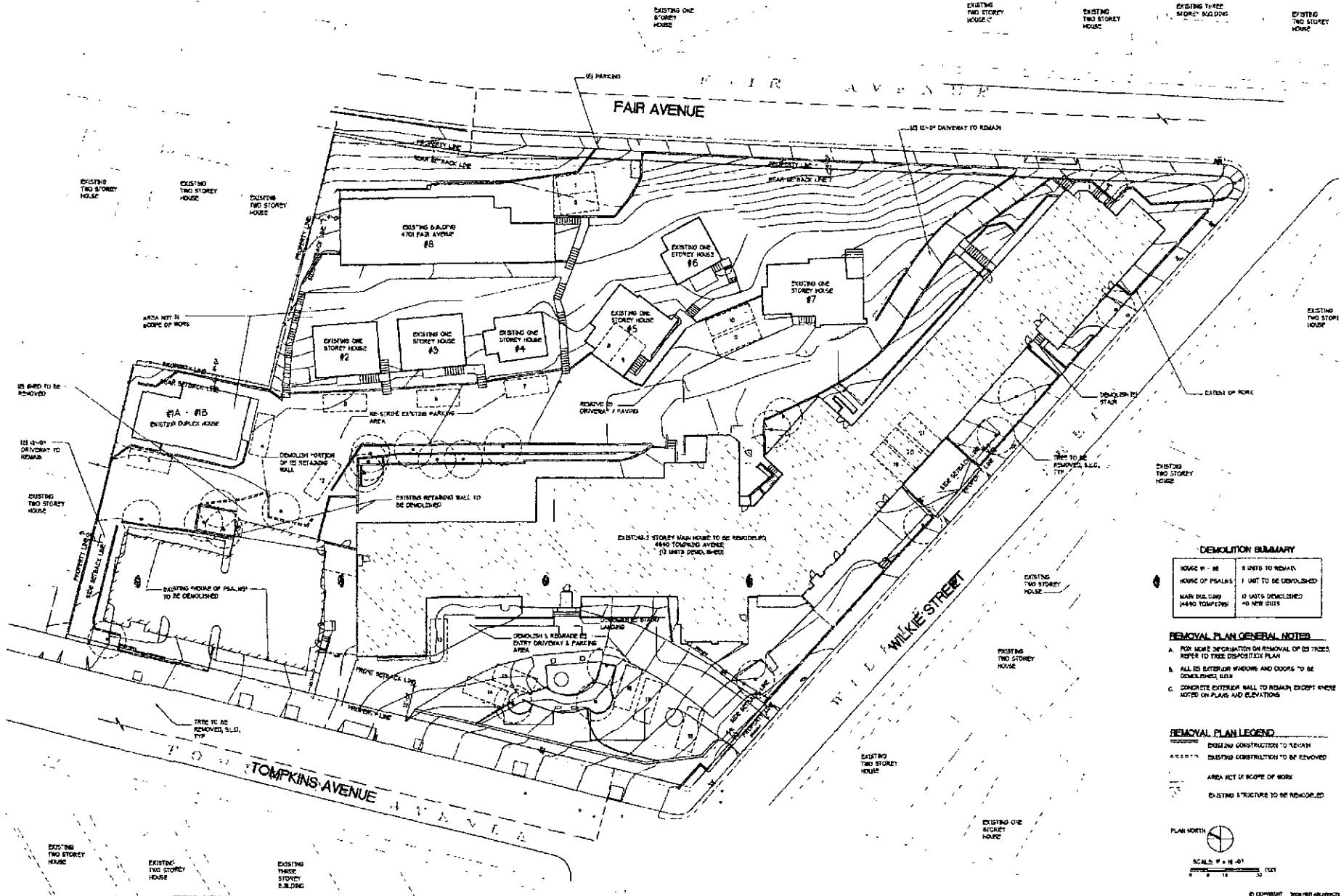
TREES	COMMON NAME	CONT	WATER NEEDS			
ACER PALMATUM GANOO KARD	CORAL BARK MAPLE		M	HAESSELLA TENUISSIMA	TEXAS NEEDLE GRASS	1 GAL L
CARPINUS BETULUS FRANZ FONTAINE	FRANZ FONTAINE NORRIBEAN	24"BOX	M	POINSETTIA RUBRUM	FOUNTAIN GRASS	1 GAL L
QUERCUS BINEENSIS	CHINESE HAZELBERRY	24"BOX	L	PHORMIUM TENAX TONEY TIGER	DWARF FLAX	1 GAL L
GEUSA PARVIFLORA	AUSTRALIAN WILLOW	24"BOX	M	PHORMIUM X DUET	NEW ZEALAND FLAX	1 GAL L
HYMENOSPORUM FLAVUM	SWEETSHADE	24"BOX	M	PHORMIUM X GOLD SWORD	GOLD SWORD FLAX	5 GAL L
LAGERSTROEMIA X HAUSKOGEE	LAVENDEK CRAPE MYRTLE	24"BOX	L	PITTOSPORIUM TOBIRA VARIEGATA	VARIEGATED MUCK ORANGE	5 GAL L
LOPHOSTEMON CONFERTUS	BRISBANE BOX	24"BOX	M	PRUNUS CAROLINIANA BRIGHT N TIGHT TM	BRIGHT N TIGHT CAROLINA LAUREL	5 GAL L
PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	24"BOX	M	RHAPHIDLEPS SPECIES	RHAPHIDLEPS	5 GAL L
QUERCUS AGRIFOLIA	COAST LIVE OAK	24"BOX	VL	ROSMARINUS OFFICINALIS PROSTRATUS	DWARF ROSEMARY	5 GAL L
RHUS LANGEA	AFRICAN BUMBAC	24"BOX	L	SALVIA SPECIES	SADE	5 GAL L
TRISTARBA LAURINA	WATER OLM	24"BOX	M	SOLLIA HETEROPHYLLA	AUS HADIAN BLUEBELL	5 GAL L
ULMUS PARVIFOLIA TRUE GREEN	TRUE GREEN ELM	24"BOX	M	TEUCHIUM MANTUM	CAT THYME	1 GAL L
SHRUBS	COMMON NAME	CONT	WATER NEEDS	WESTRINGIA FRUTICOSA MORNING LIGHT	MORNING LIGHT COAST ROSEMARY	5 GAL L
ABELIA X GRANDIFLORA PROSTRATA	PROSTRATE GLASSY ABELIA	5 GAL	L	XYLOSMA CONGES 'LIM COMPACTA	COMPACT XYLOSMA	5 GAL L
ANGONANTHOS FLAVIDUS #63 RED	RED KANGAROO PAW	5 GAL	L	VINE/ESPALIER	COMMON NAME	CONT
ANGONANTHOS X BUSH GOLD	KANGAROO PAW	5 GAL	L	CLYTOSTOMA CALLESTIFLOIDIS	VIOLET TRUMPET VINE	15 GAL L
ANGONANTHOS X 'PINK JOEY'	PINK JOEY KANGAROO PAW	1 GAL	L	MACFADYENA UNGUIS-CATI	YELLOW TRUMPET VINE	15 GAL L
ARCTOSTAPHYLUS SPECIES	MANZANITA	5 GAL	L	ROSA BANKSIAE LUTEA	YELLOW BANKS ROSE ESPALIER	15 GAL L
ASPARAGUS DENSPLOSUS MYERS	MYERS ASPARAGUS	5 GAL	M	GROUND COVERS	COMMON NAME	CONT
ASPIDISTRA ELATIOR	CAST IRON PLANT	1" POT	L	APTEUA CORDEFOLIA RED APPLE	RED APPLE HEARTS AND FLOWERS	1 GAL @ 18" OC L
AZALEA SOUTHERN INDIANA HYBRID GEORGE L TABER	SOUTHERN INDIANA AZALEA	5 GAL	M	ARCTOSTAPHYLUS X EMERALD CARPET	EMERALD CARPET MANZANITA	1 GAL @ 48" OC L
BAMBUSA MULTIPLEX ALPHONSE KARR	ALPHONSE KARR BAMBOO	15 GAL	L	CAREX CONICA SHOWLINE	SHOWLINE SEDGE	FLAT @ 12" OC M
CAREX TESTACEA	BROWN SEDGE	1 GAL	M	COTONEASTER DAMIENI LOWFAST	LOWFAST BEARBERRY COTONEASTER	1 GAL @ 48" OC L
CELANOTHUS X JULIA PHELPS	CALIFORNIA LIAC	5 GAL	VL	ECHVERIA AGAVIODES	WAX AGAVE	4" POT @ 8" OC L
CHONDROPETALUM TECTORIUM	CAPE RUSH	5 GAL	H	ERODIUM REICHARDII	ALPINE GERANIUM	FLAT @ 12" OC M
CORREA PULCHELLA	AUSTRALIAN FUCHSIA	1 GAL	L	FRAGRARIA CHLIDENSIS	BEACH STRAWBERRY	FLAT @ 12" OC M
DIETES BICOLOR	FORTNIGHT LILY	1 GAL	L	MENTHA SPECIES	SPEARMINT	1 GAL @ 18" OC L
ECHIVERIA X GMBRICATA	HEN AND CHICKS	1 GAL	L	MERPETA X FAASSENSI	CATMINT	FLAT @ 12" OC L
ERIGERON KARVINSKIANSUS	PLEASANT	1 GAL	L	VERBENA SPECIES	VERBENA	1 GAL @ 36" OC L
ERIGERON UMBELLATUM	SUNFLOWER BUCKWHEAT	1 GAL	L			
ERYSIMUM X BOMER MAUIE	WALLFLOWER	5 GAL	L			
ERYSIMUM X WENLOCK BEAUTY	COMPACT WALLFLOWER	1 GAL	L			
EURYOPS SPECIES	EURYOPS	1 GAL	L			
FESTUCA CALICA ELMAN BLUE	BLUE FESCUE	1 GAL	L			
GALVIZIA SPECIOSA	ISLAND BUSH SNAPDRAGON	5 GAL	L			
GERANIUM INCANUM	TRAILING GERANIUM	1 GAL	L			
GREVILLEA X NOELLI	GREVILLEA	5 GAL	L			
HEBE SPECIOSA	NEW ZEALAND HEBE	5 GAL	M			
HELIOTRICHON TEMPORVRENS	BLUE OAT GRASS	1 GAL	L			
LANTANA MONTEVIDENSIS	TRAILING LANTANA	1 GAL	L			
LAVATERA THURINGIACA	TREE MALLOW	5 GAL	L			
LEONOTE LEONURUS	LION S TAIL	5 GAL	L			
LIMONIUM PEREZO	STATICE	1 GAL	L			
LIRIOPE MUSCARI SILVERY SUNPROOF	SILVERY SUNPROOF BLUE LILYTURF	1 GAL	M			
MAHLERBERGIA HIRENS	DOOY GRASS	1 GAL	L			
MANDINA DOMESTICA COMPACTA	DWARF HEAVENLY BAMBOO	5 GAL	L			
MANDINA DOMESTICA GUI F STREAM TM	HEAVENLY BAMBOO	1 GAL	L			

PLANTING AND WATER USE DESIGN INTENT STATEMENT

The planting design utilizes drought tolerant & low water use plant materials. Shade tolerant plants will be utilized on the North facing sides of the project. The plants will be selected utilizing the State of California's Model Water Efficient Landscape Ordinance plant list and ET Calc water management computer software.

WATER USE DESIGN INTENT STATEMENT

The irrigation system will be a fully automatic, low gallon use drip system. This system will be designed to connect to the city's recycled water supply, when available. The low, medium and high water use hydrozones will be on separate valve circuits. All new trees will have separate drip or bubbler circuits. The remote control valves will have integral pressure regulators to prevent fluctuations and ensure constant application rates to minimize over or under watering. The electronic irrigation controller will be weather based and make automatic adjustments based on current climate along with multiple programs and application cycles/start times. A rain switch will be installed to prevent irrigation during rainy periods. A flow sensor and master valve will be connected to the controller to allow automatic shut off of any valve circuit or main line in the event of a pipe brake to prevent water waste.

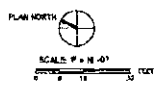


DEMOLITION SUMMARY

HOUSE #1 - #8	8 UNITS TO REMAIN
HOUSE OF PSALMS	1 UNIT TO BE DEMOLISHED
MAIN BUILDING (4840 TOMPKINS)	12 UNITS DEMOLISHED
	40 NEW UNITS

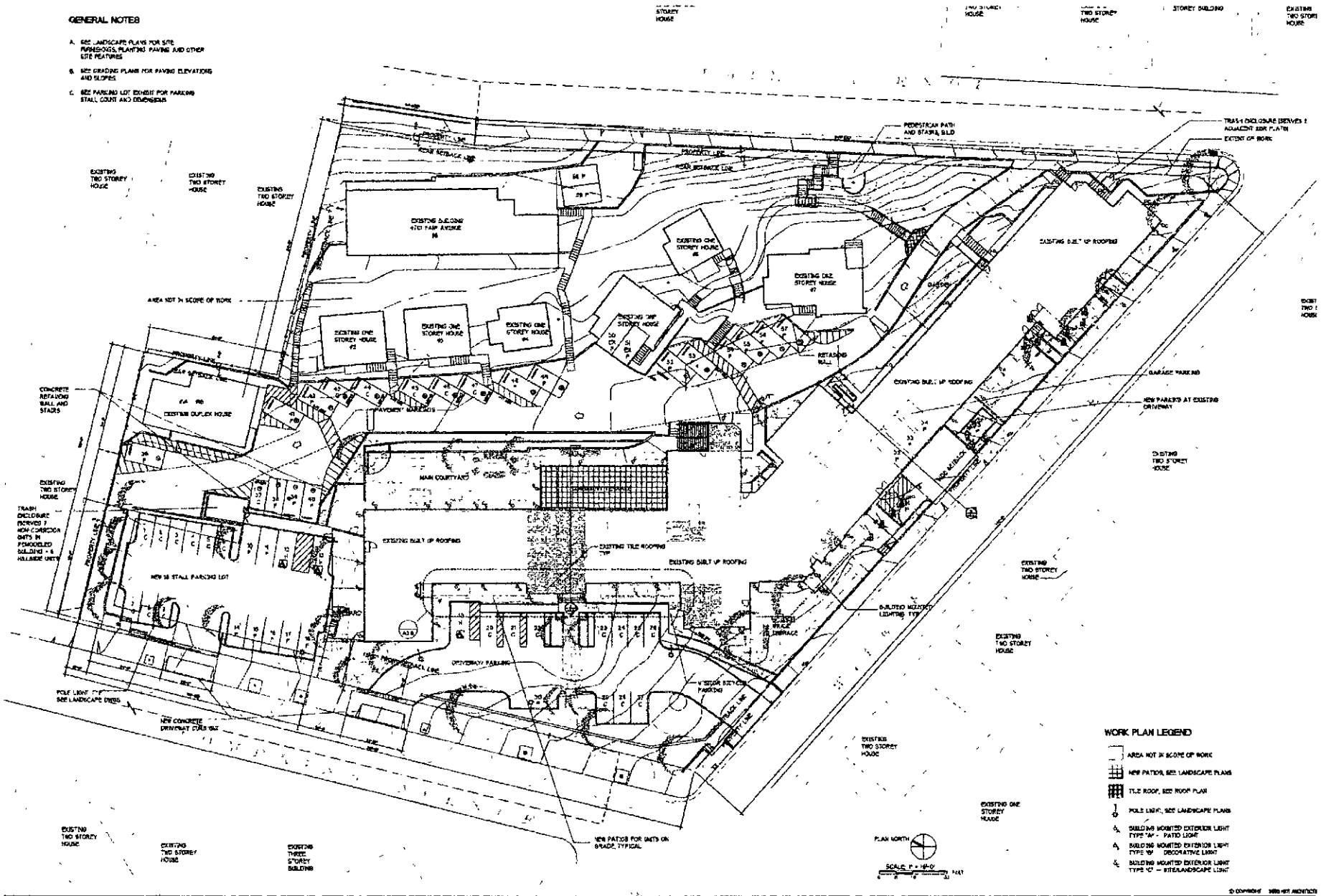
- REMOVAL PLAN GENERAL NOTES**
- FOR MORE INFORMATION ON REMOVAL OF DS TRACES, REFER TO THESE DISPOSITION PLAN.
 - ALL EXISTING WINDOWS AND DOORS TO BE DEMOLISHED, S.D.
 - CONCRETE EXTERIOR WALL TO REMAIN EXCEPT WHERE NOTED ON PLANS AND ELEVATIONS.

- REMOVAL PLAN LEGEND**
- EXISTING CONSTRUCTION TO REMAIN
 - EXISTING CONSTRUCTION TO BE REMOVED
 - AREA NOT IN SCOPE OF WORK
 - EXISTING STRUCTURE TO BE RENOVATED

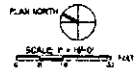


GENERAL NOTES

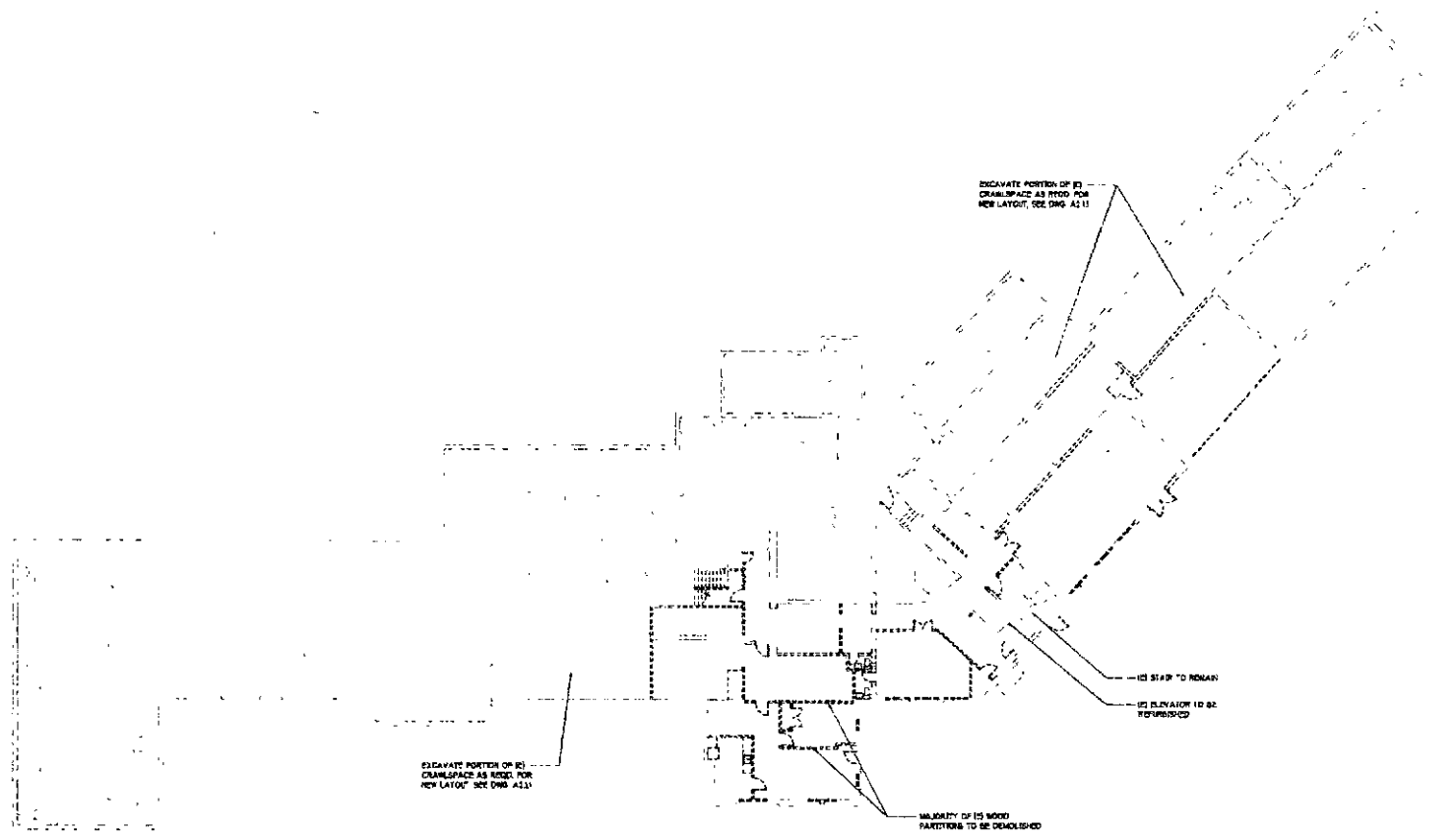
- A. SEE LANDSCAPE PLANS FOR SITE FURNISHINGS, PLANTING, PAVING AND OTHER SITE FEATURES
- B. SEE GRADING PLANS FOR PAVING ELEVATIONS AND SLOPES
- C. SEE PARKING LOT EXIST FOR PARKING STALL COUNT AND DIMENSIONS



