



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: William A. Gilchrist
Director, Planning &
Building Department

SUBJECT: Memorandum of Agreement for 564
Crofton Avenue

DATE: January 3, 2022

City Administrator Approval

Date: Jan 20, 2022

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Enter Into A Memorandum Of Agreement (MOA) With The City Of Piedmont Establishing That The City Of Oakland Will Process Planning And Building Entitlements For A Category I Accessory Dwelling Unit (ADU) At 564 Crofton Avenue, A Property Located Within Both Jurisdictions; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

EXECUTIVE SUMMARY

Staff recommends that the City Council authorize the City Administrator to enter into Memorandum of Agreement (MOA) with the City of Piedmont for a Category I Accessory Dwelling Unit (ADU) at 564 Crofton Avenue (Property). The Property is located within both jurisdictions, and the MOA will allow the City of Oakland to act as the lead agency for the issuance of planning and building permits for the proposed development.

BACKGROUND / LEGISLATIVE HISTORY

Property Description

The Property, located at 564 Crofton Avenue, consists of one lot, and one tax parcel (Assessor Parcel Number 011 085502100), has an existing single-family home that straddles the Piedmont/Oakland border. The legal description and assessor parcel map for the property is provided in **Attachment A**. The property is generally bounded by single-family properties, including 570 Crofton Avenue (Piedmont) to the east, 558 Crofton Avenue (Oakland) to the west, 533 Boulevard and 535 Boulevard (Piedmont) to the north and rear, and 559 Crofton Avenue (Oakland) across the street to the south. The Property consists of 6,250 square feet, with approximately 4,150 square feet or 66 percent of which is located in Oakland, and approximately 2,100 square feet or 34 percent of which is located in Piedmont.

City Council
February 1, 2022

Project Description

The development applicant seeks to convert an existing detached garage in the rear yard of the existing single-family residence to a Category I ADU (Project) as set forth in the project plans in **Attachment B**. Specifically, the scope of work will create a 336 square foot studio ADU, with no change in building envelope of the garage.

While the scope of work for the Property would occur on the Piedmont portion of the lots, the single-family residence that the ADU is accessory to is largely located in and accessed from Oakland.

ANALYSIS AND POLICY ALTERNATIVES

City of Oakland Zoning

The portion of the Property located in Oakland is within the Mixed Housing Type Residential - 2 (RM-2) Zone per the Oakland Planning Code; the RM-2 Zone allows for Category I and Category II ADUs, as well as Junior ADUs with a non-discretionary zoning permit. Design Review Exemptions (DRX) would be required for the Property to comply with Oakland's land use regulations.

Analysis

Approval of the proposed resolution and the MOA with the City of Piedmont helps to support and advance the Citywide Priorities of **housing, economic and cultural security** and **vibrant, sustainable infrastructure**. In addition, City staff recommends that the City of Oakland retain jurisdiction for all required land use permits and building inspections for the following reasons:

- The City of Piedmont has not requested or recommended jurisdiction for the Project;
- The City of Oakland has historically dealt with permitting at the Property;
- A majority of the residence of the Property that the ADUs would be accessory to is served by the City of Oakland; and
- Oakland will provide the ADU with 911 emergency services, municipal waste removal services, access to Oakland Unified School District schools, and other municipal services.

In order to efficiently consider the scope of work for the Property, the cities desire to enter into an MOA to memorialize the designation of Oakland as the lead agency for the purposes of both land use approvals and building inspection of the Project, including but not limited to issuance of building and occupancy permits, and the provision of 911 and other municipal services to the Projects, consistent with the terms and conditions contained in the draft MOA (**Attachment C**) and to ensure that Piedmont will not be negatively impacted by the proposal. As such, the MOA stipulates that:

- Oakland will be the lead agency for all land use approvals regarding the Project;

- Oakland will be responsible for building permit issuance, plan check, issuance of certificates of occupancy, building inspections and similar activities for the Project consistent with the appropriate procedures, fees, and standards of Oakland;
- The Oakland Fire Department will be responsible for the provision of emergency and public safety services to the Property, including those portions located in the City of Piedmont; and
- Oakland will continue to provide municipal waste removal services, access to the Oakland Unified School District schools, and other municipal services to the Property.

On December 6, 2021, the MOA was approved by the Piedmont City Council.

Policy Alternatives

Alternative # 1	City Council declines staff's recommendation and requires both planning and building permits to be submitted to and approved by the City of Piedmont.
Pros	Jurisdictional authority would be separate and distinct without the need for an MOA.
Cons	The City of Piedmont has not requested jurisdiction for the Projects. Multiple or "split" jurisdictional authority could create inconsistency in applicable permit requirements, create delays in providing much needed housing, and duplication of applicant fees.
Reason for not recommending	The City of Piedmont has not requested jurisdiction for the Project. This proposal would be confusing in terms of the permitting history for the properties. As noted above, Oakland has typically been the lead agency for permitting for the Properties. Furthermore, State law requires streamlined non-discretionary review of ADU applications.
Alternative #2	City Council declines staff's recommendation and requires split jurisdiction during the permitting process for the Project, i.e., a planning permit would be processed in Oakland and building permits processed in Piedmont or vice versa.
Pros	The City of Oakland would retain partial jurisdiction.
Cons	This is inefficient, confusing, and is typically only done for larger, multi-family projects which would generate significant revenue in both cities.
Reason for not recommending	State law requires streamlined non-discretionary review of ADU applications. Going through a bifurcated permitting process would be confusing for the applicant in terms of requirements, but also for staff of both jurisdictions. This option would require a more complicated MOA, inconsistent with the overall goal of ADU applications to have a streamlined process.

FISCAL IMPACT

Adoption of this resolution is expected to be revenue neutral. Zoning and Building fees will cover staff time working on the Project, as is standard for ADU applications. Furthermore, there would be no ongoing impact on the City of Oakland's municipal services for the Property as the existing home is already being served by Oakland.

PUBLIC OUTREACH / INTEREST

This item did not require any additional public outreach other than the required posting on the City's website. Approval of an ADU is a ministerial action not requiring public notice.

COORDINATION

The City Attorney's Office and the City of Piedmont have worked closely with staff on the preparation of the MOA and have reviewed this staff report and resolution, as has the City's Budget Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: There are minimal economic opportunities associated with the Project. The Project is not anticipated to provide a significant number of construction jobs, and these may or may not be for Oakland workers. The Property will remain a single-family home with an ADU.

Environmental: The Project will be required to meet modern standards for energy efficiency and green building.

Race & Equity: There are no race and equity opportunities associated with the Project. The Property will remain a single-family home with an ADU.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CEQA Guidelines exempt specific types of projects from environmental review. The following is the CEQA exemption that apply to the Projects:

- **Section 15268 - Ministerial Projects:** Section 15268(b) of the CEQA Guidelines states that ministerial projects such as ADUs and the issuance of building permits are exempt from CEQA.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Enter Into Memorandum Of Agreement (MOA) With The City Of Piedmont Establishing That The City Of Oakland Will Process Planning And Building Entitlements For A Category I Accessory Dwelling Unit At 564 Crofton Avenue, A Property Located Within Both Jurisdictions; And Adopting Appropriate California Environmental Quality Act (CEQA) Findings.

For questions regarding this report, please contact Sarah Price, Planner III at (510) 238-2955.

Respectfully submitted,



WILLIAM A. GILCHRIST
Director, Planning and Building Department

Prepared by:

Sarah Price, Planner III
Bureau of Operations

Attachments (3):

- A. Property Legal Description for 564 Crofton Avenue
- B. Project Plans for 564 Crofton Avenue
- C. Memorandum of Agreement for 564 Crofton Avenue

Title No. 11-1168362-JG
Locate No. CAFNT0901-0938-0019-0001168362

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OAKLAND AND PIEDMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERN LINE OF CROFTON AVENUE, DISTANT THEREON SOUTHWESTERLY TWO HUNDRED (200) FEET FROM THE INTERSECTION THEREOF WITH THE SOUTHWESTERN LINE OF BOULEVARD WAY, AS SAID AVENUE AND WAY ARE SHOWN ON THE MAP HEREINAFTER REFERRED TO, RUNNING THENCE SOUTHWESTERLY ALONG SAID LINE OF CROFTON AVENUE FIFTY (50) FEET; THENCE AT RIGHT ANGLES NORTHWESTERLY ONE HUNDRED AND TWENTY FIVE (125) FEET, THENCE AT RIGHT ANGLES NORTHEASTERLY FIFTY (50), FEET, THENCE AT RIGHT ANGLES; SOUTHEASTERLY ONE HUNDRED AND TWENTY FIVE (125) FEET TO THE POINT OF BEGINNING.