- WORK PLAN LEGEND**
- AREA NOT IN SCOPE OF WORK
 - ▨ NEW PATIOS, SEE LANDSCAPE PLANS
 - ▩ TILE ROOF, SEE ROOF PLAN
 - ↓ POLE LIGHT, SEE LANDSCAPE PLANS
 - ⊕ BUILDING MOUNTED EXTERIOR LIGHT TYPE 'M' - PATIO LIGHT
 - ⊙ BUILDING MOUNTED EXTERIOR LIGHT TYPE 'W' - DECORATIVE LIGHT
 - ⊗ BUILDING MOUNTED EXTERIOR LIGHT TYPE 'C' - SITE/LANDSCAPE LIGHT



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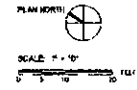


DEMOLITION PLAN GENERAL NOTES

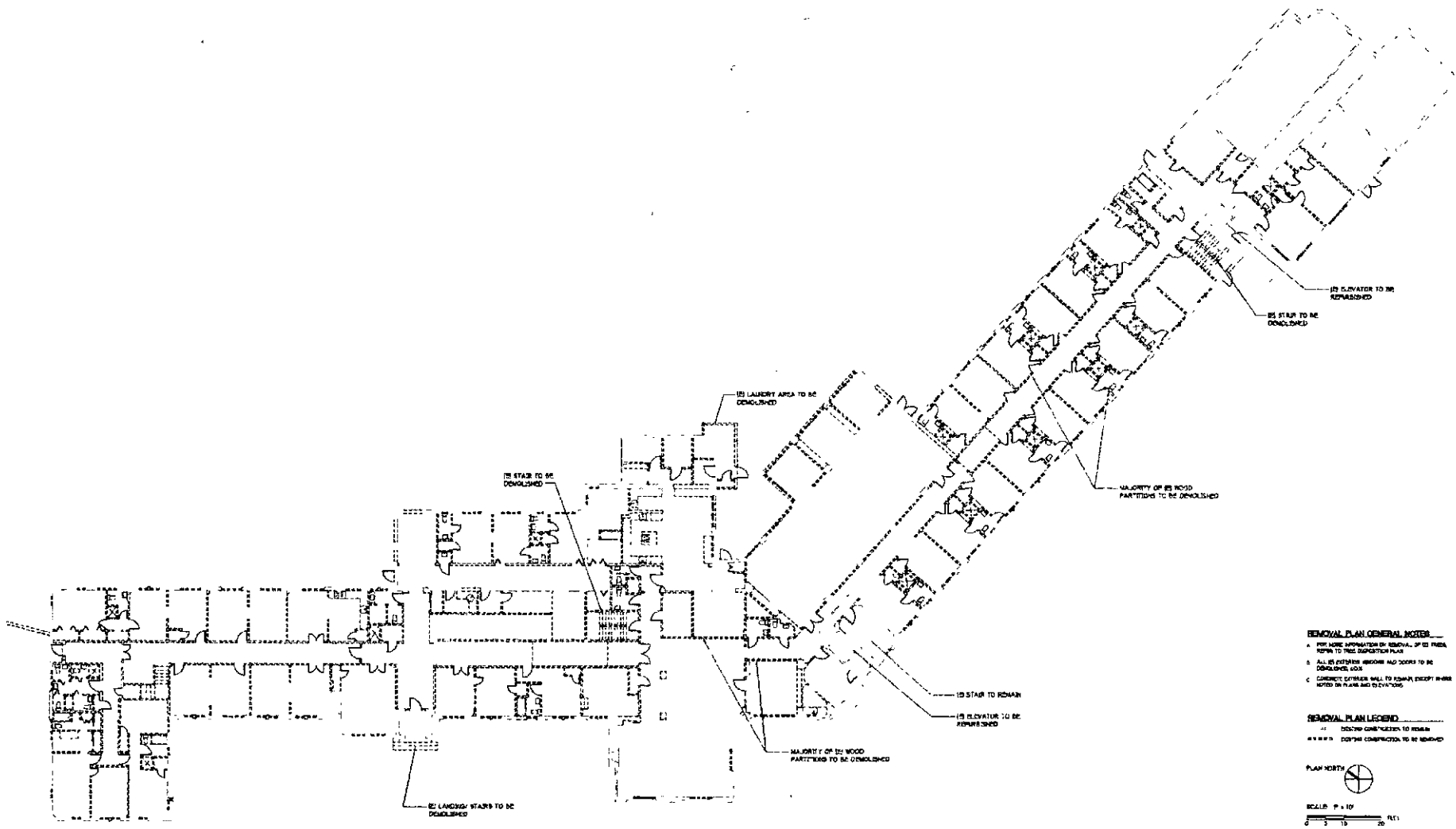
- FOR MORE INFORMATION ON THE REMOVAL OF EXISTING REFER TO THESE CONDITIONS ON PLAN
- ALL EXISTING ROOMS AND ROOMS TO BE DEMOLISHED ARE
- CONCRETE STRUCTURE SHALL TO REMAIN EXCEPT WHERE NOTED ON PLANS AND ELEVATIONS

DEMOLITION PLAN LEGEND

- EXISTING CONSTRUCTION TO REMAIN
- EXISTING CONSTRUCTION TO BE DEMOLISHED



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DEMOLITION PLAN GENERAL NOTES

- FOR MORE INFORMATION OF REMOVAL, OF IS FROM REFER TO THE DEMOLITION PLAN
- ALL IS EXTERIOR WINDOWS AND DOORS TO BE DEMOLISHED AND
- CONCRETE EXTERIOR WALL TO REMAIN EXCEPT WHERE NOTED ON PLANS AND TO BE TYPED

DEMOLITION PLAN LEGEND

--- DOTTED CONSTRUCTION TO REMAIN

- - - - - DOTTED CONSTRUCTION TO BE DEMOLISHED

PLAN NORTH

SCALE: 1/8" = 1'-0"

0 5 10 20 FEET

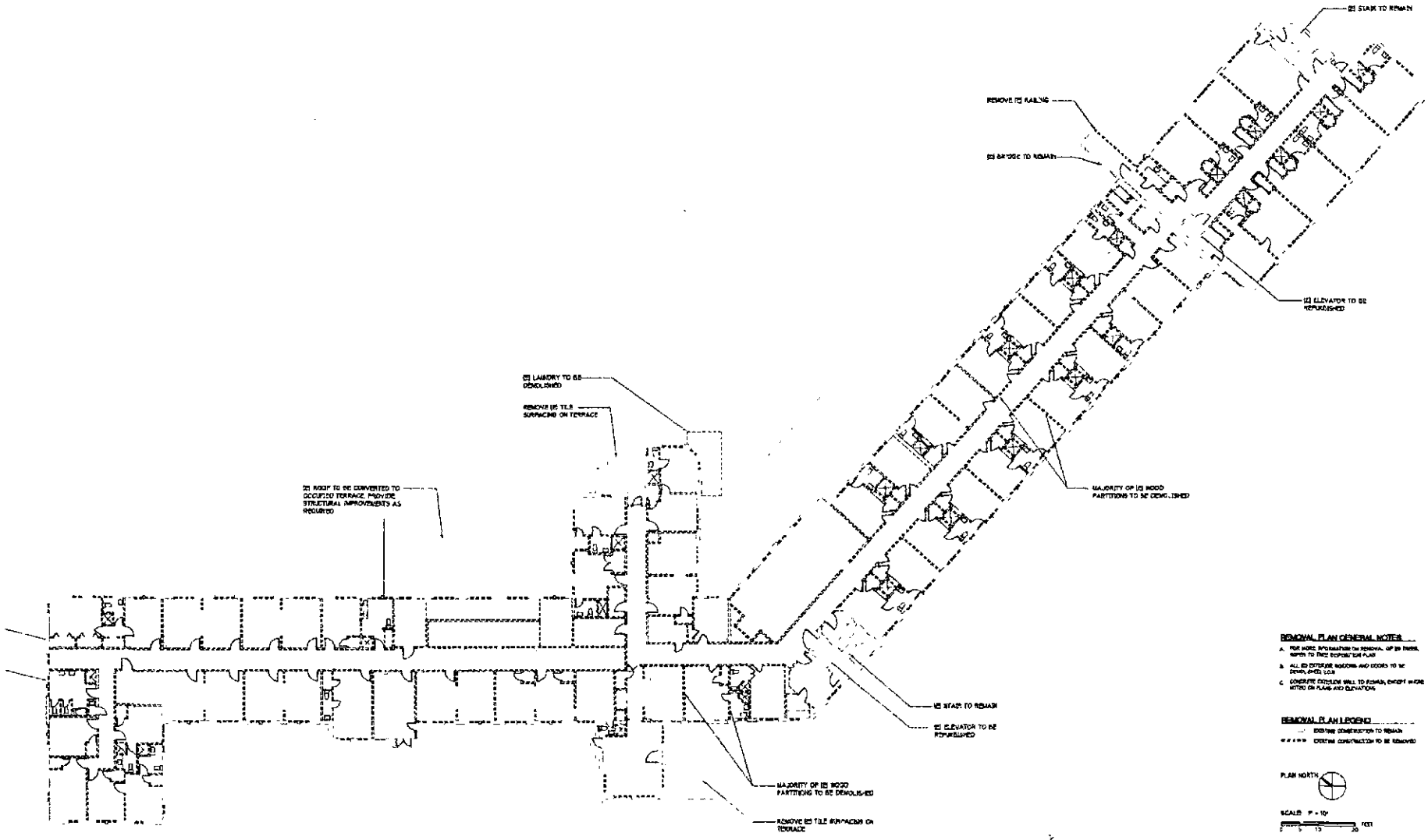
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FIRST FLOOR DEMOLITION PLAN
February 20, 2013 - HKIT #20280

TOMPKINS AVENUE
Urban Green Investments

A2.0.1



DEMOLITION PLAN GENERAL NOTES

- A. FOR MORE INFORMATION ON REMOVAL, OF IS FROM, REFER TO THE EXISTENCE PLAN.
- B. ALL IS EXISTING ROOMS AND ROOMS TO BE DEMOLISHED.
- C. CONCRETE COLUMN WALL TO REMAIN, EXCEPT WHERE NOTED ON PLANS AND ELEVATIONS.

DEMOLITION PLAN LEGEND

- EXISTING CONSTRUCTION TO REMAIN
- EXISTING CONSTRUCTION TO BE DEMOLISHED

PLAN NORTH

SCALE: 1/8" = 1'-0"

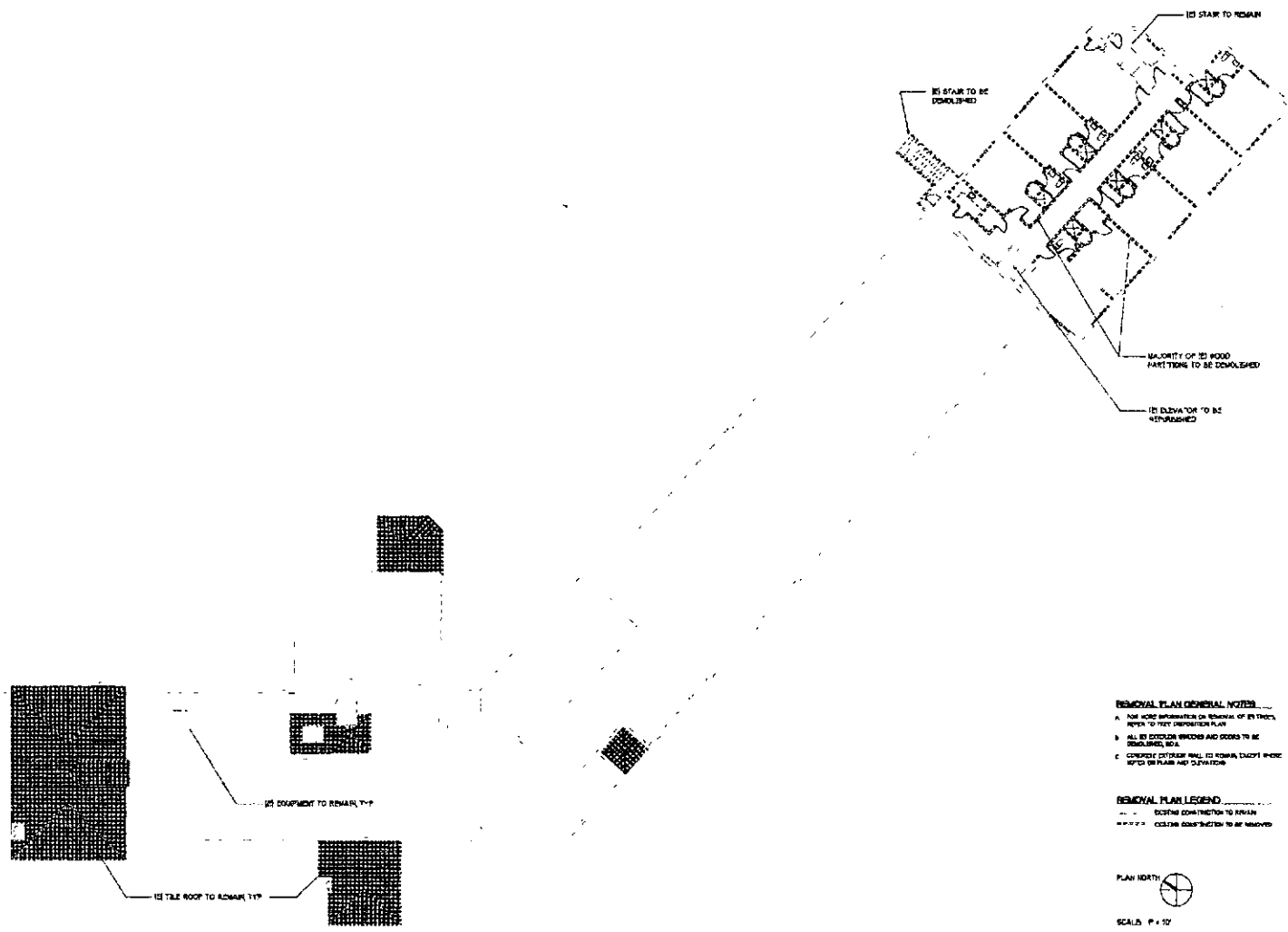
0 5 10 20 FEET

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SECOND FLOOR DEMOLITION PLAN
February 20, 2013 - HKIT #20280

TOMPKINS AVENUE
Urban Green Investments **A2.0.2**



DEMOLITION PLAN GENERAL NOTES

- NOT AVOID IMPROVEMENTS OR REPAIRS OF EXISTING AREAS TO THIS DEMOLITION PLAN
- ALL EXISTING WINDOWS AND DOORS TO BE DEMOLISHED, UNLESS NOTED ON PLAN AND ELEVATIONS
- CONCRETE STRUCTURE SHALL BE REMAIN EXCEPT WHERE NOTED ON PLAN AND ELEVATIONS

DEMOLITION PLAN LEGEND

..... EXISTING CONSTRUCTION TO REMAIN

***** EXISTING CONSTRUCTION TO BE REMOVED

PLAN NORTH

SCALE: P = 1/2"

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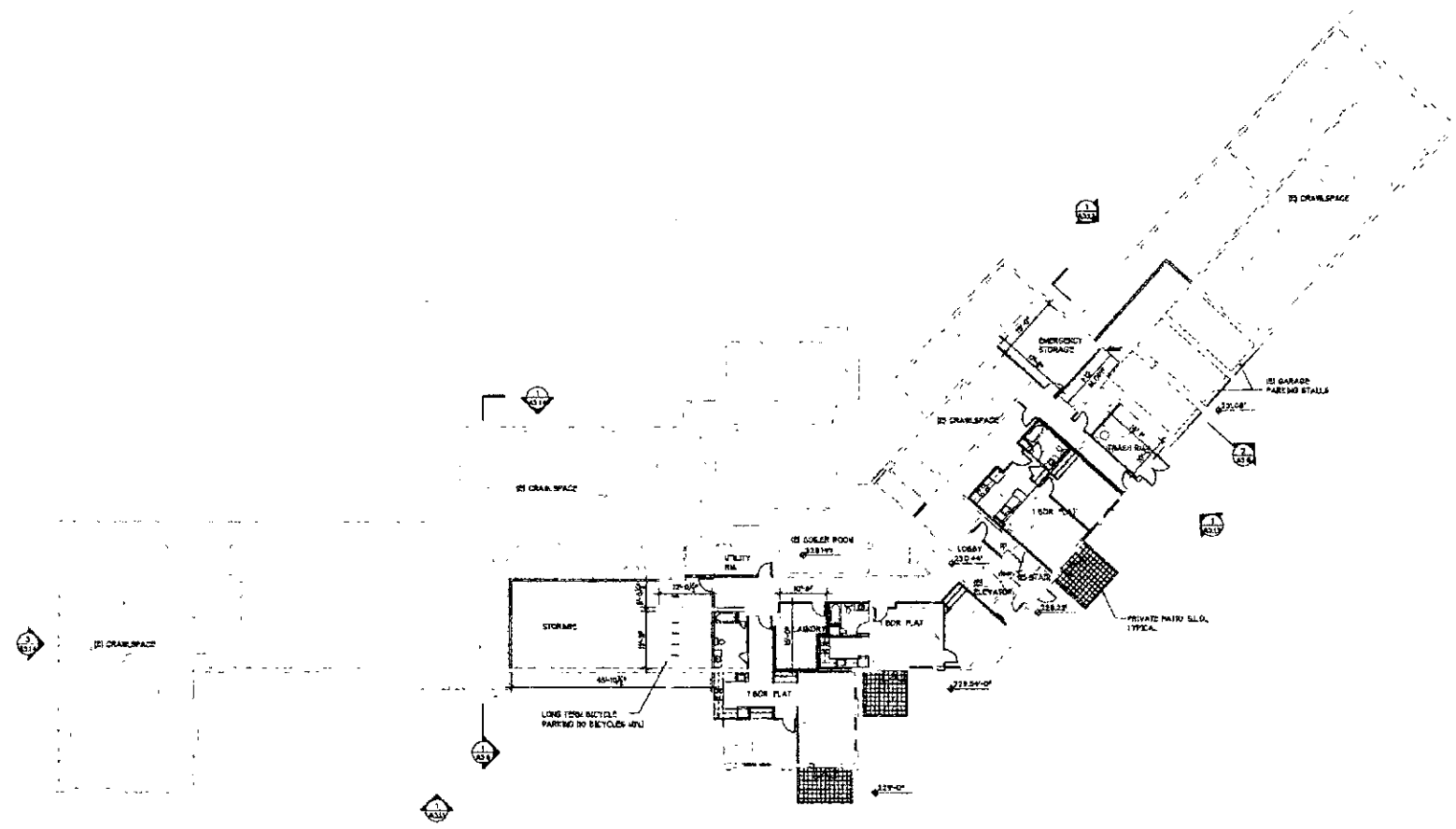
**THIRD FLOOR DEMOLITION PLAN
& PARTIAL ROOF PLAN**
February 20, 2013 - HKIT #20280

TOMPKINS AVENUE
Urban Green Investments

A2.0.3



FOOTPRINT OF US 1 STORY BUILDING ABOVE GRADE



WORK PLAN GENERAL NOTES

A. ALL EXISTING WINDOWS AND DOORS TO BE REPLACED BY NEW WITH NEW OPERABLE WINDOWS AND DOORS. SEE NOTES TO PLANS AND ELEVATIONS FOR WINDOW AND DOOR OPERABLE BY OTHER MEANS.