BEING LOT 23 IN BLOCK LETTERED "C" AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED, "MAP OF GRAND AVENUE HEIGHTS (BY-THE-PARKS), OAKLAND TOWNSHIP, ALAMEDA COUNTY, CALIFORNIA", FILED AUGUST 26, 1907 IN LIBER 23 OF MAPS, PAGE 28 IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

APN: 011-0855-020, 011-0855-021

READ & APPROVED

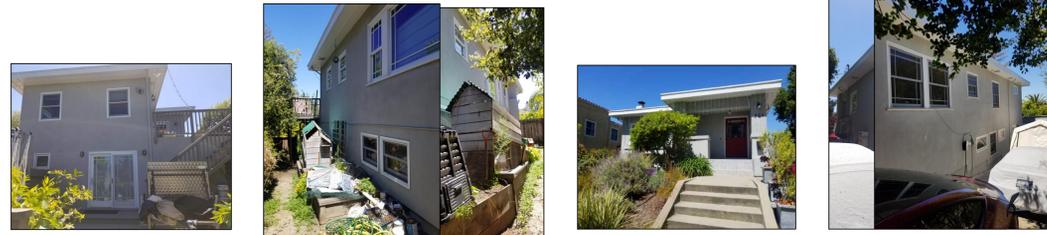
BY _____

DATE _____

READ & APPROVED

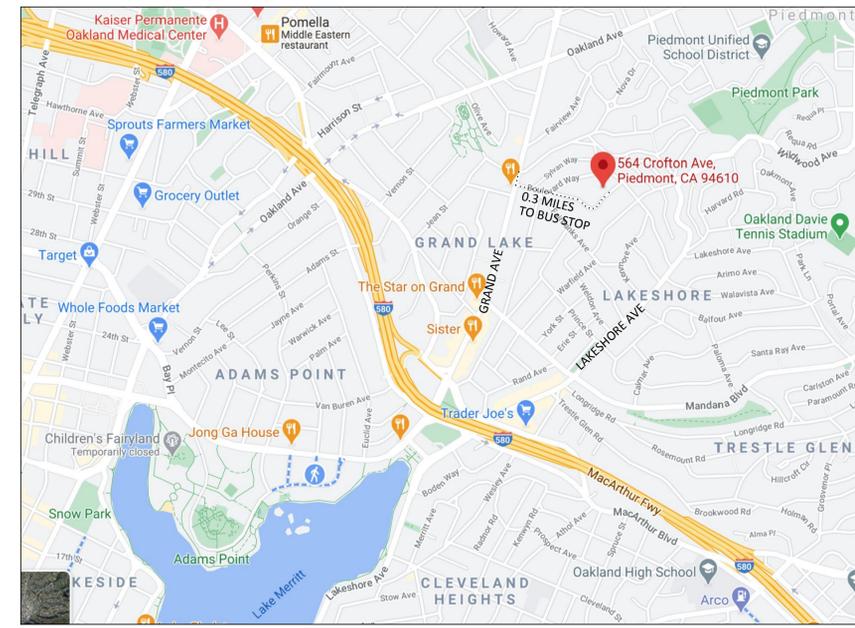
BY _____

DATE _____



REAR - NORTH SIDE - WEST FRONT - SOUTH SIDE - EAST

2
A1.0 SUBJECT SITE ELEVATIONS
NTS



1
A1.0 VICINITY MAP
NTS



530 CROFTON 538 CROFTON 544-546 CROFTON 552 CROFTON 556 CROFTON SUBJECT SITE: 564 CROFTON AVE 570 CROFTON 576 CROFTON 580 CROFTON 565 BOULEVARD

3
A1.0 SUBJECT SITE & ABUTTING PROPERTIES
NTS



577 CROFTON 575 CROFTON 571 CROFTON 563-565 CROFTON 559 CROFTON 557 CROFTON 553-555 CROFTON 551 CROFTON 547 CROFTON 543 CROFTON