WORK PLAN LEGEND

--- EXISTING CONSTRUCTION TO REMAIN
--- NEW CONSTRUCTION



SCALE: 1/8" = 1'-0"

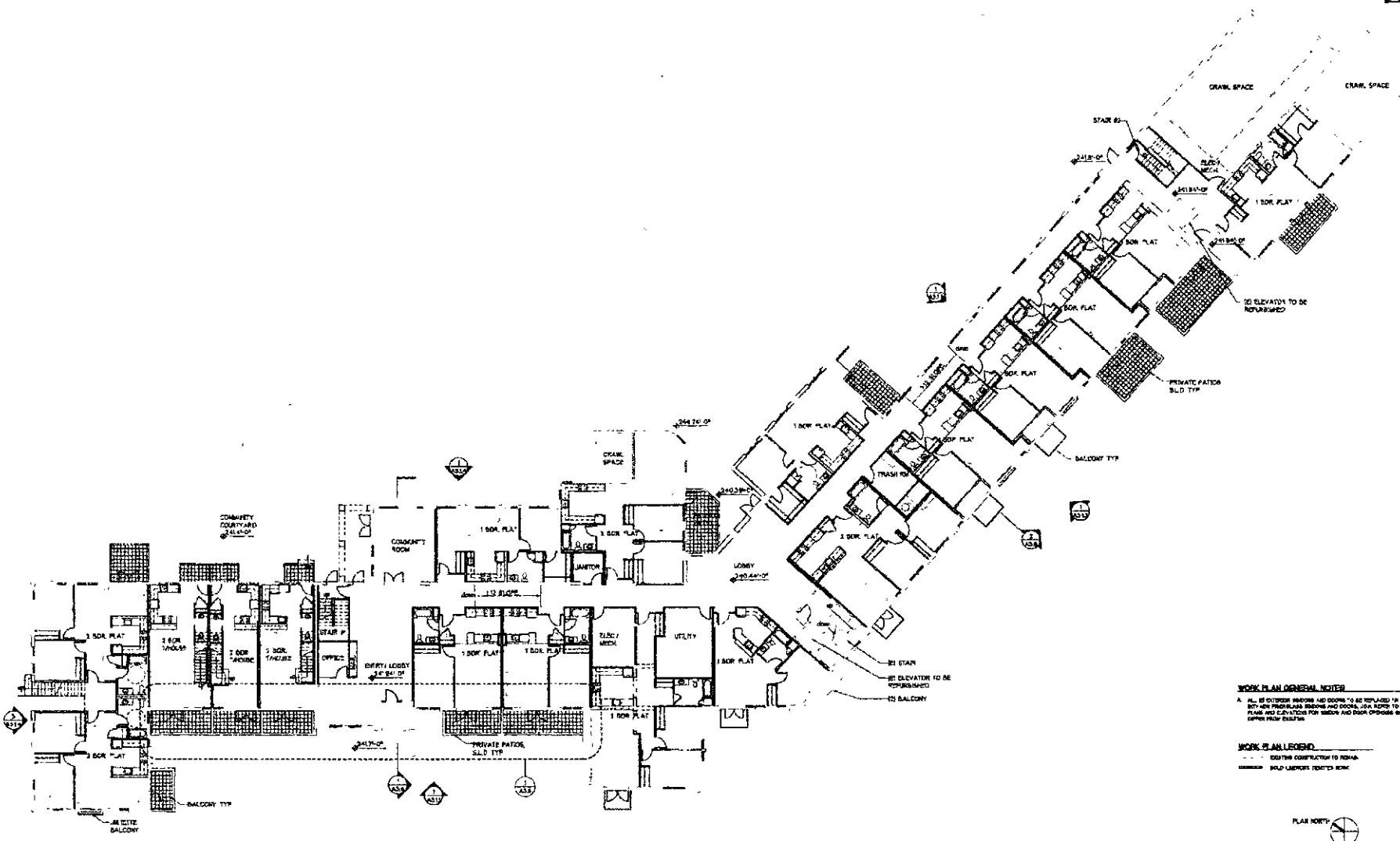
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BASEMENT FLOOR PLAN
February 20, 2013 - HKIT #20280

TOMPKINS AVENUE
Urban Green Investments

A2.1.0

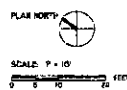


WORK PLAN GENERAL NOTES

A. ALL EXISTING WINDOWS AND DOORS TO BE REPLACED IN EXISTING AND PROPOSED AREAS AND COORD. WITH ARCHITECT TO PLAN AND SPECIFICATIONS FOR WINDOWS AND DOORS OPENINGS WHICH CARRY FLOOR LOADS.

WORK PLAN LEGEND

--- EXISTING CONSTRUCTION TO REMAIN
 - - - - - PROPOSED CONSTRUCTION TO REMAIN
 ===== BUILD WORKNOT PROJECTS WORK



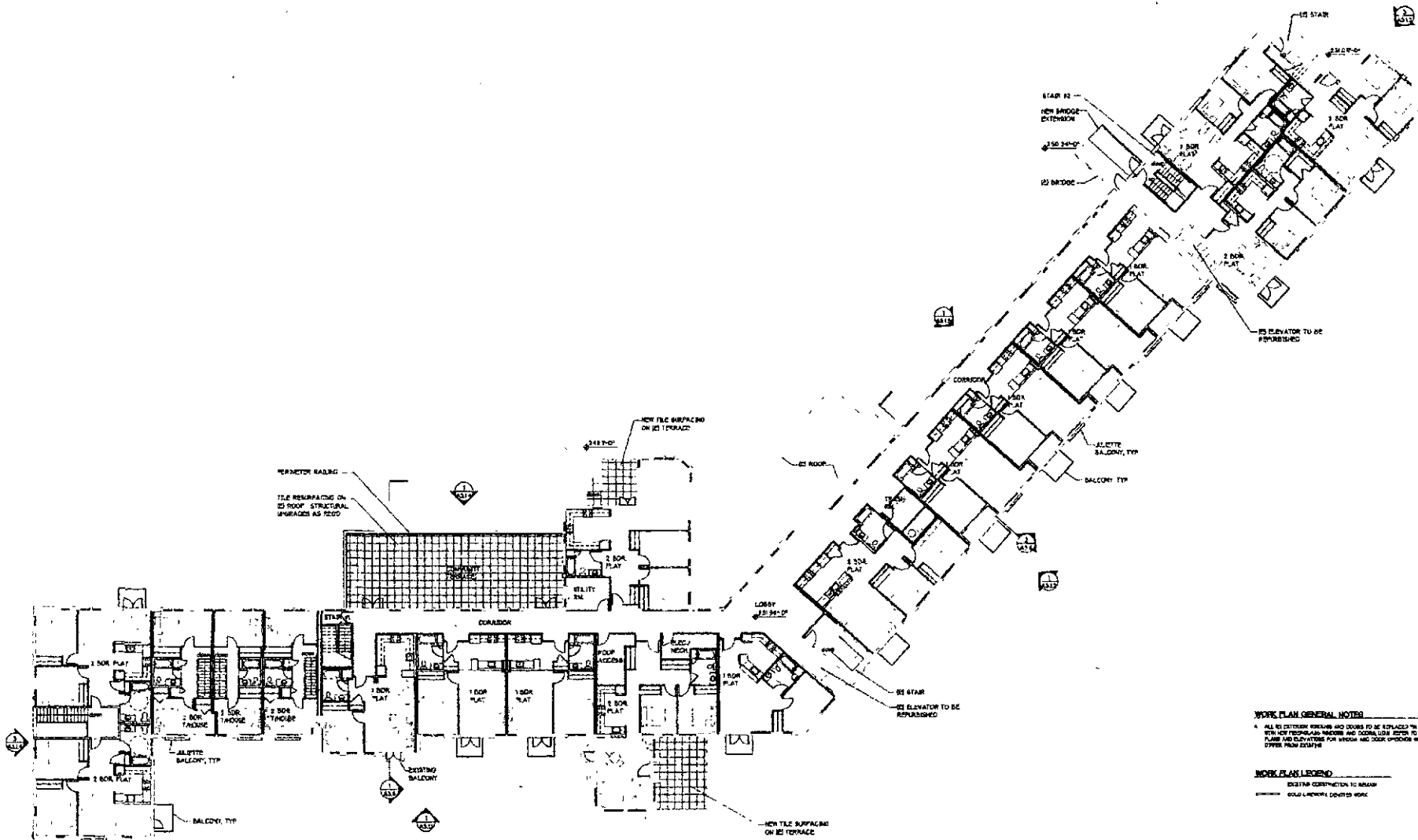
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FIRST FLOOR PLAN
 February 20, 2013 - HKIT #20280

TOMPKINS AVENUE
 Urban Green Investments

A2.1.1

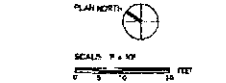


WORK PLAN GENERAL NOTES

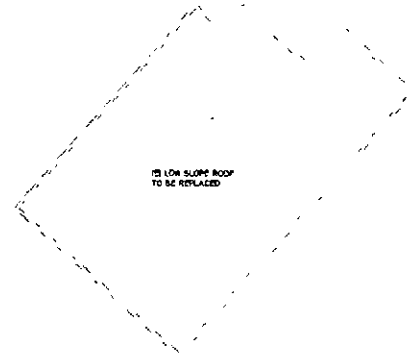
1. ALL EX. OUTSIDE FENCINGS AND GATES TO BE REPLACED TO MATCH WITH NEW FENCE/SLAN-RACKS AND DOUBLE LOCK SYSTEM TO MATCH AND ELEVATORS FOR UNIFORM AND CLEAR OPERATIONS WHICH OTHER FROM EXISTING

WORK PLAN LEGEND

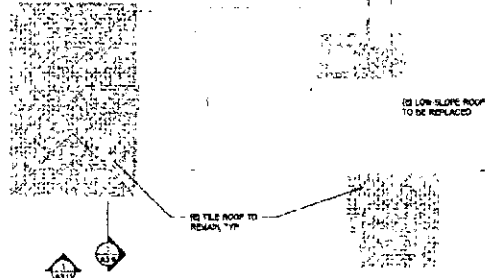
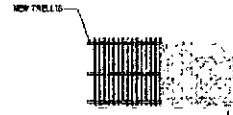
- EXISTING CONSTRUCTION TO REMAIN
- SOLID LINES DENOTES WORK



© COPYRIGHT 2013 BY HKIT ARCHITECTS

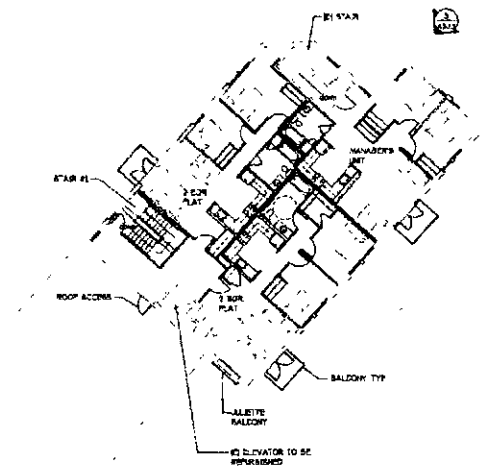


1 THIRD FLOOR ROOF PLAN
SCALE: 1/4" = 10'-0"



IS LOW-SLOPE ROOF TO BE REPLACED

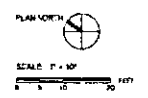
IS LOW-SLOPE ROOF TO BE REPLACED



IS LOW-SLOPE ROOF TO BE REPLACED

WORK PLAN GENERAL NOTES
A. ALL EXISTING WINDOWS AND DOORS TO BE REPLACED BY GLAZED WITH THERMALLY BROKEN AND DOUBLE GLAZING TO MEET ENERGY EFFICIENCY AND SOUND ATTENUATION REQUIREMENTS. REFER TO SPECIFICATIONS FOR WINDOW AND DOOR SCHEDULES. CHECK WITH MANUFACTURER FOR LEAKAGE AND SOUND ATTENUATION RATES.

WORK PLAN LEGEND
- - - - - EXISTING CONSTRUCTION TO REMAIN
- - - - - NEW CONSTRUCTION



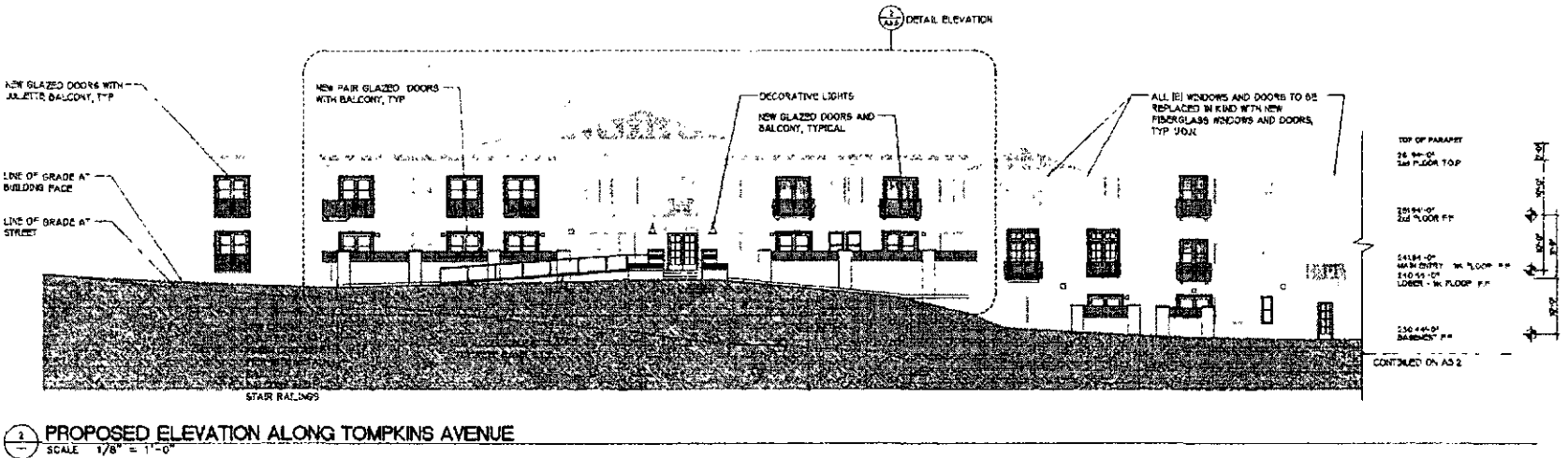
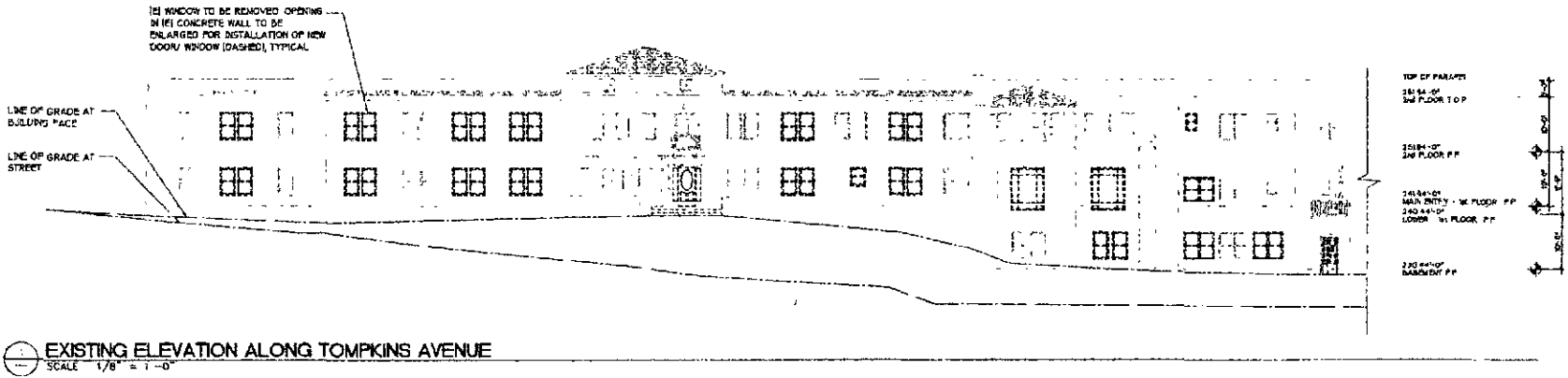
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THIRD FLOOR & PARTIAL ROOF PLAN
February 20, 2013 - HKIT #20280

TOMPKINS AVENUE
Urban Green Investments

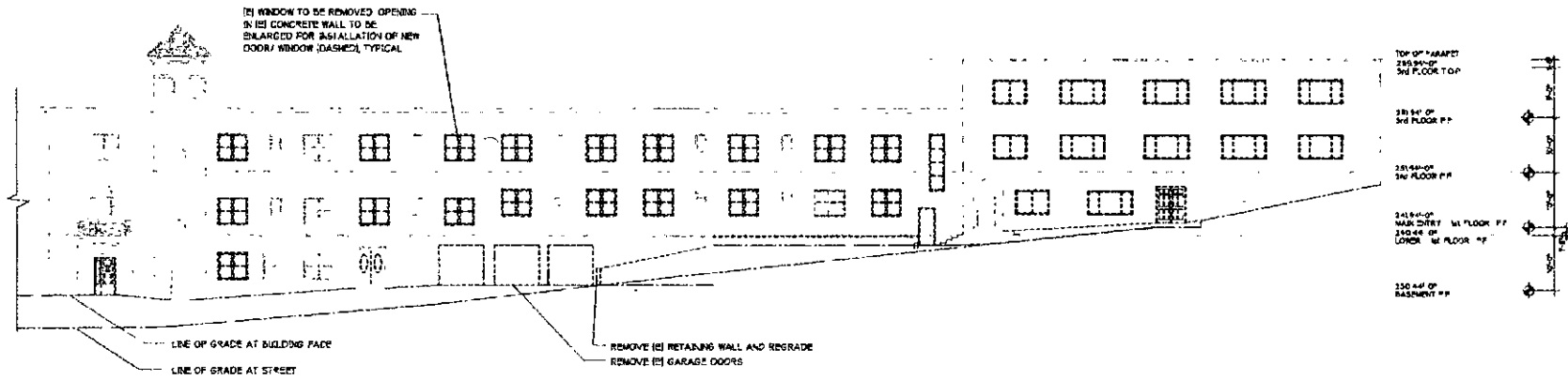
A2.1.3



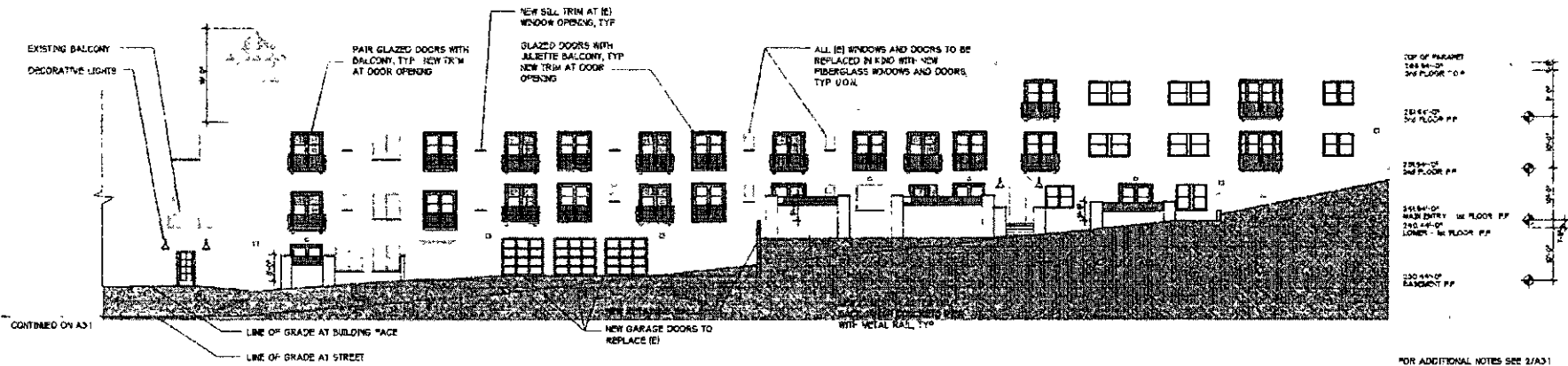
GENERAL NOTES
 A. ALL EXTERIOR WALLS TO BE REPAINTED, COLOR TO MATCH IES.
 B. SEE CIVIL AND LANDSCAPE PLANS FOR ADDITIONAL INFORMATION ON STAIRS, PATIOS, AND OTHER SITE FEATURES.