4
A1.0 ACROSS FROM SUBJECT SITE
NTS

Cindy YP Lan
Design
PO Box 303
Junction City, CA 96048-0303
(510) 517-2874
cindy@newavenuehomes.com



Homeowner:
Raquel Sefton & Dan Sharp
564 Crofton Avenue
Oakland, CA 94610
(415) 867-4379
rsefton13@gmail.com

CROFTON ADU
564 CROFTON AVENUE
OAKLAND, CA 94610
APN 11-0855-20

Revision:

ZONING PERMIT	SEPTEMBER 27, 2021

Drawing Title:
VICINITY MAP
PHOTO EXHIBIT

Scale:	AS NOTED	DWG NO.	A1.0
Drawn By:	CL		2 OF 8

Cindy YP Lan

Design
PO Box 303
Junction City, CA 96048-0303
(510) 517-2874
cindy@newavenuehomes.com

Homeowner:
Raquel Sefton & Dan Sharp
564 Crofton Avenue
Oakland, CA 94610
(415) 867-4379
rsefton13@gmail.com

CROFTON ADU
564 CROFTON AVENUE
OAKLAND, CA 94610
APN 11-0855-20

Revision:

ZONING PERMIT SEPTEMBER 27, 2021

Drawing Title:

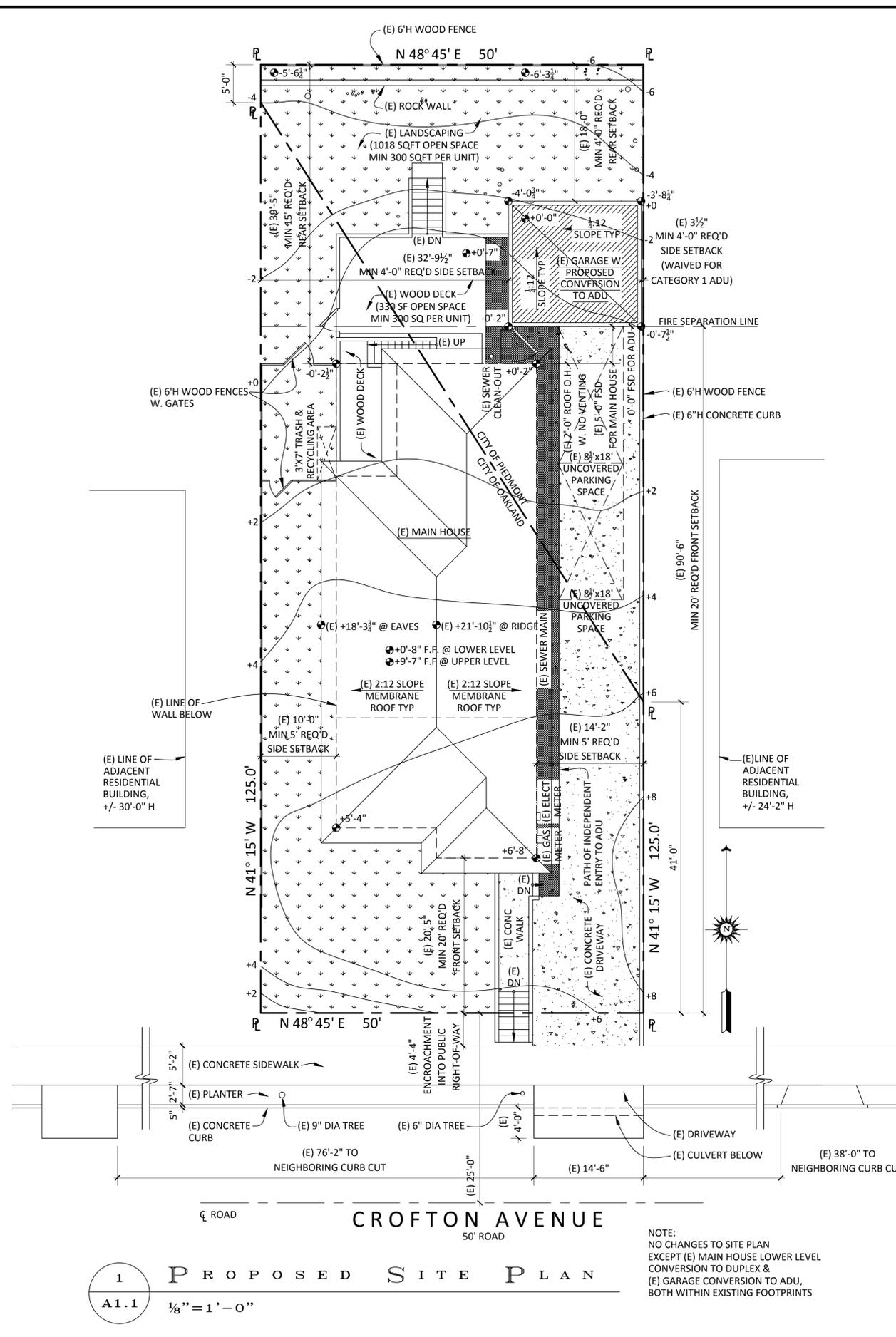
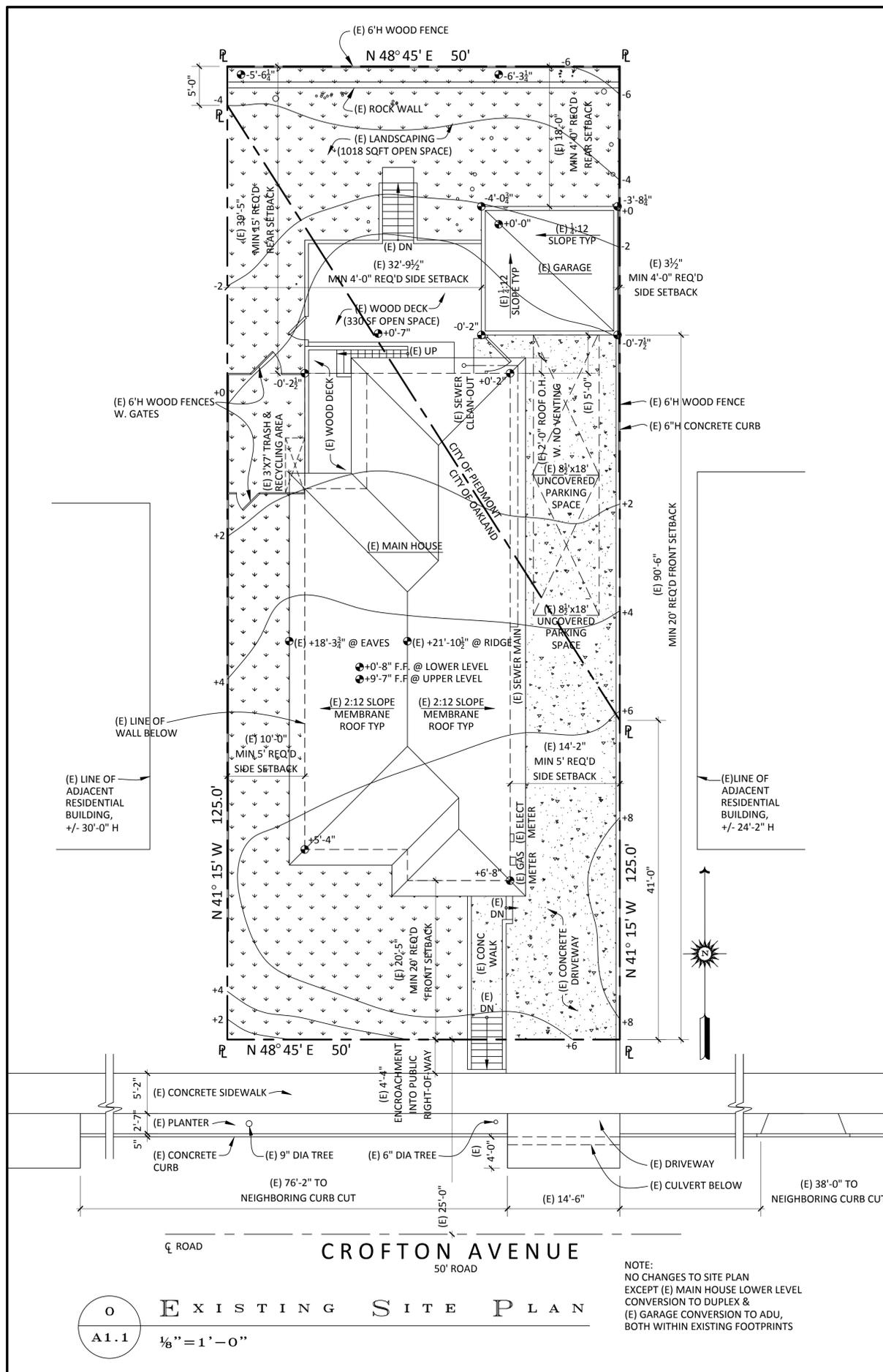
EXISTING & PROPOSED SITE PLANS

Scale: AS NOTED

DWG NO.