SCALE: 1/8" = 1'-0"

© COPYRIGHT 2013 HKIT ARCHITECTS

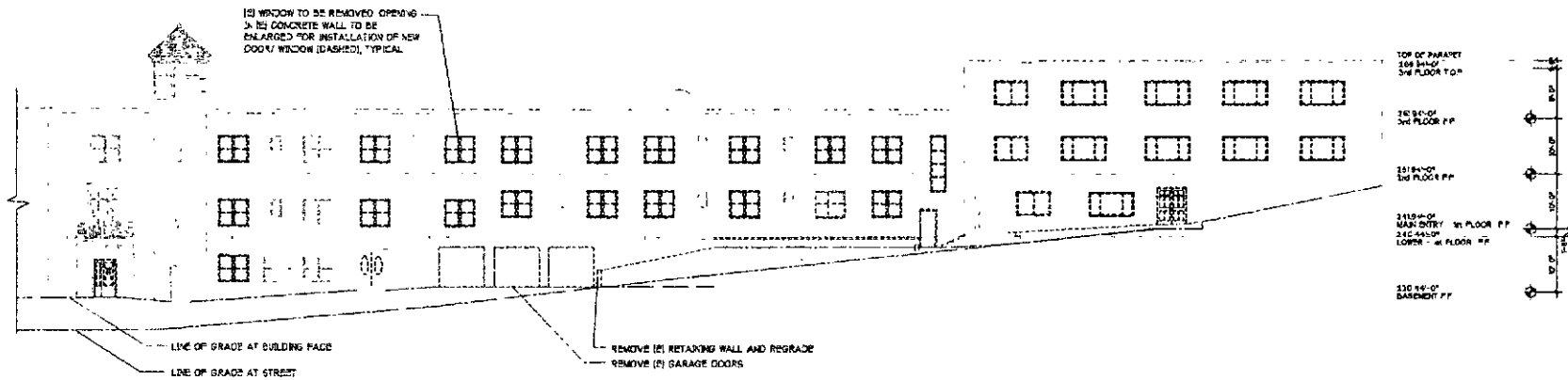


1 EXISTING ELEVATION ALONG WILKIE STREET
SCALE 1/8" = 1'-0"

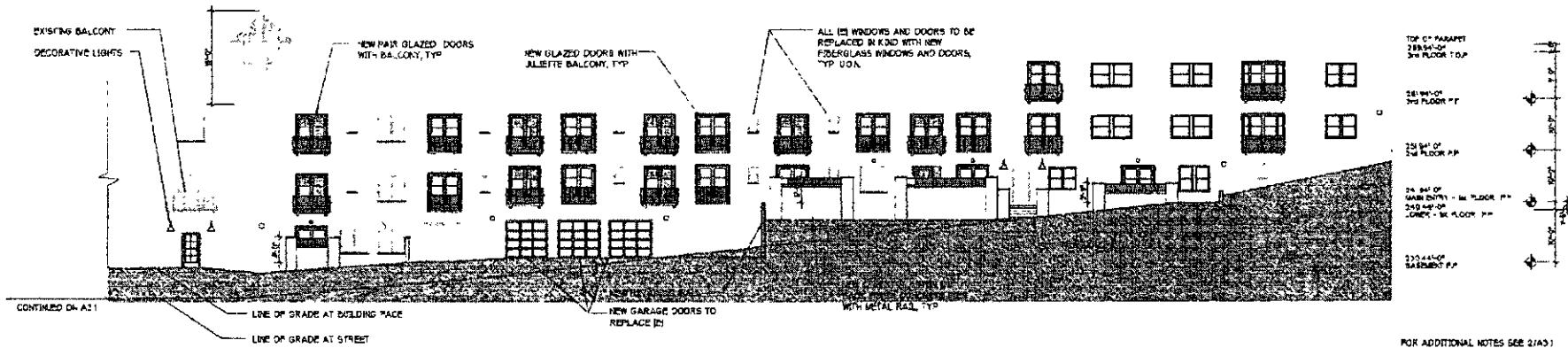


2 PROPOSED ELEVATION ALONG WILKIE STREET
SCALE 1/8" = 1'-0"

SCALE 1/8" = 1'-0"
FEET



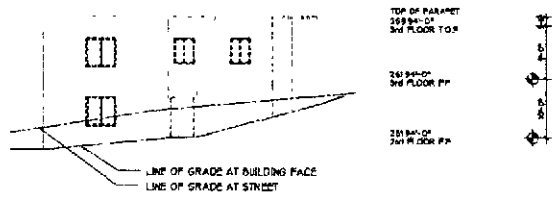
1 EXISTING ELEVATION ALONG WILKIE STREET
SCALE: 1/8" = 1'-0"



2 PROPOSED ELEVATION ALONG WILKIE STREET
SCALE: 1/8" = 1'-0"

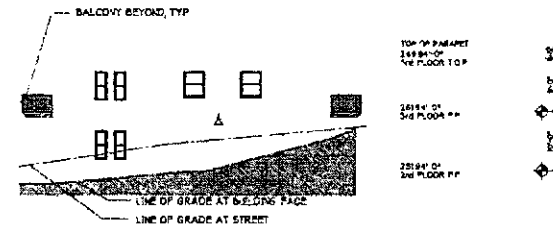
SCALE: 1" = 1'-0"
0 5 10 15

FOR ADDITIONAL NOTES SEE 2(A3)



1 EXISTING EAST ELEVATION

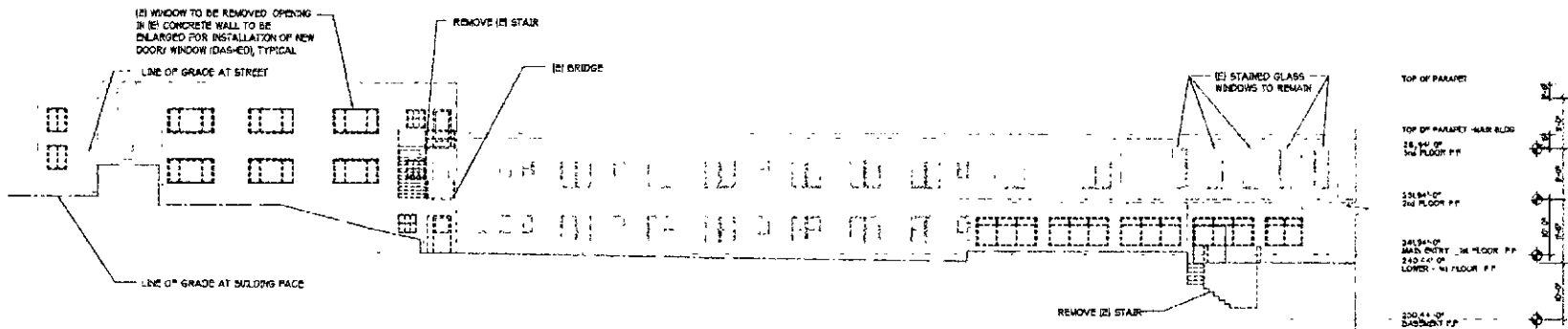
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2 PROPOSED EAST ELEVATION

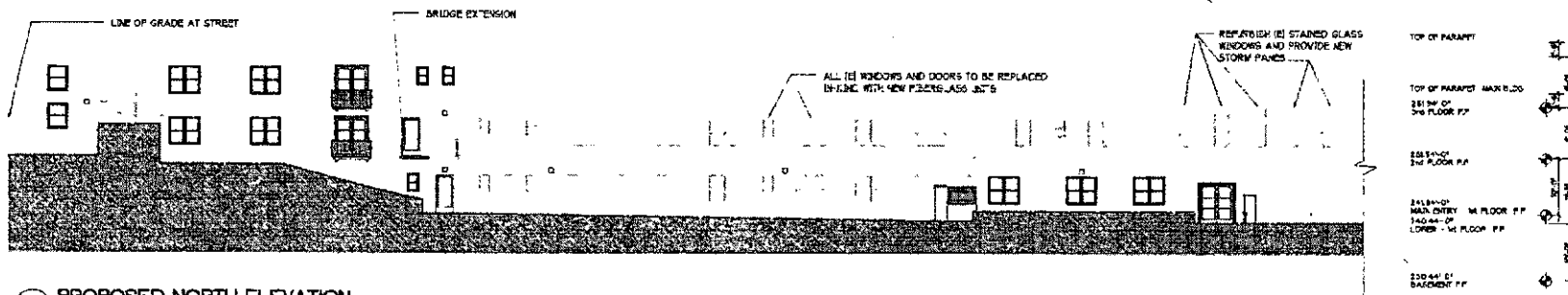
SCALE 1/8" = 1'-0"

FOR ADDITIONAL NOTES SEE 2/A31



3 EXISTING NORTH ELEVATION

SCALE 1/8" = 1'-0"

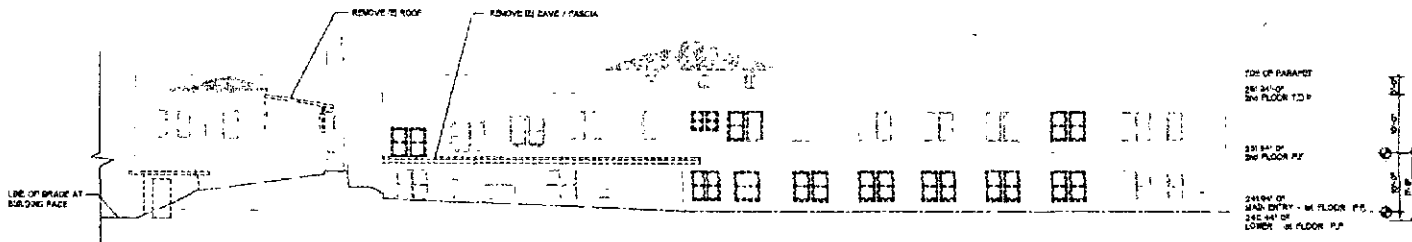


4 PROPOSED NORTH ELEVATION

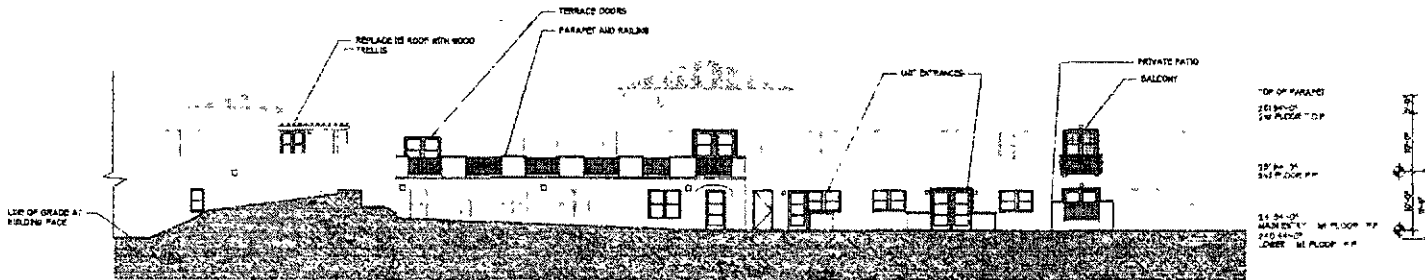
SCALE 1/8" = 1'-0"

FOR ADDITIONAL NOTES SEE 3/A31

SCALE 1/8" = 1'-0"
1" = 10'-0"

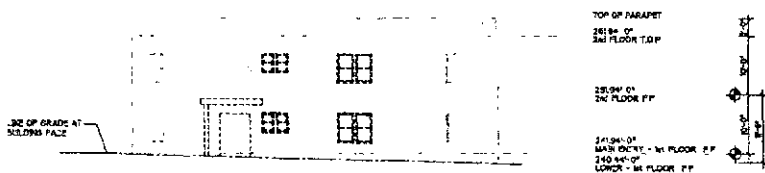


1 EXISTING NORTHEAST ELEVATION
SCALE 1/8" = 1'-0"

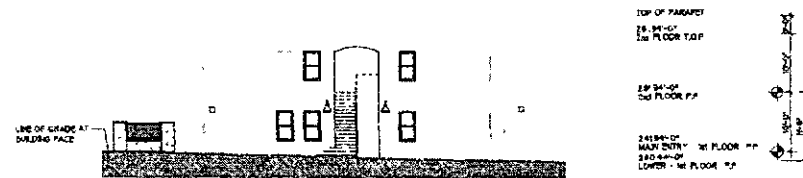


2 PROPOSED NORTHEAST ELEVATION
SCALE 1/8" = 1'-0"

FOR ADDITIONAL NOTES SEE DWG. S1A31

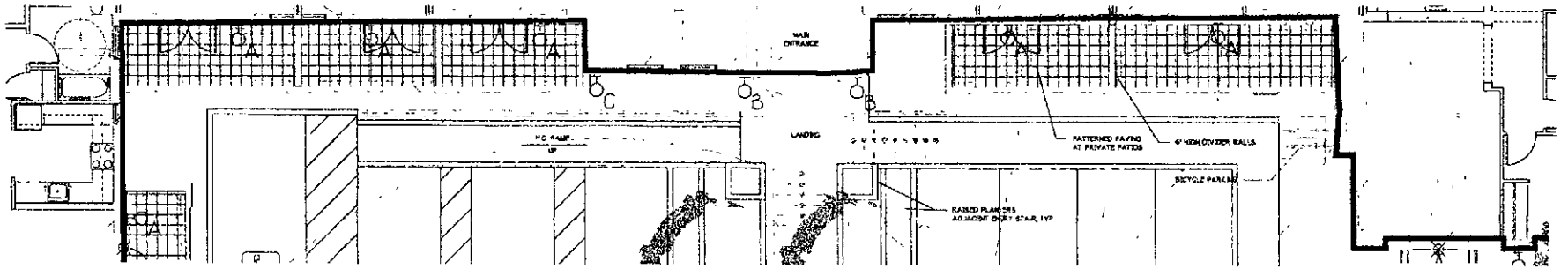


3 EXISTING NORTHWEST ELEVATION
SCALE 1/8" = 1'-0"

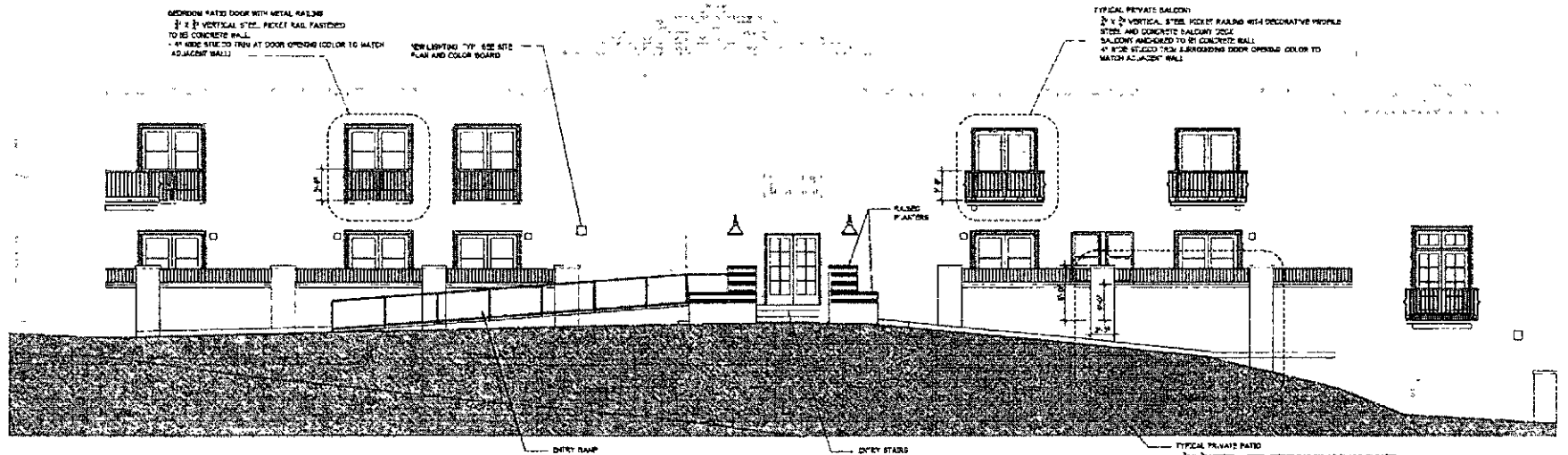


4 PROPOSED NORTHWEST ELEVATION
SCALE 1/8" = 1'-0"

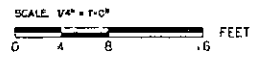
FOR ADDITIONAL NOTES SEE DWG. S1A31

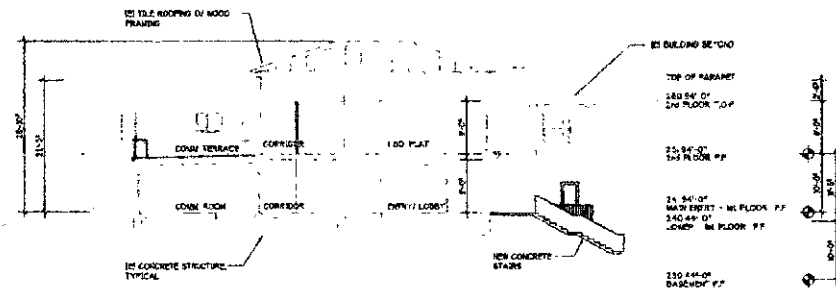


1 PARTIAL FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

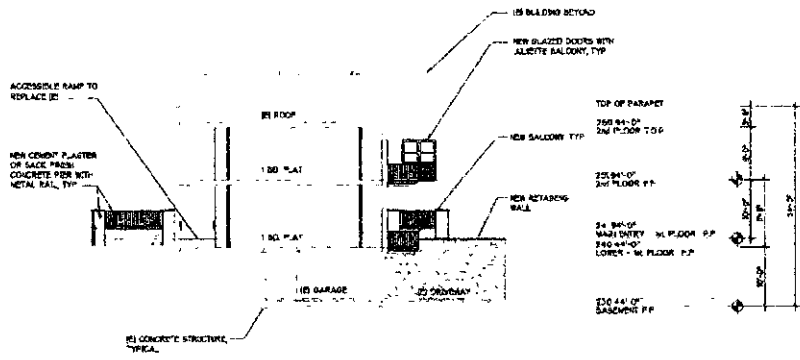


2 ENLARGED / DETAIL ELEVATION AT MAIN ENTRANCE
SCALE 1/4" = 1'-0"

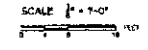




1 CROSS SECTION AT MAIN ENTRY
SCALE 1/8" = 1'-0"



2 CROSS SECTION AT EXISTING GARAGE
SCALE 1/8" = 1'-0"



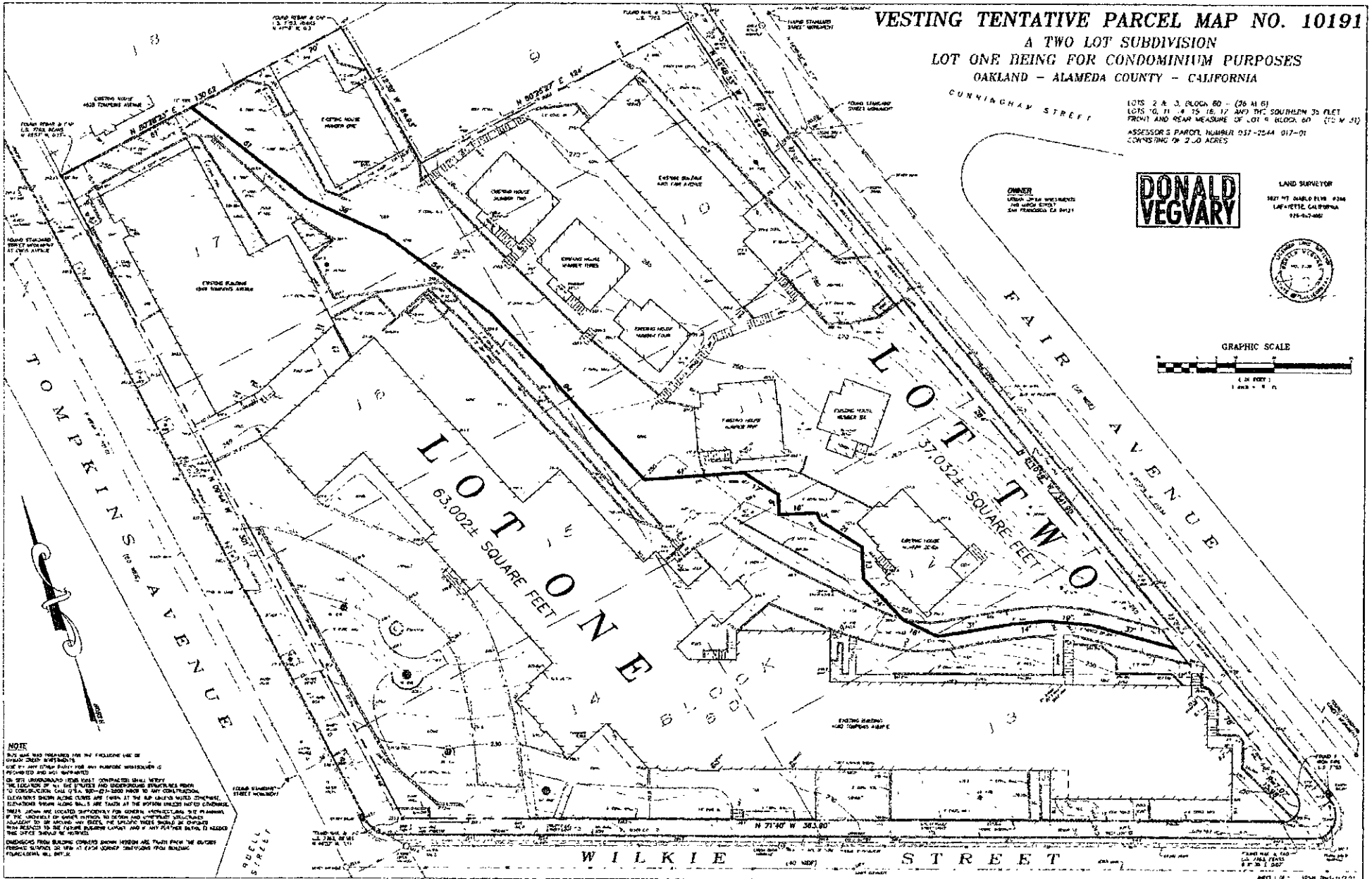
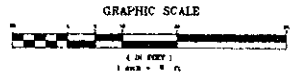
VESTING TENTATIVE PARCEL MAP NO. 10191

A TWO LOT SUBDIVISION
LOT ONE BEING FOR CONDOMINIUM PURPOSES
OAKLAND - ALAMEDA COUNTY - CALIFORNIA

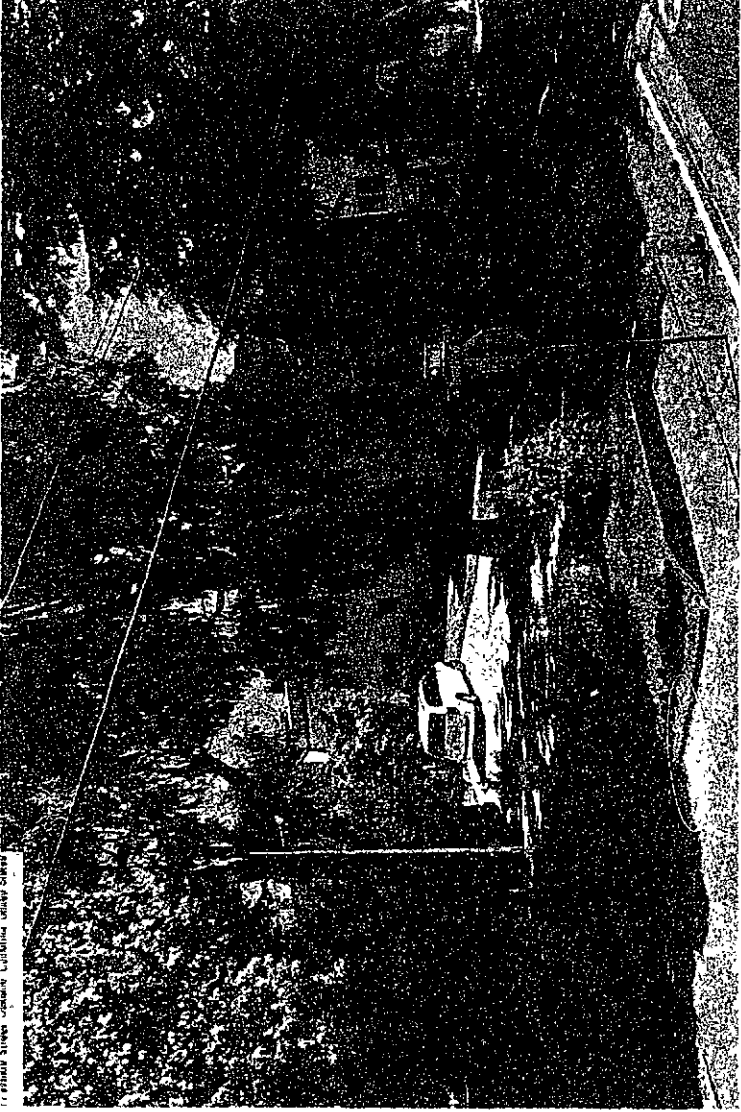
LOTS 2 & 3, BLOCK 60 - (26 A.C.)
LOTS 10, 11, 4, 15-18, 17 AND 19C, SOUTH OF N 35 FEET
FRONT AND REAR MEASURE OF LOT 4, BLOCK 60 (702 W. 31)
ASSESSOR'S PARCEL NUMBER 057-0544 017-01
CONSISTING OF 2.20 ACRES



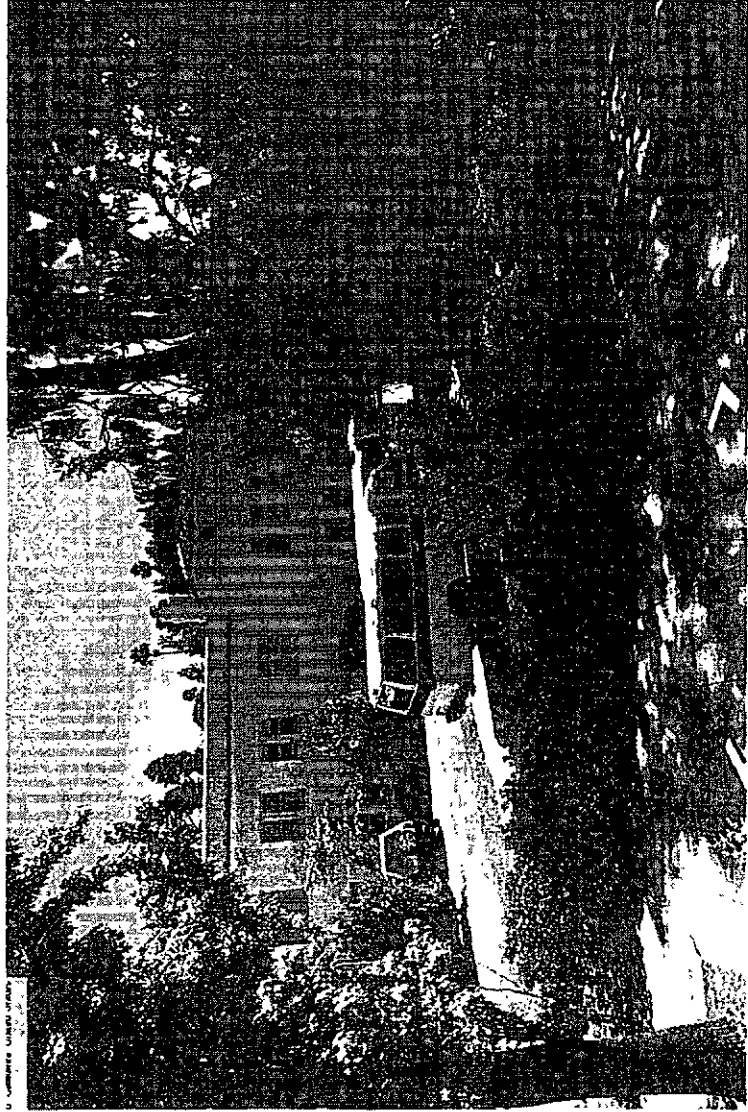
LAND SURVEYOR
3827 MI. DABLO BLVD. #204
LAFAYETTE, CALIFORNIA
925-947-8800

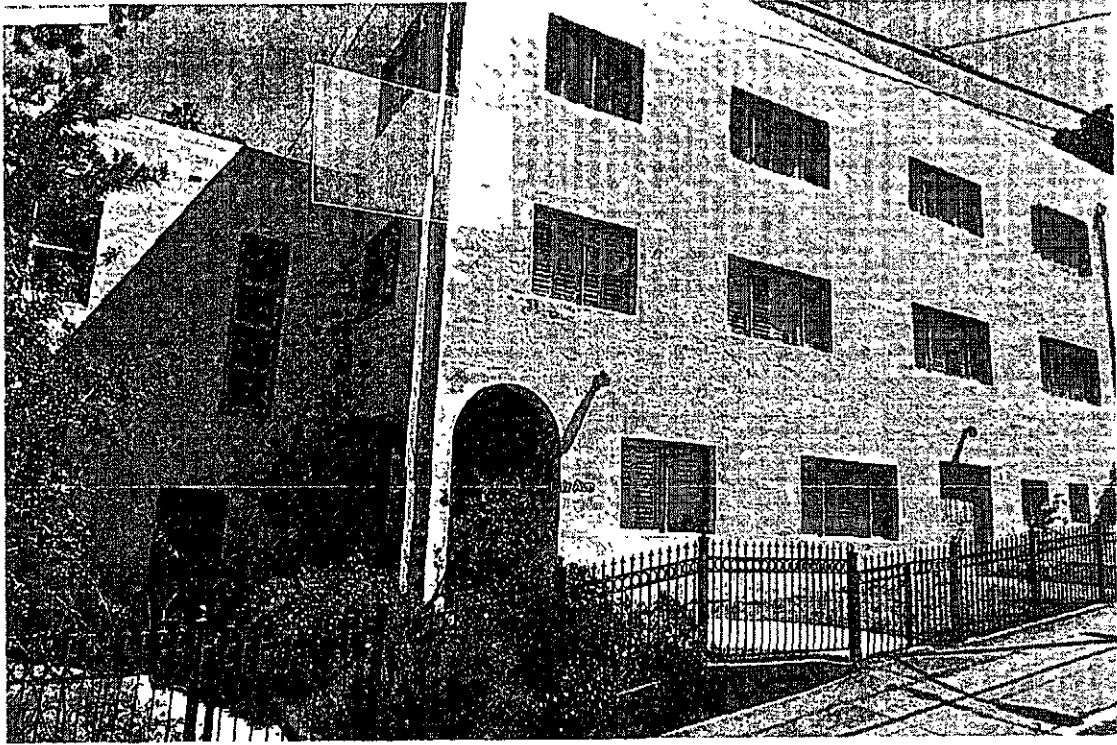


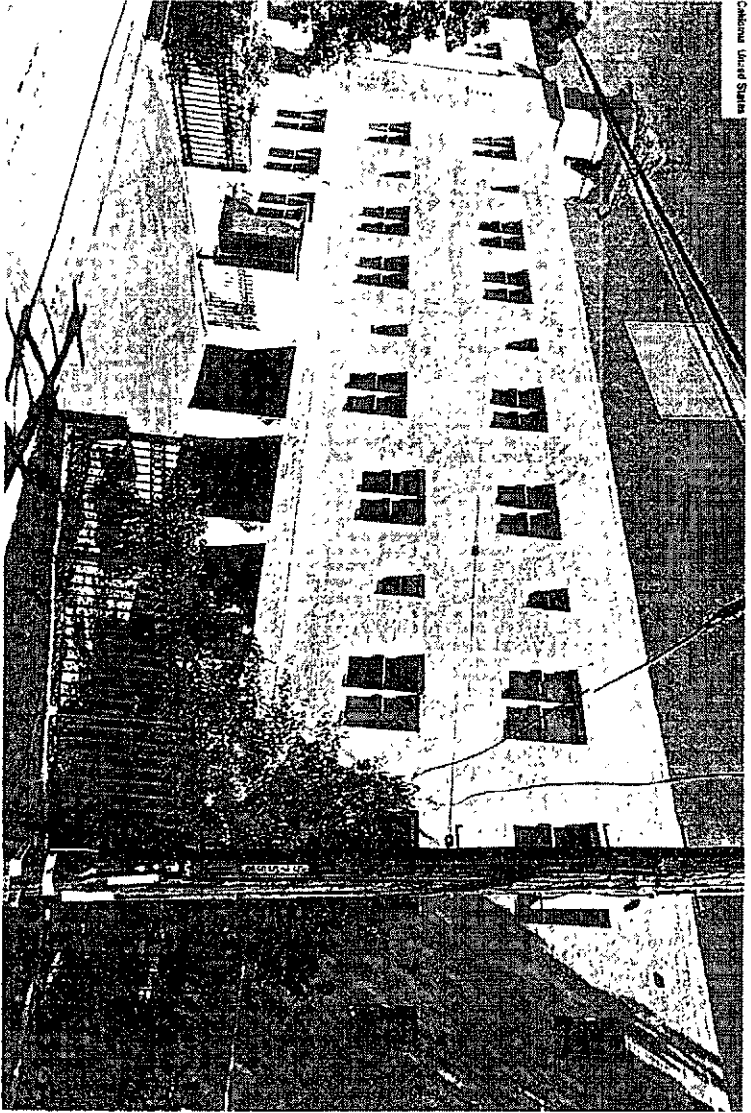
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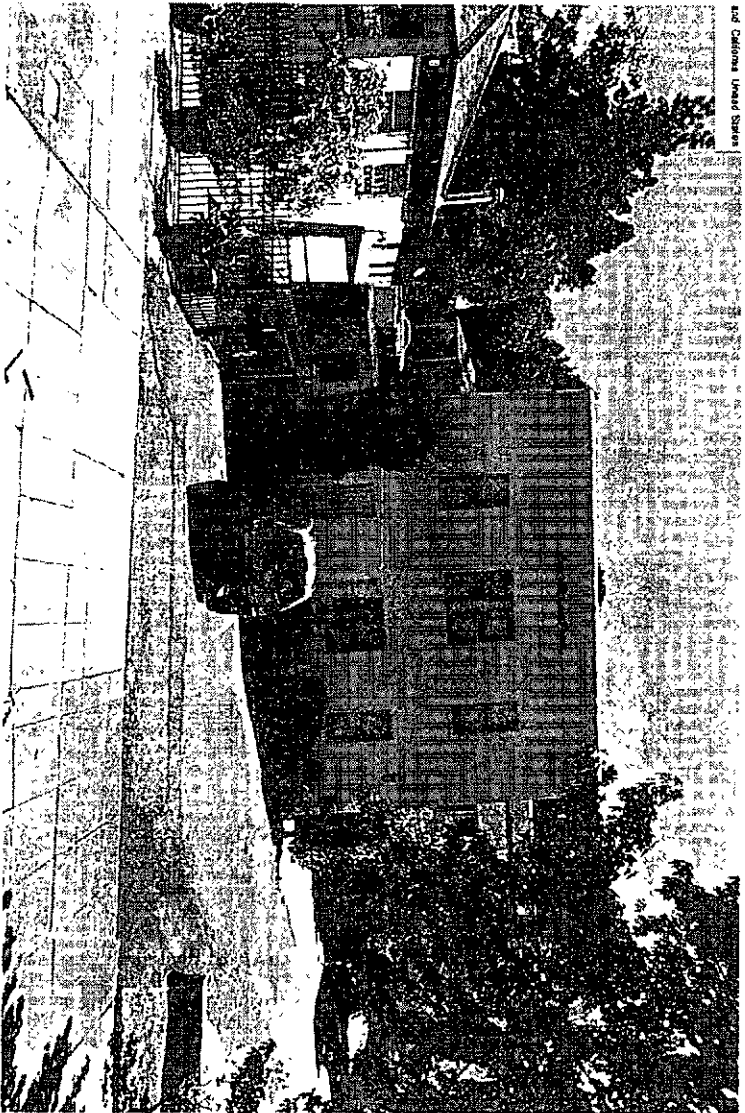
2. 220000 210000 200000 190000 180000 170000 160000 150000 140000 130000 120000 110000 100000 90000 80000 70000 60000 50000 40000 30000 20000 10000 0







California United States



and California United States

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code: 7

Page P1 of 2

Other Listings OPB Prelim. B+3
Review Code _____ Reviewer _____ Date _____

*P1. a. Resource Identifier (assign a name or number): 4690 TOMPKINS AV
b. Other Identifier: Beulah Rest Home

*P2. Location: a. County Alameda
*b. Address 4690 TOMPKINS AV/NE COR WILKIE
City Oakland, CA Zip 94619
*c. UTM: USGS 7.5' Quad Oakland East Date 1959 (1980) Zone: _____ mE / _____ mN
*d. Other Locational Data (e.g. parcel #, legal description, additional UTM's, etc.)
Parcel no.: 037 2544 017 01

*P3. a. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, etc.):

4690 TOMPKINS AV, Beulah Rest Home, is a Spanish Colonial residential building on a three-frontage lot in the Home of Peace district. It is 2 stories, attic and basement, with flat and hip roofs, tiled pent roofs, and a hip-roofed tower. Exterior walls are stucco over reinforced concrete. Roofs are irregularly laid mission tile. The main building is a shallow U-plan facing Tompkins Avenue, with about 200' frontage for the main pavilion and wings, plus additions at either end. The center entry is approached by a wide curved driveway. There is colored tile ornament around and above the doorway, a single wrought iron balcony, and simple stucco pilasters. Windows are plain, deeply recessed, double-hung, and numerous. An added dormitory wing along Wilkie Street is plain white stucco. Behind are several cottages and a staff house. Present use is retirement/nursing home, Beulah Rest Home. Surroundings are densely built up, residential.

(see continuation page)

b. Resource attributes: HP03--residential building

*P4. Resources present: Building Structure Object Site District Element of District () / Other

*P5. a. Photograph or Drawing



P5. b. Photo number. 744-28
Photo date: 11/15/96

*P6. Date Constructed/Age, and Source:
 Prehistoric Historic Both
1928ff F
building permit #A33381

*P7. Owner and Address:
4690 TOMPKINS AVENUE
PARTNERSHIP c/o ALICE LOO
2081 15TH ST
SAN FRANCISCO CA 94114

*P8. Recorded by (name, affiliation, address):
Oakland Cultural Heritage
Survey, 250 Frank Ogawa Plaza
Oakland 94612 (510-238-3941)

*P9. Date Recorded: 09/30/98

*P10. Type of Survey: Intensive
 Reconnaissance Other

*P11. Report Citation: OCHS Completion Report, CLG Project #06-97-12005, 9/30/98 (Citywide)

*Attachments: None Location Map Sketch Map Continuation Sheet Building, Structure, and Object Record Other

P3a. Description, cont'd:

The building is in excellent condition; its integrity is excellent. Its preliminary rating of B+3 reflects its interest as a superior example of a Spanish Colonial institutional building, designed as a retirement home for missionaries by Blaine & Olsen in 1928. It forms a historically related group with the Home of Peace buildings at 4700 Daisy Street.

Photo #744-26
Wilkie street wing (195



Photo #744-29
main building
entry detail



Oakland City Planning Commission
Design Review Committee

STAFF REPORT

Case File Numbers CMD13067/T1300012

June 26, 2013

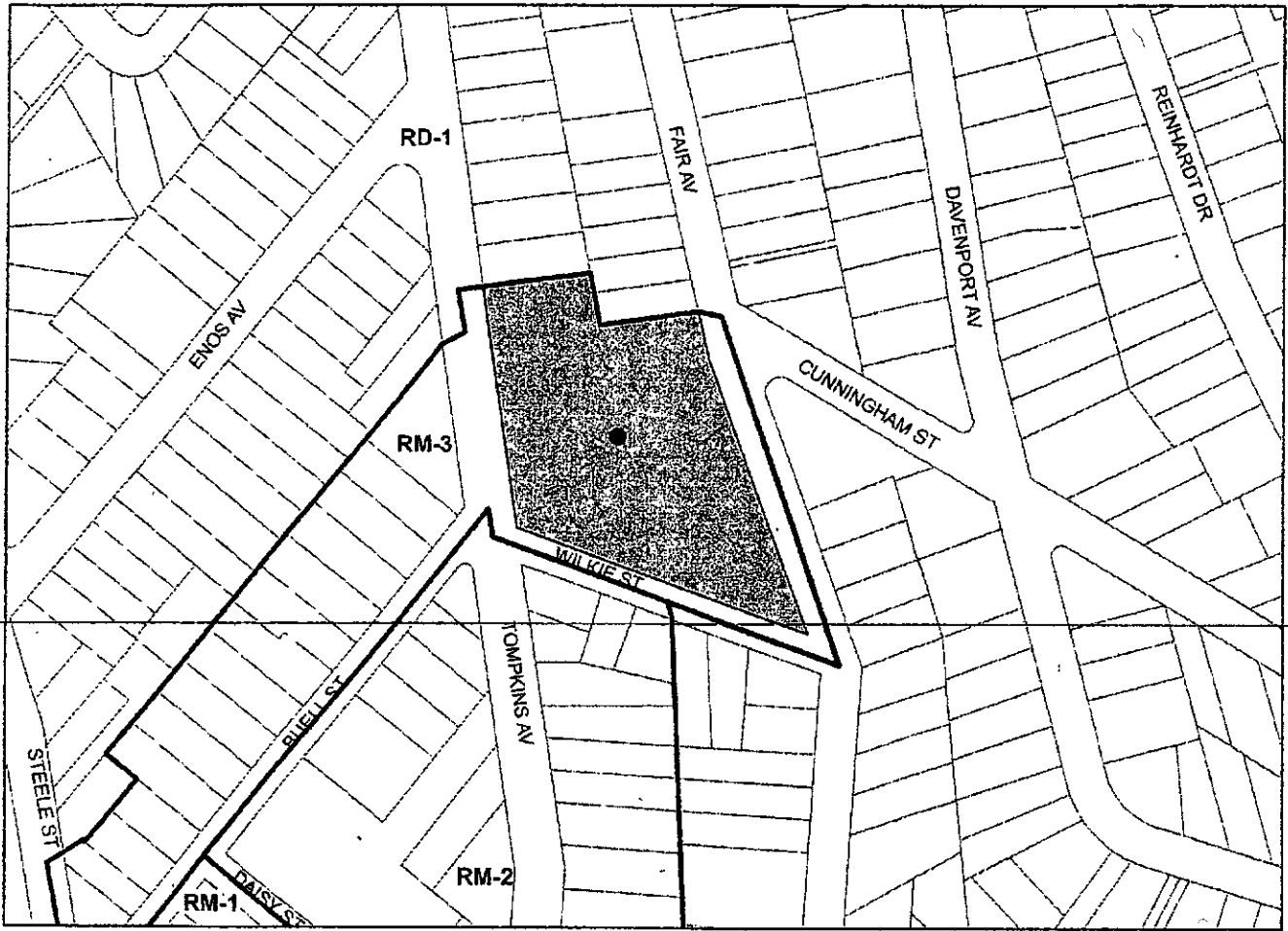
Location:	4690 Tompkins Ave (APN: 037 -2544-017-01) (see map on reverse)
Proposal:	Design review for a proposal to convert a vacant senior facility into 40 apartments; construct façade and site changes including balconies and patios facing street frontages; demolish a building to create a surface parking lot on-site along a street frontage; tree removal and replacement; installation of landscaping throughout the site; illumination; and other minor site modifications.
Applicant/	HKIT Architects
Phone Number:	Paul McElwee (510) 625-9800 x 260
Owner:	4690 Tompkins LLC
General Plan:	Mixed Housing Type Residential
Zoning:	RM-3 Mixed Housing Type Residential Zone
Environmental Determination:	To be determined
Historic Status:	Potential Designated Historic Property (Survey rating: B+3)
Service Delivery District:	4
City Council District:	4
Date Filed:	February 20, 2013
Action to be Taken:	Review proposed design
Staff Recommendation:	Provide design recommendations and refer to Planning Commission
For Further Information:	Contact case planner Aubrey Rose, AICP at (510) 238-2071 or arose@oaklandnet.com

SUMMARY

Staff requests the Design Review Committee review a proposed design to convert a vacant senior facility into forty (40) apartment units including exterior building and site improvements, provide recommendations, in preparation for forwarding the item to the full Planning Commission.

ATTACHMENT D

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: CMD13067 / T1300012
Applicant: Rich Cadwell
Address: 4690 Tompkins Avenue
Zone: RM-3

PROPERTY DESCRIPTION

The property is a 2.35 acre site at the end of a City block between Tompkins Avenue, Wilkie Street, and Fair Avenue. It is located east of the 580 freeway opposite Mills College. The site contains a vacant senior facility (Beulah Heights) situated along Tompkins Avenue and the entire block of Wilkie Street; as well as a curved driveway featuring the main building entrance and ten parking spaces at the corner of Tompkins Avenue, Buell Street, and Wilkie Street, seven occupied detached homes and one occupied detached duplex behind the facility accessed from a driveway off of Fair Avenue, a one-story non-residential building along Tompkins Avenue with a side driveway, and various trees, driveways, and other minor appurtenances. The Tompkins Street frontage measures three hundred feet and faces a church and two single family homes. The Wilkie Street frontage measures three hundred sixty-five feet and faces four homes and a lot. The Fair Avenue frontage measures four hundred twenty feet and faces five homes. The main facility is a Potential Designated Historic Property of "major importance" (Survey rating: B+3) under the City's Cultural Heritage Survey. It is primarily two stories with a third story tower towards the far right side. It has stucco siding and a partially tiled roof. The building currently contains approximately fifteen kitchens. The site is part of a mixed housing type residential zone consisting of homes, duplexes, and apartment buildings. The zone extends downhill to MacArthur Boulevard downhill to the west. The site is surrounded by single family home zoning on three uphill sides.

BACKGROUND

The property consists of nine merged lots. The site was used as a senior facility starting in the 1930s with other structures added over the years. In 2000, a 27-unit project was proposed, and denied by the Planning Commission in 2004. In 2004, the City Council denied the appeal of the rejected project. That project lacked adequate proposed site improvements and neighborhood outreach by the former property owners. In 2012 a new owner approached the Planning and Zoning Division with a concept for the current proposal. Staff recommended a design so that no variances would be required, and to hold a neighborhood meeting. The project was formally submitted and various community meetings have been held with the neighbors. The meetings have alternately been attended by the developer, staff, and the district City Councilmember. The project requires the following approvals:

- Major Conditional Use Permit to exceed seven units in the RM-3 Zone;
- Minor Conditional Use Permit to establish a Multi-Family Residential Facility in the RM-3 Zone;
- Regular Design Review for creation of new dwelling units and for exterior architectural and site modifications;
- CEQA Class 32 Infill Development Project environmental review exemption;
- Tree Removal Permit to remove Protected Trees

It has been staff's practice to forward larger or complex projects requiring a Design Review Permit to the Design Review Committee when additional input is sought prior to a Planning Commission review. In this case, staff forwarded the project due to the size of the site, the historic rating of the primary structure, the adjacency of the site to a neighborhood consisting of single family homes, and community interest. There is also community interest in issues not pertaining to design, including alternate uses; those issues, where relevant, can be dealt with at the Planning Commission level.

PROJECT DESCRIPTION

The proposal is to convert a vacant senior facility into forty (40) apartments; construct façade and site changes including balconies and patios facing Tompkins Avenue and Wilkie Street frontages; demolish a building to

create a surface parking lot along the Tompkins Avenue frontage; tree removal and replacement; installation of landscaping throughout the site; and minor site modifications.

Exterior site preparation would consist of demolition of: the non-residential building along Tompkins Avenue (4868 Tompkins Avenue / House of Psalms), the entry drive, and exterior stairs facing Wilkie Street.

Apartments to be created would consist of a total of twenty-one (21) one-bedroom units and nineteen (19) two-bedroom units. The basement crawl space would be partially excavated to create and convert into three (3) one bedroom apartments with patios. The first floor would contain apartments and six exterior patios (10' x 10') and balconies (5' x 5') would be constructed (some patios would be adjoined). The second floor would contain apartments and balconies would be installed. The third floor would contain two (2) apartments and a manager's unit, and balconies would be installed.

Windows would be enlarged and updated throughout and building mounted lighting would be installed. Along the Tompkins Avenue elevation, doors would replace windows to service new balconies. Balconies would contain metal rails and doors four-inch stucco trim would be applied around doorways. A new ramp would be installed. New patios would be created with patterned paving, six-foot high divider walls, concrete piers and metal rails. Decorative lights, new sill trim, raised planters, and new front doors would be installed. The building would be repainted. Along the Wilkie Street frontage, three garage doors and exterior stairs would also be replaced.

Open space

Usable open space, both private and group, would be provided through patios at the first floor, balconies at the second and third floors, a courtyard, a terrace, and a garden. Some open space would be interior to the site. A large, gated outdoor community area would be installed along Wilkie Street.

Parking

The site contains twenty-one (21) parking spaces, most of which are not visible from the public right-of-way. The demolished non-residential building would be replaced with a new open parking lot with a new curb cut, trees, landscaping, and lighting. The new lot would contain eighteen (18) parking spaces including compact spaces. Additional spaces would be created in the front driveway at Tompkins Avenue. Two spaces would be added alongside the Wilkie Street driveway. Total parking would be fifty spaces. Bicycle parking would also be installed including two spaces at the front yard. A stairway would be constructed to connect the new lot with the upper parking lot. Hedges would be installed to screen the parking lot.

Site improvements

Trash enclosures would be installed behind the Tompkins Avenue parking lot and beside the Fair Avenue driveway. Gaps in a retaining wall along Wilkie Street would be filled. A fence and gate would be installed at the Tompkins Avenue driveway. Infiltration planters would be installed there on either side. The front and side paths would be improved with installation of decorative paving. Three new twelve-foot tall light pole would be installed at the driveway and parking lot.

Trees and landscaping

The site contains fifty-eight trees removal consisting of forty species and twelve protected trees. The project would remove fifty-two tree including seven protected trees. Construction would occur within ten feet of six protected street trees to remain. Thirty-eight new trees would be installed.

Development standards

Density would increase dramatically although not to the maximum conditionally permitted for the site. Lot coverage would decrease. Parking and open space (primarily through patios and balconies) would increase.

GENERAL PLAN INFORMATION

The property is located in the Mixed Housing Type Residential area under the General Plan. The intent of the area 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.” Desired Character and Uses is: “Future development within this classification should be primarily residential in character.” Intensity/Density is: “Development of single family homes, townhouses, and small multi-unit buildings is allowed in this classification.” The proposed design for a multi-family facility and site is, therefore, consistent with the intent, desired character and uses, and intensity/density of the General Plan as well as the following Policies:

Policy N3.2 Encouraging Infill Development.

In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

Policy N3.8 Required High-Quality Design.

High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

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.

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.

ZONING INFORMATION

The property is located in the RM-3 Mixed Housing Type Residential Zone. The intent of the RM-3 Zone is: “to create, maintain, and enhance residential areas characterized by a mix of single family homes, duplexes, townhouses, small multi-unit buildings at somewhat higher densities than in RM-2, and neighborhood businesses where appropriate.” The proposed design for a multi-family facility and site is, therefore, consistent with this intent of the Planning Code and the following Planning Code Purpose:

To provide for desirable, appropriately located living areas in a variety of dwelling types and at a wide range of population densities, with adequate provision for sunlight, fresh air, and usable open space (OMC Sec. 17.07.030(D))

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines categorically exempts specific types of projects from environmental review. Section 15332 of the State CEQA Guidelines exempts “In-Fill Development Projects.” The proposal to create additional dwelling units within a structure in a developed area meets this description. The project is therefore exempt from further Environmental Review.

KEY DESIGN ISSUES

Findings

Of the permits required for this project, those relevant to a review by the Design Review Committee are the following:

17.136.050 - Regular design review criteria. A. For Residential Facilities.

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;
2. That the proposed design will protect, preserve, or enhance desirable neighborhood characteristics;
3. That the proposed design will be sensitive to the topography and landscape.
4. That, if situated on a hill, the design and massing of the proposed building relates to the grade of the hill;
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.

For Potential Designated Historic Properties that are not Local Register Properties: That for additions or alterations,

D. For Potential Designated Historic Properties that are not Local Register Properties: That for additions or alterations,

1. The design matches or is compatible with, but not necessarily identical to, the property's existing or historical design; or
2. The proposed design comprehensively modifies and is at least equal in quality to the existing design and is compatible with the character of the neighborhood; or
3. The existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

Additional Conditional Use Permit findings apply to the project. Although the Conditional Use Permit (CUP) will be considered by the full Planning Commission, design-related findings required to approve the CUP are presented here. These findings relate to site compatibility with the surrounding built environment:

Conditional Use Permit (CUP) for density in the RM-3 Zone

- a. 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;
- d. 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;
- e. 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.

Issues

The following issues have been noted by staff and the community; they are outlined here for suggested discussion, along with proposal's ability to meet required findings, by the Design Review Committee:

Historic rating / balconies – a few neighbors may be opposed to any exterior modifications given the structure is a B rated Potential Designated Historic Property. The Secretary to the Landmarks Board finds the proposal to meet required Design Review findings with the following modification: given the building is a B rated Potential Designated Historic Property, plans should be revised to eliminate the street-facing balconies. The removal of these balconies would reduce private usable open space. However, sufficient group open space seems to be proposed. Elimination of these balconies would also reduce potential privacy impacts to neighbors.

Appearance – there has been minimal concern expressed for design improvements proposed for the exterior of the main building and perimeter of the site. Staff finds the changes to windows and installation of patios, balconies (except as noted above), and illumination to be attractive as well as site improvements of new decorative paving, light poles, and garage doors.

Neighborhood design compatibility - several neighbors have expressed concern for the size (density) of the project given it is nearly surrounded by single family homes. The concern is intertwined with the belief by some that the project is simply too large for the neighborhood, irrespective of design; this review is strictly for consideration of design. Staff would point out, the site and structures are existing, that the site is part of a mixed housing type residential zone that connects to MacArthur Boulevard, that maximum density has not been requested, that no variances are required, and that a mix of housing types is considered desirable under the General Plan and Planning Code.

Tree removal – this has been a concern of several residents. Staff would point out, several of the trees requested for removal are at the interior of the site not readily visible from the public right-of-way, and, several new trees to replace the quantity removed would be installed along frontages.

Demolition/creation of surface parking lot – fewer neighbors have expressed concern with (1) demolition of a building of decent appearance, and (2) replacement with a surface parking lot. The historic rating on the property applies to the main building and not to the non-residential building. The building does, however, appear to be in decent condition and as such would generally be considered to be far more aesthetically pleasing than a surface parking lot. To meet a General Plan Goal of providing more housing units through attractive infill development, with various treatments to soften the appearance of the parking lot, the lot may be a viable trade-off. The implication of preserving the building would be dramatic, as a parking variance would be required or several units would need to be eliminated from the proposal, and replaced with larger units, for example.

Next steps

Should the Design Review Committee recommend any modifications, the applicant should incorporate them to move forward with a positive staff recommendation. The project will be circulated to other City departments for review and comment for further revisions. The final proposal will then be scheduled for Planning Commission review to discuss both design issues and other issues, including density on the site and related impacts and issues.

CONCLUSION

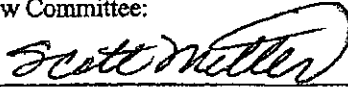
Staff requests the Design Review Committee review the project, provide design recommendations to the applicant and staff, and refer the project to the full Planning Commission with recommendations.

Prepared by:



AUBREY ROSE, AICP
Planner II

Approved for forwarding to the
Design Review Committee:



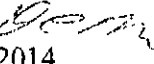
SCOTT MILLER
Zoning Manager

ATTACHMENTS:

A. Plans

B. Correspondence: Letter from BEST Neighborhood Association dated June 19, 2013

CITY OF OAKLAND
Community and Economic Development Agency
MEMORANDUM

TO: Aubrey Rose
FROM: David Mog 
DATE: January 14, 2014
SUBJECT: TPM 10095
4690 Tompkins Avenue

If the project is to be approved by the Advisory Agency, please attach the following "Conditions of Approval":

1. Coordinate the language for the City Surveyor's and City Engineer's statements with the city prior to submittal of the Final Map.
2. Show location, purpose, and width of all existing and proposed easements.
3. Note that the property lies within the Hayward Fault Alquist-Priolo Zone, a seismic hazard zone. A site-investigation report prepared by a certified engineering geologist shall be performed prior to the City signing the Final Map. The results of the report may limit the applicants ability to develop the lot. Add a statement to the Map that says "This real property lies within the following hazardous area: A SEISMIC HAZARD ZONE – Alquist – Priolo Zone pursuant to Section 2696 of the Public Resources Code. These hazards may limit your ability to develop the real property, to obtain insurance, or to receive assistance after a disaster. The maps on which these disclosures are based estimate where natural hazards exist. They are not definitive indicators of whether or not a property will be affected by a natural disaster. Transferee(s) and transferor(s) may wish to obtain professional advice regarding hazards and other hazards that may affect the property."
4. Please place the following statement on the Final Map:

PUBLIC ADVISORY

"This map is based on private surveys performed by licensed professionals and will not be updated or corrected by the City of Oakland after its filing. No warranty, either expressed or implied, is made by the City of Oakland that this map and the survey information on which it is based is correct, accurate, and current, nor that the City will retain for public inspection any related information which may be subsequently submitted to the City, including alleged or actual discrepancies, inaccuracies, deficiencies, and errors."

ATTACHMENT E

5. Show location of the City of Oakland monuments used to establish the basis of bearing and the property lines. Provide identification numbers for City of Oakland monuments.
6. Show existing lot number(s) from earlier parcel maps for adjacent lots and the lot to be divided. Also provide numerical or alphabetic designation for each new parcel.
7. Revise title to include the following: "Lot One Being for Condominium Purposes – Forty Residential Condominiums".
8. Show nearest intersection and distance to that intersection.
9. Provide survey documentation showing the location of the all the existing buildings and their setback from all the property lines. If required the buildings shall be brought into conformance with the California Building Code.
10. The four-foot wood fence near existing house Number 5 appears to cross the proposed property line. The fence shall be moved to one lot or the other or the lot line can be adjusted or the fence can be removed.
11. Improvements within the public right-of-way may be required for this project. A P-job permit and a signed Subdivision Improvement Agreement shall be completed prior to the City signing the Parcel Map.



Vision That Moves Your Community

Transportation
Consultants

October 1, 2013

Mr. Michael Karpowicz
Urban Green Investments
1746 Union Street
San Francisco, CA 94123

Re: 4690 Tompkins Avenue Parking Study

Dear Mr. Karpowicz:

As requested, TJKM conducted a parking survey for the vicinity of the 4690 Tompkins Avenue residential development in Oakland, CA. The purpose of the survey was to determine the amount of on-street parking in the area of the project site and the demand for on-street parking at various times and days of the week. TJKM performed counts of on-street parking use on Wednesday, September 25th, 2013 at 2:00 pm; Thursday, September 26th, 2013 at 11:15 pm; and Saturday, September 28th, 2013 at 11:15 pm.

In order to determine on-street parking capacities, TJKM assumed a street-line distance of approximately 660 feet (1/8 of a mile) from the project site boundary as the maximum distance that guests visiting the project site would be willing to walk if arriving by car and using nearby on-street parking. Once the precise limits of the cordon area were determined, the number of on-street parking spaces was counted assuming an average parking space length of 22 feet and excluding lengths dedicated to access driveways and other parking restrictions such as bus stops, fire lanes, and near fire hydrants. Figure 1 shows the project vicinity and on-street parking capacities for each street segment. Based on the previously mentioned criteria, TJKM counted 294 total on-street parking spaces in the area of the project site.

Table I compares the on-street parking capacities with the observed parking demand for each street segment within the cordon area. The results indicate a relatively low amount of on-street parking use in the area, especially along the street segments directly adjacent to the project site (Segments "S" through "X"). The following images of the Tompkins Avenue and Wilkie Avenue project site frontages taken Wednesday, September 25th 2013, at 2:00 p.m. further illustrate the relatively low demand for on-street parking adjacent to the proposed project. It should be noted that the curb-to-curb width of Wilkie Avenue is 26.5 feet, which is less than the typical cross section width of 30-32 feet that would reasonably accommodate two-way traffic with on-street parking on either side of the roadway. Because of the relatively narrow curb to curb width of Wilkie Avenue, the City of Oakland may wish to consider parking restrictions along the north side of Wilkie Avenue to better accommodate two-way traffic along the roadway. However, this would only reduce the number of on-street parking spaces in the project vicinity by twelve.

Pleasanton
4305 Hacienda Drive
Suite 550
Pleasanton, CA
94588-8526
925.463.0611
925.463.3690 fax

Fresno
516 W. Shaw Avenue
Suite 200
Fresno, CA
93704-2515
559.325.7530
559.221.4940 fax

Sacramento
980 Ninth Street
16th Floor
Sacramento, CA
95814-2736
916.449.9095

Santa Rosa
1400 N Dutton Avenue
Suite 21
Santa Rosa, CA
95401-4643
707.575.5800
707.575.5888 fax

tjkm@tjkm.com

Tompkins Avenue Project Site Frontage



Wilkie Avenue Project Site Frontage



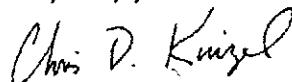
Table I: Existing On-Street Parking Capacities and Demand

ID	Capacity	Survey Period Parking Demand		
		Wednesday 9/25/13 2:00 pm	Thursday 9/26/13 11:15 pm	Saturday 9/28/13 11:15 pm
A	11	3	5	7
B	9	5	11	8
C	11	3	5	2
D	7	0	0	4
E	19	8	13	9
F	17	5	12	11
G	5	2	3	4
H	5	0	1	1
I	6	5	5	5
J	19	8	12	9
K	23	3	3	3
L	20	4	8	9
M	20	3	9	10
N	20	3	10	9
O	11	1	3	3
P	6	0	0	0
Q	21	8	7	6
R	9	4	7	1
S	8	1	0	0
T	12	1	0	0
U	14	4	6	7
V	12	0	0	0
W	3	3	1	1
X	6	3	5	5
Total	294	77	126	114

Of the three survey periods, the Thursday night count indicated the highest demand of 126 on-street spaces used, representing 43 percent on-street parking occupancy. The Wednesday and Saturday counts indicated a total demand of 77 spaces (26 percent) and 114 spaces (39 percent), respectively. In addition, the north side of Enos Avenue (Segment "B") was the only segment observed to be at/above capacity for at least one of the survey periods, with eleven cars parked on-street on Thursday night, two of which were parked in front of access driveways.

TJKM appreciates the opportunity to have conducted this parking survey in the Tompkins Avenue neighborhood. Please contact me if you have any questions or concerns.

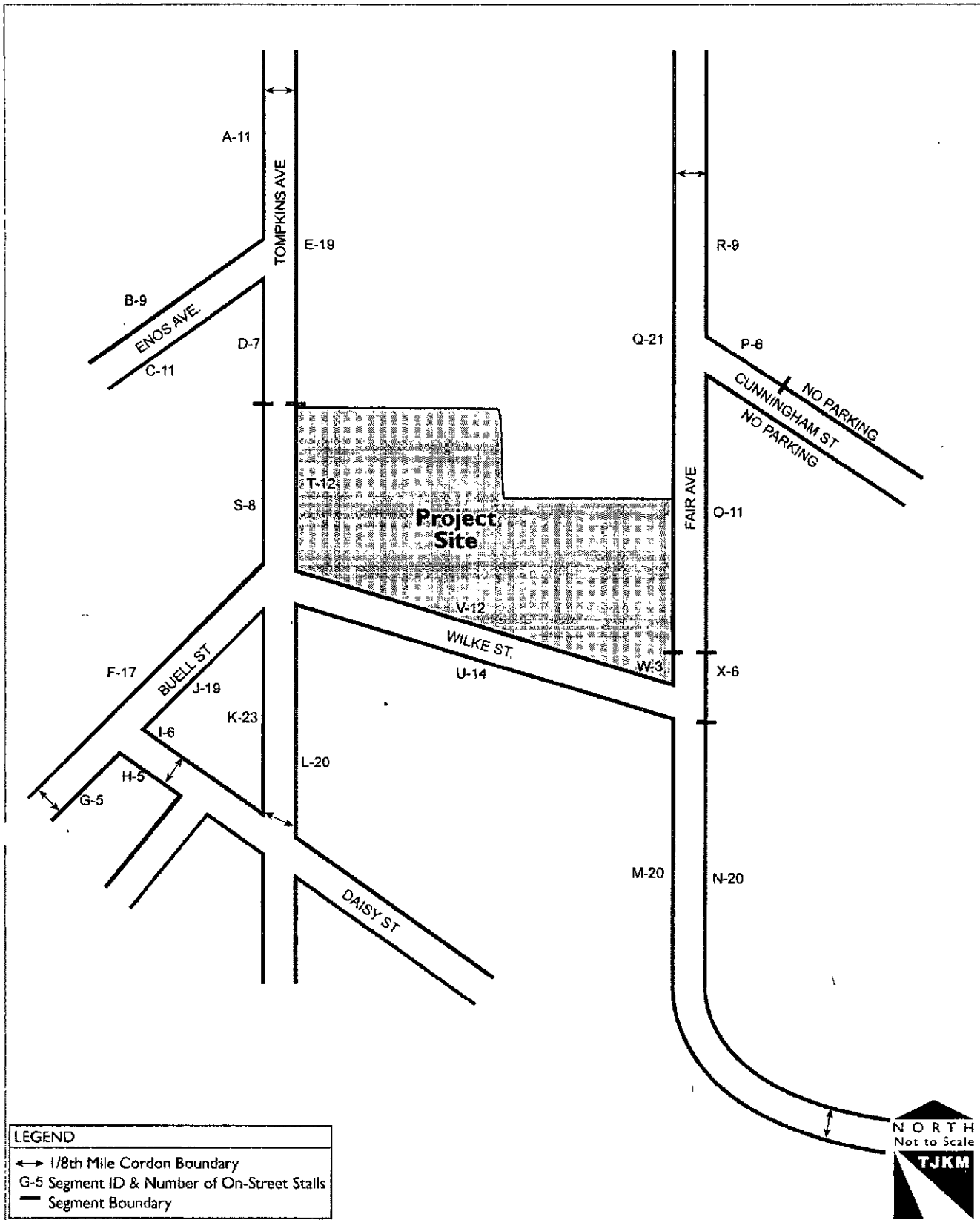
Very truly yours,



Chris D. Kinzel, P.E.
Vice President

City of Oakland - Parking Study for 4690 Tompkins Avenue
 Project Vicinity and On-Street Parking Capacities

Figure
 1





Vision That Moves Your Community

Transportation
Consultants

May 10, 2013

Mr. Michael Karpowicz
Urban Green Investments
michael@urbangreeninv.com

Re: 4690 Tompkins Trip Generation

Dear Mr. Karpowicz:

At your request, TJKM Transportation Consultants has conducted a trip generation analysis of the proposed development at 4690 Tompkins Avenue in the City of Oakland.

We understand you will be developing 40 new apartment units at this location. The existing nine cottages will remain and not generate any "new" traffic.

According to the Institute of Transportation Engineers (ITE) *Trip Generation, 9th Edition*, the trip rates for Apartments, ITE land use code 220, are as follows: a.m. peak hour – 0.51 trips per unit; p.m. peak hour – 0.62 trips per dwelling unit.

Therefore, the estimated trip generation for the new 40-unit apartment is 21 a.m. peak hour trips and 25 p.m. peak hour trips.

Please let me know if there are any questions on this matter.

Very truly yours,

Chris D. Kinzel, P.E.
Vice President

Pleasanton
4305 Hacienda Drive
Suite 550
Pleasanton, CA
94588-2798
925 463.0611
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1400 N Dutton Avenue
Suite 21
Santa Rosa, CA
95401-4643
707 575.5800
707.575.5888 fax

tjkm@tjkm.com
www.tjkm.com

Rose, Aubrey

From: Alice Hsu <ahsu512@gmail.com>
Sent: Tuesday, December 03, 2013 2:31 PM
To: patillo@PGAdesign.com; Whales, Jonelyn; jahazielbonillaoaklandpc@gmail.com; Coleman, Michael; Moore, Jim; ew.oakland@gmail.com; Rose, Aubrey; Schaaf, Libby, DL - City Council; Quan, Jean; Santana, Deanna
Subject: Beulah Home
Attachments: RejectionOfUGIProp(3).pdf

Dear City of Oakland Planning Commissioners and Council Members:

I am a resident of Redwood Heights and I am writing to express my disapproval of the proposal to convert the Beulah Home at 4690 Tompkins into a large apartment complex by a company with a poor track record such as UGI.

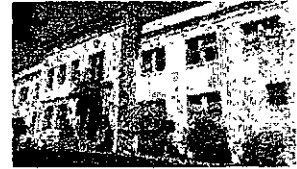
We all know that building an apartment complex will increase our already problematic crime rates in what used to be a very nice neighborhood. We already do not have police force in place to protect us from the ongoing burglaries and armed robberies taking place - let alone be able to deal with what will come later should this project be approved.

Currently our home values are high which generates a good amount of property tax revenue for the city. You may believe that approving such a project will generate more tax revenue for the city in the short term, but you will bring down the value of the homes of this entire neighborhood and eventually you will see your overall tax revenues decrease from the problems that this kind of project will generate for our neighborhood. I am certainly one of the people who will be selling my house and leaving Oakland for good if this project is approved, and I believe many of my neighbors are like-minded. Driving away contributing citizens is not what Oakland needs at this point.

I've also attached a document drafted by our neighborhood steering committee which cites additional reasons. Please do not approve this project.

ATTACHMENT G

November 2013



Why Neighborhood Representatives Rejected Beulah Home Owners' Proposal for Converting Beulah Home into 49 Apartment Units

After additional consultation with neighborhood residents, the Neighborhood Steering Committee representatives elected by members of the community surrounding Beulah Home (4690 Tompkins, Oakland CA 94619) rejected property owner UGI's latest proposal (in which the only change was for five more parking spaces than their original proposal). We continue to want a senior living alternative for the property.

Our reasons for rejecting the proposal and the project as currently proposed are as follows:

1. UGI did not engage in good-faith negotiations with us regarding the neighborhood's primary issue; they dismissed the idea of senior living/housing out-of-hand, stated but did not demonstrate that senior living was economically unfeasible (no documentation), and told us we should be grateful that a company like Urban Green wanted to convert Beulah Home into apartments.
2. UGI also dismissed out-of-hand our proposal to assist them in gaining landmark status under the State's Mills Act for the exterior of Beulah Home nor to seriously examine the possible tax benefits that could accrue to UGI from such status and/or from dedicating the facility to senior housing.
3. The proposed 49 market-rate rental units, and the additional \pm 49-85 tenant vehicles plus visitors' vehicles will cause a deterioration of we residents' "peaceful enjoyment" of our neighborhood. (The Committee representatives also wish to put on the record that this project is only possible even to propose because of the City of Oakland; it bears responsibility for the current zoning of 4690 for apartments. Since the early 1920s, the site of Beulah Home was housing for senior citizens who had small private rooms, shared bathrooms, ate their meals communally, and did not have cars. Even after it was sold in the early 2000s, it was never an apartment house. Nevertheless, the City's Planning Department included it as one when it made its last rezoning plan.)
4. The scale of the project is inappropriate to the neighborhood. We cannot absorb the impact of a 40-unit apartment house. Currently, there are no apartment buildings at all on the uphill side of the 4690 Tompkins property. In addition, there are no apartment houses of more than 6 units in any of the surrounding neighborhoods bounded by MacArthur & Highway 13 (east/west) and Calaveras and the south side of High Street (north/south). Many of the proposed apartments' renters will be driving in and out multiple times each day to work, run errands, etc. Other renters and their guests will choose to park on already parking-congested streets in order to be closer to their apartments.
5. The additional population envisioned in the UGI project will have to rely on already scarce public safety resources. OPD is woefully understaffed and crime including robberies, burglaries, home invasions, muggings, and a murder in 2013

continues unabated. Currently, OPD cannot adequately nor expeditiously address the safety of those of us already in the neighborhood nor can they monitor sufficiently the crime and criminals associated with the two motels, a Seven-Eleven store, and a homeless encampment that are located within three blocks of 4690.

6. Oakland cannot afford to reduce its stock of housing for seniors now. The U.S. population age 65 and older is expected to more than double between 2012 and 2060, from 43.1 million to 92.0 million (U.S. Census Bureau). Oakland needs more elder housing not less—especially when our city's senior population and their need for specialized residential care will only be increasing.
7. While the Steering Committee appreciates UGI's following-through on their commitment to conduct a parking study, there are flaws in the methodology and resulting data it contains.
8. During negotiations, the owners did not adequately address neighborhood concerns regarding traffic flow during morning and evening commutes.
9. We believe UGI's project will necessitate one-way streets that will impede the smooth flow of traffic through the neighborhood.
10. The proposal does not address the increased safety risk to the many pedestrians who regularly walk on the sidewalks bordering 4690.
11. Our concerns regarding tenant behavior issues such as late-night parties/privacy/noise congestion were not addressed by UGI.
12. Neighborhood flight will follow if this project is approved; a number of neighbors in the immediate vicinity have already begun or will begin the process of selling their homes upon approval of the project. This will impact home values throughout the neighborhood.
13. We do not have confidence in UGI as developers or landlords. It has an extremely poor track record as both—from evictions of elderly residents of their apartment houses to create TIC housing to owning and managing the crime-ridden "Ridge" Hotel (residential address with the third-highest number of calls to OPD in 2012).
14. UGI demonstrated a lack of financial and documentary transparency in their initial presentations to the neighborhood as well as in our negotiations with them.

The proposed UGI project at 4690 Tompkins is unacceptable to the neighborhood. We have the signatures of more than 400 residents who do not want Beulah Home converted to an apartment house. After engaging in good-faith discussions and negotiations with UGI under the kind auspices of Councilmember Libby Schaaf, we are prepared to fight this project before the City Planning Commission and appeal any affirmative decision they may make, and, if necessary appeal to the full City Council for relief from this ill-conceived, inappropriate, and near-sighted use of Beulah Home.

Who' we are

We're neighbors who have volunteered to be part of the B.E.S.T. Steering Committee. We live in neighborhoods all around the 4690 property and are dedicated to seeing that Beulah Home continues its 101-year mission to provide senior living housing. We want elders to be, once again, a vibrant part of our community. We oppose the current UGI proposal to convert the Beulah Home site into 49 market-rate rental units. Contact us: gabezreynoso@gmail.com or barbalanier@gmail.com

Rose, Aubrey

From: taitt <taitt.sato@gmail.com>
Sent: Wednesday, December 11, 2013 8:07 PM
To: Rose, Aubrey; Schaaf, Libby; DL - City Council;
dsantana@oaklandnet.com;jquan@oaklandnet.com
Subject: 4690 Tompkins property -- opposition to apartment unit development

I am writing to express my concern at the proposed apartment complex development being discussed for 4690 Tompkins, Oakland, CA.

I live in the neighborhood where the 4690 Tompkins property is located and while I understand there is an argument for "bringing more business to Oakland", I would like to see the Beulah Home continue its 101 year mission to provide senior living housing. I want elders to be, once again, a vibrant part of the community where I am raising a young child (whose grandparents may well need a place to live as well). As a result, I oppose the current UGI proposal to convert the Beulah Home site into 49 apartment units and thank you for considering my request to take action against this proposal.

Taitt Sato Vigus
4291 Fair Ave., Oakland, CA 94619
415-722-6125



Chris Pattillo, Chair
Jim Moore, Vice Chair
Jahaziel Bonilla
Michael Coleman
Adhi Nagraj
Emily Weinstein

January 29, 2014
Regular Meeting

ROLL CALL

Present: Pattillo, Moore, Bonilla, Coleman, Nagraj, Weinstein.

Staff: Rachel Flynn, Scott Miller, Aubrey Rose, Celena Chen, Cheryl Dunaway.

WELCOME BY THE CHAIR

Director's Report

Director Flynn gave an update on the training retreat to be held on a Saturday in March. Notification of available dates and times will be sent to the Planning Commission soon. The West Oakland Specific Plan Workshop will be held on Thursday, February 6, 2014 at the West Oakland Senior Center. Invitations to attend will be sent to the Planning Commission and interested parties.

City Attorney's Report

City Attorney Celena Chen gave a report on two lawsuits recently filed. NorCal Healthcare filed a lawsuit on a Planning Commission appeal denial of a Conditional Use Permit (CUP) in October 2013. Communities for a Better Environment filed a lawsuit on an appeal denial in September 2013 of the Zoning Administrator's decision that a crematorium is classified as a general manufacturing activity.

For further information on any case listed on this agenda, please contact the case planner indicated for that item. For further information on Historic Status, please contact the Oakland Cultural Heritage Survey at 510-238-6879. For other questions or general information on the Oakland City Planning Commission, please contact the Community and Economic Development Agency, Planning and Zoning Division, at 510-238-3941.

♿ This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call the *Planning Department at 510-238-3941* or TDD 510-238-3254 at least three working days before the meeting. Please refrain from wearing scents so attendees who may experience chemical sensitivities may attend. Thank you.



Chair Pattillo asked if this was a separate lawsuit from the previous lawsuit filed related to a crematorium appeal denial.

Ms. Chen responded stating that this is a separate lawsuit. The first lawsuit was filed by Stewart Enterprises and this one was filed by Communities for a Better Environment.

CONSENT CALENDAR

Chair Pattillo requested that item #1 be pulled from the consent calendar to allow the Planning Commission to consider an alternative proposal to the one included in the staff report.

1.	Location:	2825/2833 Park Boulevard
	Assessors Parcel Numbers:	(023 -0404-011 &012-00)
	Proposal:	Request for a Major Conditional Use Permit to modify an existing unmanned wireless telecommunication facility from a mini to a macro facility. The proposal will remove four (4) 2'ft. panel antennas located along the side of the building and replace with eight (8) 6'ft. panel antennas inside four new RF screens on the roof.
	Applicant:	Christian Hill for AT&T Mobility
	Contact Person/ Phone Number:	Christian Hill (707) 342-2096
	Owner:	Amitabha Temple of International Buddhists; Lai Quach
	Case File Number:	CMDV13248
	Planning Permits Required:	Major Conditional Use Permit to modify and existing unmanned wireless telecommunication macro facility and Regular Design Review to install eight (8) new panel antennas and associated equipment. New roof top screen enclosures. Minor Variance for antennas not meeting the 1:1 height to setback ratio. All new antennas and equipment will be fully screened from public view.
	General Plan:	Urban Residential
	Zoning:	RU-2 Urban Residential 2 Zone
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; new construction of small structures, 15301 existing facilities; 15183 Projects consistent with the General Plan or Zoning.
	Historic Status:	Not Potential Designated Historic Property (PDHP); Survey rating: F3
	Service Delivery District:	III
	City Council District:	2
	Date Filed:	8/28/13
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com

Staff Member Soott Miller gave a brief presentation.



Mr. Miller provided a copy of an alternate proposal showing 1 larger screening element instead of 4 smaller elements.

Applicant: Christian Hill answered questions asked by the Planning Commission.

Vice Chair Moore asked if the proposed screening is the minimum height to cover the top of the antennas or is it a projected view from the street.

Applicant: Mr. Hill responded stating that it is the minimum height in order to cover the top of the antennas.

Planning Commission Questions, Comments and Concerns:

Chair Pattillo and Vice Chair Moore stated that they prefer the single screening unit.

Vice Chair Moore further stated that the single unit draws less attention to it. He feels there is no point in articulating four different towers on top of one building, and the single unit seems to be more preferable. He would like for the conduit going upside the building to be as consolidated as possible.

Applicant: Mr. Hill stated that the single screen design is what was originally submitted. Per design review, they broke it up into four individual screen designs. They are willing to return to the original screen design to accommodate the cable trays and screening going upside the building.

Mr. Miller asked the applicant if there is a way to make the single unit 8 feet in height instead of 10 feet in height per the original single unit screening plan. He also recommended to the Planning Commission that it be included in the motion to place the height limit no higher than 8 feet.

Applicant: Mr. Hill responded stating that there was an issue of not having the one to one setback off of the front of the building in the original design. He will see if it is possible to make it 8 feet in height and maintain the one to one setback off of the front.

Commissioner Weinstein requested that staff provide some examples of well-designed and not so well designed telecommunication towers.

Mr. Miller responded stating that he will provide copies previous staff report and supporting photos in the near future.

Commissioner Coleman requested that staff provide a map of all of the telecommunication poles located in the City of Oakland.

Vice Chair Moore made a motion to approve with the amendment to the design change to single screen lowered 2 feet, seconded by Commissioner Coleman.

Action on the matter: Approved 6 ayes, 0 noes.



PUBLIC HEARINGS

2. **Location:** 4690 Tompkins Avenue

Assessor's Parcel Number: 037 -2544-017-01

Proposal: At a 2-acre property (bound by Tompkins Ave, Wilkie St, and Fair Ave) containing a vacant senior facility (built c. 1930), one occupied duplex, seven occupied single family homes, other non-residential buildings, an internal through block driveway between facility and residences, open spaces, and trees:

Split the lot along the internal driveway; convert the vacant senior facility into 40 condominium apartment units (for sale or rent by the owner), with façade and site changes including balconies and patios; demolish a building to create a surface parking lot on-site along Tompkins Ave; create additional parking stalls throughout the site; tree removal and replacement; installation of landscaping throughout the site; illumination; and other minor site modifications including on stairs on grade leading to Fair Ave. *Community meetings and a Design Review Committee meeting on June 26, 2013 have been held; suggested revisions have been incorporated and a traffic study has been submitted*

Contact / Phone Number: Kevin Skiles (415) 659-9409

Owner: 4690 Tompkins LLC

Case File Numbers: CMD13067 / TPM10191 / T1300012

Planning Permits Required: Major Conditional Use Permit to exceed 7 units on two lots in the RM-3 Zone on an existing site exceeding one acre; Minor Conditional Use Permits to construct a Multi Family Residential Facility in the RM-3 Zone; for lot split between existing buildings; for a shared access facility; Tentative Parcel Map to split one lot into two and establish 40 new apartment dwelling units as condominiums; Regular Design Review for construction of new dwelling units and for exterior architectural and site modifications; CEQA Class 32 Infill Development Project environmental review exemption; Tree Removal Permit to remove Protected Trees

General Plan: Mixed Housing Type Residential

Zoning: RM-3 Mixed Housing Type Residential Zone

Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning

Historic Status: Potential Designated Historic Property (PDHP); Survey rating: B+ (major importance)

Service Delivery District: 4

City Council District: 4

Dates Filed: February 20, 2013 / November 14, 2013 (TPM10191) _____

(Continued on page 5)



(Continued from page 4)

Action to be Taken:	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Aubrey Rose, AICP, Planner II at (510) 238-2071 or arose@oaklandnet.com

Staff Member Aubrey Rose gave a PowerPoint presentation.

Director Flynn gave additional historical information about this project site.

There were initially 130 patient rooms from 1968 through the 1990s. Staff was unable to locate the former operators, but they found a similar nursing home at Pill Hill which has 120 patient rooms, 152 employees with 50 at any 1 time, 2 to 6 paramedic vehicles per day and 1 to 2 deliveries per day, mostly box trucks.

Commissioner Weinstein asked, what are the average parking requirements for a nursing facility of this size.

Director Flynn and Mr. Rose responded stating that there is currently 40 parking spaces available spaces at the nursing facility at Pill Hill. Based on staff's analysis, this project site would require 60 parking spaces based on ratios and number of employees.

Commissioner Nagraj asked Director Flynn to repeat the above information on the amount of patient rooms, employees, paramedic vehicles per day and deliveries per day, in which she repeated this information.

Director Flynn gave additional information on one of many properties the former owner has which is a Single Resident Occupancy (SRO) that has 200 units. There were minimal code enforcement complaints pertaining to graffiti and heater repairs which the owners immediately addressed. This is not considered a high problem site.

Chair Pattillo asked if the number of units can be included in the envelope of the existing building or is the plan to raise the existing building and constructing new units.

Mr. Rose responded, given the lot size of 2 1/3 acres, the RM-3 zoning designation and the conditionally permitted density for that zoning, this is where 60 units hypothetically originated. He stated there are some corrections to the staff report. The existing large buildings are 47,000 square feet, not 63,000 square feet, the 2003 approval was approved by the Planning Commission and denied by City Council, the current building contains 116 units, not 94, and the side building along Tompkins Avenue, the House of Psalms was used for about 15 residents in the past.

Commissioner Weinstein asked why the City Council denied this project in 2003 and how the issues were resolved in this project proposal.

Mr. Rose responded stating that it was an entirely different project proposed in 2003. There were 27 units



proposed throughout the site, there were no exterior site improvements and there were 3 and 4 bedroom units proposed whereas this proposal includes one half being 1 bedroom units and the other half being 2 bedroom units. He isn't certain, but those factors may have led to the City Council's denial of the project in 2003.

Commissioner Weinstein stated, according to a letter the Planning Commission received, one of the reasons why it was denied in 2003 is that the paramedics were unable to move about the site or turn around. Has this been resolved in the current project proposal?

Mr. Rose responded stating that the Fire Bureau reviewed the plans and conditions were made that hydrants and sprinklers be placed throughout the site.

Commissioner Nagraj asked for an explanation as to why this site would qualify for CEQA exemption.

Mr. Rose responded stating that it meets all 5 criteria for in-fill exemption which are: proposal conforms to the general plan and zoning, the site is within the city limits and is less than 5 acres, project site has no value as habitat for endangered, rare or threatened species, approval of the project would not result in any significant affects related to traffic, noise, air quality or water quality and the site can adequately be served by all required utilities and public services.

Vice Chair Moore stated that since the parcels are being split down the center drive and one of the conditions is for a maintenance plan for the shared access facility and a landscape plan for the rest of the property. Will this require two separate plans? He asked for clarification on who denied the appeal in 2003, Planning Commission or City Council.

Mr. Rose responded the condition would apply to each resultant parcel which will share the existing driveway. He will inquire to the Building Division who processes the final map to find out how this will be attached.

The Planning Commission initially approved this project and it was appealed to the City Council where it was denied.

Chair Pattillo asked how did the pedestrian path connection from Fair to the project site location become part of the plan when it wasn't in June 2013.

Mr. Rose responded stating that after the parking study results and the applicant's decision to subdivide, they thought it would be beneficial to the project.

Applicants: Kevin Skiles and Paul McElway gave a PowerPoint presentation. Sherrie Vandoorn addressed questions asked about landscaping concerns.

Commissioner Coleman asked if the parking spaces are designated to the unit owners or is it first come, first served.

Mr. Skiles responded stating yes, each unit owner will be assigned parking spaces closest to their unit.



The code is one parking space per dwelling unit. This appeals to young professionals who usually don't own a vehicle, but instead utilize bike ridership, car sharing or public transportation for their traveling needs.

Commissioner Weinstein Mr. Skiles if he, as a developer, has experience with building senior living or senior housing facilities.

Is there any parking spaces provided on site for a car share program.

Mr. Skiles responded stating, no, he doesn't have experience with building senior living or senior housing facilities.

They may have flexibility to designate some parking spaces for a car sharing program in the future.

Commissioner Coleman asked if there is guest parking available on site or will they have to park on the street.

Mr. Skiles responded, yes, there will be flexible parking for both guests and car sharing.

Vice Chair Moore asked what design changes were made to the patios and decks since the Design Review Committee meeting (DRC), and this meeting.

Mr. McElway stated that there were privacy concerns. The primary change is that the depths of the upper floor balconies were reduced.

Chair Pattillo asked the architect, what the average square feet sizes are for the one and two bedroom units. Will the large deodar cedar tree at the corner of Tompkins Avenue and Wilkie Street be saved? It's not clear in the drawings if it is or isn't. Will the taxus baccata tree at the corner of the building on Tompkins Avenue also be saved?

Mr. McElway responded stating that the one bedroom is 600 square feet and the two bedrooms are 800 square feet.

Ms. Vandoorn stated that they will attempt to save the cedar tree, but there is no guarantee that it will be saved. The taxus baccata may be saved once an Arborist determines that it can be saved.

Mr. Rose provided additional information regarding street widths. The street widths are as follows: Buell Street which connects to MacArthur Boulevard is 28 feet, Tompkins Avenue is 32 feet, Wilkie Street is 26 feet and Fair Avenue is 30 feet. By regulations, Paramedics and Fire vehicles cannot exceed 8 feet in width.

Chair Pattillo asked how does this compare to the average street width in the City Of Oakland.

Mr. Rose stated that he doesn't currently have that information.



Speakers: Gabriel Reynoso, Ben Lau, Alice Schneider, Marc Roth, Jo Scullion, Guillermo Durgin, Michael Turkull, Paul Holt, Michael Jackson, Karl Drlica, Leila Moncharsh, Esther Fong, Kim Luqman, Susan Biglovsky, Ilene Wagner, Russell Lee, Barbara Lanier, Benito Delgado-Olson, Joyce Carlson, Gabriel Reynoso.

Chair Pattillo asked public speaker, Karl Drlica if the residents on Wilkie Street ever requested that one side be painted red to allow parking only on one side of the street.

Mr. Drlica stated that the resident's on Wilkie Street already avoid parking on one side of the street to avoid their vehicles from being hit by other passing vehicles.

Public Speaker, Benito Delgado-Olson asked for staff to explain, when feasible, what the threshold for a traffic study is.

Planning Commission Questions, Comments and Concerns:

Commissioner Nagraj thanked everyone for attending tonight's meeting. He sympathizes with the neighbor's concerns, but the Planning Commission cannot direct a developer to build a certain development that the neighbors feel is needed in the neighborhood. He currently is employed with a company that provides affordable housing and he is a former Housing Authority Commissioner so, he knows firsthand that there is very little financing for affordable housing due to the current Federal Budget situation. He does agree that there will be traffic and parking impacts based on the number of parking spaces provided per unit and there will be more street parking. He doesn't feel that every project should be halted due to traffic and parking impacts or there wouldn't be very much development in Oakland. The neighbor's concerns have been heard.

Commissioner Bonilla stated that he has mixed feelings about this project and is also a renter in the City of Oakland. He understands the attachment to a neighborhood and how the neighbors feel about this project being built and the main concern seems to be traffic and parking impacts. Crime is also an issue and he understands the importance of safety, being a victim of burglary himself. He believes he heard one of the public speakers state that more parking spaces provided may mitigate some of the traffic and parking impacts.

Commissioner Weinstein stated that she understands how much they love their neighborhood, but the Planning Commission evaluates various aspects of a project. She heard concerns about the number of units, but very few comments about the design, which leads her to believe the neighbors are fine with the current design. They also review the impact of the land use, in which the type of use and the desire for senior housing to be built there seems to be a major concern. The Planning Commission cannot require a developer to build a type of housing that they aren't experienced with. She also works for an affordable housing developer and one of the last things the neighbors want is an inexperienced developer to develop affordable housing without the proper knowledge, tools and resources. She agrees that more affordable and senior housing is much needed in Oakland and isn't aware of any quick and easy financing mechanism to fund such projects. If the building was something a developer could've made money on, it



would not have remained vacant for the past few years. Whether it's vacant or used for housing, other developers haven't shown interest in this site as a feasible project. The Planning Commission is to evaluate the project proposal only. Having this vacant building in the neighborhood is one of the reasons for the increase in crime. Activating this space and bringing more residents in the neighborhood will increase safety and reduce crime. She heard concerns that 40 units may be too many for that site and concerns about the type of people who will live in those units, which raises concerns for her because now they are choosing the type of people they want to live in the neighborhood. When the discussion is about the desire to have a senior care facility versus mobile seniors, renters versus owners and financially stable seniors versus seniors with low incomes it sounds like discrimination, which may not be intentional, but she didn't appreciate it. The obvious concern is the traffic and parking impacts. She has made several visits to this site and agrees that Wilkie Street is very narrow and should to be taken into consideration along with mitigation measures.

Commissioner Coleman noted that he didn't hear any objections to the design of the building. The concerns raised tonight seemed to be split between stating that the neighborhood is very nice to concerns about crime, which are not compatible. He reiterated that the Planning Commission is not able to address the safety concerns, but asks how additional residents will add to safety. He referenced a book written by Jane Jacobs called "The Death and Life of Great American Cities" which demonstrated in New York, that having additional residents in the neighborhood actually brought about safety. This means that there are more residents working, living, shopping and watching the neighborhood. The predicament of having senior housing at this location is the lack of accessibility to public transit, stores, etc. which may result in some having to drive their vehicles to their destinations. He understands the concerns about crime and traffic impacts, but the Planning Commission is unable to address those issues, only the project proposal presented before them. He is concerned that the condominiums that are sold, the owner may rent it out to someone else which may cause on going rotation in the number of residents in that unit, with no way of addressing this issue. As Commissioner Nagraj stated, the Planning Commission cannot regulate the developer to build senior housing, even if the neighbors feel it is truly necessary.

Vice Chair Moore stated that he is familiar with this neighborhood and the surrounding area and agrees that it is a wonderful neighborhood. He understands the concerns that the neighbors are not pleased with this type of development coming to their neighborhood, but the building already exists and he is pleased with this project proposal, and feels it is a sensible reuse of the building. He likes the fact that this site may be potentially designated as historical property and the proposed improvements respect that and enhances the potential of it actually being designated as historical property. He is concerned about the storm water management which is covered in the conditions of approval, but should be reviewed. He realizes that parking and traffic impacts are a major concern and the parking spaces versus number of units doesn't seem to be enough, and given the fact that this neighborhood is not near public transit or the Laurel shopping district, this could be challenging. He agrees that adding car share parking spaces is a great idea. He stated that he utilizes the City Car Share program which is very effective, and recommends there be two designated car share parking spaces onsite and off street which may be a solution to some of the parking concerns. A condition in the conditions of approval that should be applied is "crime prevention through environmental design", which should be addressed if this project is approved and suggests the developer involve the neighbors to be a part of that process.



Chair Pattillo stated that the Planning Commission is doing their very best to listen, take all comments into consideration, be creative and responsive to their concerns.

Chair Pattillo asked the following questions:

- She asked if the internal driveway will be regraded to lessen the confusion and perhaps make it a one way driveway. Will the driveway at Fair Avenue be included in the regarding?
- She would like the applicants to address the safety hazard concern pertaining to a wall that was mentioned during the public comment period.
- Why were you uninterested in pursuing the "Mills Act" during this process? This would be a beneficial tax credit.
- What is the threshold for a traffic study?
- Is the storm water management addressed in the conditions of approval?
- Could the Planning Commission impose a condition to restrict parking to one side of on Wilkie Street.

Mr. Skiles, Mr. McElway and Mr. Rose gave the following responses to Chair Pattillo's questions:

- Mr. McElway responded stating yes, there will be some regrading for the additional parking stalls and a retaining wall and speed bump will be added, this also includes the driveway at Fair Avenue. There is only so much regarding that can be done with buildings being so close to the site.
- Mr. Skiles responded stating that there is a steep grade separation on the sidewalk on Fair Avenue. It's in the area where they are proposing a new pedestrian connection, which will be regraded and re-landscaped.
- Mr. Skiles responded stating that they will pursue the "Mills Act" and agrees it is a beneficial tax credit.



- Mr. Rose responded stating that the threshold under the City of Oakland environmental review requirements is 50 trips per hour, 1 unit per ITE traffic engineering manual calculation is less than 1 trip per unit. The entire project will not exceed the threshold of 50 trips per hour.
- Mr. Miller clarified that it is 50 trips per peak hour.
- Mr. Rose responded stating yes, the storm water management is addressed in the standard conditions of approval.
- In order to answer Chair Pattillo's question concerning one side parking on Wilkie Street, staff would first inquire to the Public Works Agency (PWA) to see if it is possible for parking to be restricted to one side of Wilkie Street.

Chair Pattillo would like the following conditions to be considered in the motion:

- Explore the feasibility of designating two car share spaces.
- Staff will inquire to the Public Works Agency (PWA) about having parking allowed on only one side of Wilkie Street.
- Confirmation that every attempt will be made to save the deodar cedar tree on Wilkie Street and Tompkins Avenue, the taxus baccata tree and the eucalyptus tree at the corner of Wilkie Street. This is in addition to the eight that were already saved per her request.

Commissioner Weinstein asked Mr. Skiles to address the parking options.

Mr. Skiles stated that they've explored various options on how to improve the parking situation. They are currently looking at the possibility of digging further back into the garages to make them tandem parking or make them deep enough to fit two smaller vehicles. He is more than willing to explore that option if it is included as a condition to create more parking spaces.

Vice Chair Moore asked if they've approached City Car Share, Zip Car or any other car share programs and what is their experience with working with these types of programs.

Mr. Skiles responded stating, not yet. They will be exploring the car share program soon and providing up to 4 designated parking spaces for that purpose. They have explored the car share programs in San Francisco at their Larkin Street property.

Commissioner Bonilla stated that he lives in an area where car sharing is very popular and is utilized by his wife and many others more often than before. He supports and encourages increasing the number of parking spaces for car share vehicles.

Commissioner Weinstein added some conditions to explore increasing tandem garage parking as well as



lifts in the garage by digging deeper into the foundation.

Mr. Miller clarified that all four conditions should state, "best efforts" shall be explored.

Commissioner Nagraj made a motion to approve including adding the conditions of approval recommended by both Chair Pattillo and Commissioner Weinstein, seconded by Commissioner Bonilla.

Action on the matter: Approved 6 ayes, 0 noes.

Approval of Minutes

Approval of the December 18, 2013 Planning Commission Meeting Minutes.

Commissioner Coleman made a motion to approve, seconded by Commissioner Bonilla.

Action on the matter: Approved 6 ayes, 0 noes.

ADJOURNMENT

Meeting adjourned at approximately 8:50 P.M.

SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT MEETING: February 5, 2014

SETTLEMENT AGREEMENT

1. This Settlement Agreement ("Agreement") is entered into as of February 18, 2015. The parties to this Agreement are Urban Green Investments, LLC ("Urban Green") on the one hand, and BEST Neighborhood Committee, and Danford Cieloha, on the other hand (collectively "BEST" or "Appellants").

Background. This Agreement relates to the Oakland City Planning Commission's approval of permits and entitlements for a project located on property owned by Urban Green, located at 4690 Tompkins Avenue, Oakland, California (the "Project"). The Planning Commission approved the Project by a 6-0 vote on January 29, 2014. BEST members Danford Cieloha, Gabriel Reynoso, and Benjamin Lau, filed an appeal of the Planning Commission's decision with the Oakland City Council on February 10, 2014 (the Appeal). Gabriel Reynoso, and Benjamin Lau have assigned their rights on Appeal to Danford Cieloha.

Subsequent to the filing of the Appeal, the parties have engaged in good faith negotiations to address many of Appellants' concerns with the project. Urban Green has agreed to make certain modifications to the Project and other commitments in exchange for Appellants' agreement to withdraw their Appeal. The terms of these modifications and commitments are set forth below.

2. Project Modifications. The Project modifications and agreements by Urban Green are contained in the Proposed Conditions of Approval attached hereto as Exhibit A and incorporated herein by reference. ("Proposed Conditions of Approval")

3. Submission to City. The Parties agree to jointly submit the Proposed Conditions of Approval to the City of Oakland Planning Department and advise the City of Oakland Planning Department that if the City will accept the Proposed Conditions of Approval the Appellants will dismiss the Appeal at the City Council meeting considering the Project Appeal.

4. Stipulation to Approve Project and Support Project at Council Meeting.

Appellants promise and agree that they will advise the City of Oakland Planning Department that upon acceptance of the Proposed Conditions of Approval or such other conditions of approval that are substantially similar to the Proposed Conditions of Approval, they will withdraw in writing their Appeal of the January 29, 2014 Planning Commission decisions. Appellants and Urban Green agree to joint request that Council Member Annie Campbell-Washington set the hearing on approval of the Project at the earliest date reasonably available. Appellants further agree that they will appear at the City Council hearing and speak, if there is any opposition, in favor of approval of the Project with the Proposed Conditions of Approval, or substantially similar conditions. Urban Green agrees to voluntarily accept and comply with all of the Proposed Conditions of Approval and waives any right to contest their enforcement by the City of Oakland, even though some of these conditions could not legally be imposed on it by the City of Oakland due to a lack of "nexus" between the Project and the Proposed Conditions of Approval.

5. Agreement not to File Suit. Appellants agree not to file suit to challenge the approval of the Project once the City Council approves the project with the attached Proposed Conditions of Approval.

6. Warranty of Authority.

The signatories to this Agreement hereby represent and warrant that they are duly authorized to execute this Agreement on behalf of Urban Green and BEST, respectively. The Appellant signatories further represent and warrant that, by signing this Agreement on behalf of BEST, no member of the BEST Neighborhood Committee will (i) challenge or contest any provision of this Agreement, or (ii) appeal or otherwise challenge the Planning Commission's decision to approve the Project with the proposed conditions. Danford Cieloha represents and warrants that he has the right to act and is acting on behalf of Gabriel Reynoso, and Benjamin Lau.

7. Miscellaneous.

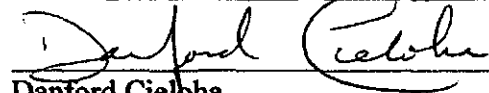
This Agreement resulted from a settlement negotiated in good faith and may not be construed as having been prepared by any one party. This Agreement is binding, and shall inure to the benefit of each of the parties, as well as their successors, assigns, members, representatives, parents, subsidiaries, divisions, affiliates, directors, officers, and attorneys.

URBAN GREEN INVESTMENTS LLC

BEST NEIGHBORHOOD ASSOCIATION

By: _____
Name: _____
Its: _____

By: _____
Name: DANFORD CIELOHA
Its: _____



Danford Cieloha

PROPOSED CONDITIONS OF APPROVAL

Project Description to include: 17 one-bed units; 2 one-bed plus den/office units; 21 two-bed units (totaling 40 new units).

1. The applicant will construct a room ("supply room") in the basement of the proposed project that is approximately 250 square feet, which may be used by the local residents to store emergency supplies.

2. The supply room will be kept secured by a key. One key will be kept with the onsite manager and one with a representative designated by the community. Upon request, a key will be provided to the Oakland Fire Department and Oakland Police Department. The applicant will ensure that a key is available at all times for emergency access to the supply room.

3. With the exception of the house located at 4701 Fair Avenue, the applicant agrees to enter into a deed restriction agreement with the City of Oakland in a recordable document that will restrict tenancy and/or ownership of the eight bungalows (4690 Tompkins Ave #1A, #1B, #2, #3, #4, #5, #6, #7) to persons 55 years or older.

4. The proposed project door on the first floor closest to Fair Ave. and facing Wilkie Street will be solely for exiting from the Main building (4690 Tompkins). There will be no door handles or locks on the exterior side of each door.

5. The proposed project will include 62 off-street parking spaces that comply with the requirements of the Oakland Planning Code. Three of the legal parking spaces are to be tandem spaces and located behind the current garage spaces on the Wilkie Street side of 4690 Tompkins (UGI will excavate). Prior to issuance of the building permit, the applicant will submit a plan showing the final details and location of three legal tandem parking spaces, subject to the approval of the planning director.

6. The applicant will pay \$1,000 per month to the licensed neighborhood security patrol service chosen by the neighborhood watch organization that includes the project site. In the event that the neighborhood watch organization does not wish to fund a security patrol service, the applicant is not required to pay the \$1,000. If the neighborhood watch organization chooses to resume using a security patrol service, the applicant will resume paying the \$1,000 per month to the security patrol service.

7. Prior to receiving its building permit, the applicant will fund the qualified traffic engineering study based on the proposal by TJKM, attached hereto as Exhibit A, to study and report to the city on the feasibility of the following potential projects:

a. Converting Wilkie Street into a one-way street

b. Installing stop signs in appropriate locations for the intersections of:

1. Buell and Tompkins;

EXHIBIT A

2. Cunningham and Fair: and

3. Kaphan and Fair.

c. Installing speed bumps in the following locations:

1. Tompkins on both sides of Enos Street;

2. Daisy Street between Fair Ave and Davenport; and

3. Fair Avenue between Cunningham and Kaphan.

d. Installing additional freeway signage to facilitate freeway-bound traffic flow towards the Buell St. and Calaveras intersection which is near on-ramps and off-ramps to and from east and west bound 580.

e. Closing Davenport Avenue at Mountain Boulevard to create a cul-de-sac.

8. In the event that any or all of the above items are feasible, according to the traffic study, and if any or all of them are approved by the city, the applicant will fund any traffic control items, including, but not limited to, signage and speed bumps to effectuate the traffic controls, with the exception of the closing of Davenport Avenue. Applicant will pay for the study regarding the potential closing of Davenport Avenue, but will not be responsible to fund any such closing. The applicant will fund the traffic controls prior to issuance of the certificate of occupancy.

9. After construction and prior to issuance of a certificate of occupancy, the applicant will fill all potholes on the streets adjacent to the project site to the satisfaction of the city public works department.

10. After construction and prior to issuance of a certificate of occupancy, the applicant will plant at least 5 (five) trees that can grow to at least 20 (twenty) feet tall on Fair Avenue and reasonable landscaping adjacent to the project site. If permitted and consistent with City of Oakland standards, applicant will also provide an irrigation system and maintenance for the landscaping and trees. The applicant will choose the materials that conform with the city's approved tree list and will obtain approval for the landscaping, trees, and irrigation system from the city planner.