Drawn By: CL

A1.1
3 OF 8



2019 CALIFORNIA GREEN BUILDING STANDARDS CODE

RESIDENTIAL MANDATORY MEASURES, SHEET 1 (January 2020, Includes August 2019 Supplement)

Y = YES APPLICABLE
 N/A = NOT APPLICABLE
 RESPON. PARTY = RESPONSIBLE PARTY (i.e. ARCHITECT, ENGINEER, OWNER, CONTRACTOR, INSPECTOR, ETC.)

Cindy YP Lan
 Design
 PO Box 303
 Junction City, CA 96048-0303
 (510) 517-2874
 cindy@newavenuehomes.com



Homeowner:
 Raquel Sefton & Dan Sharp
 564 Crofton Avenue
 Oakland, CA 94610
 (415) 867-4379
 rsefton13@gmail.com

CROFTON ADU
564 CROFTON AVENUE
PIEDMONT, CA 94610
APN 11-0855-21

CHAPTER 3 GREEN BUILDING SECTION 301 GENERAL

301.1 SCOPE. Buildings shall be designed to include the green building measures specified as mandatory in the application checklists contained in this code. Voluntary green building measures are also included in the application checklists and may be included in the design and construction of structures covered by this code, but are not required unless adopted by a city, county, or city and county as specified in Section 101.7.

301.1.1 Additions and alterations. [HCD] The mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration.

Note: On and after January 1, 2014, residential buildings undergoing permitted alterations, additions, or improvements shall replace non-compliant plumbing fixtures with water-conserving plumbing fixtures. Plumbing fixture replacement is required prior to issuance of a certificate of final completion, certificate of occupancy or final permit approval by the local building department. See Civil Code Section 1101.1, et seq., for the definition of a non-compliant plumbing fixture, types of residential buildings affected and other important enactment dates.

301.2 LOW-RISE AND HIGH-RISE RESIDENTIAL BUILDINGS. [HCD] The provisions of individual sections of CALGreen may apply to either low-rise residential buildings, high-rise residential buildings, or both. Individual sections will be designated by banners to indicate where the section applies—specifically to low-rise only (LR) or high-rise only (HR). When the section applies to both low-rise and high-rise buildings, no banner will be used.

SECTION 302 MIXED OCCUPANCY BUILDINGS
302.1 MIXED OCCUPANCY BUILDINGS. In mixed occupancy buildings, each portion of a building shall comply with the specific green building measures applicable to each specific occupancy.

ABBREVIATION DEFINITIONS:
 HCD Department of Housing and Community Development
 BSC California Building Standards Commission
 DSA-SS Division of the State Architect, Structural Safety
 OSHPD Office of Statewide Health Planning and Development
 LR Low Rise
 HR High Rise
 AA Additions and Alterations
 N New

CHAPTER 4 RESIDENTIAL MANDATORY MEASURES

DIVISION 4.1 PLANNING AND DESIGN SECTION 4.102 DEFINITIONS

4.102.1 DEFINITIONS
 The following terms are defined in Chapter 2 (and are included here for reference)

FRENCH DRAIN. A trench, hole or other depressed area loosely filled with rock, gravel, fragments of brick or similar porous material used to collect or channel drainage or runoff water.

WATTLES. Wattles are used to reduce sediment in runoff. Wattles are often constructed of natural plant materials such as hay, straw or similar material shaped in the form of tubes and placed on a downflow slope. Wattles are also used for perimeter and inlet controls.

4.106 SITE DEVELOPMENT
4.106.1 GENERAL. Preservation and use of available natural resources shall be accomplished through evaluation and careful planning to minimize negative effects on the site and adjacent areas. Preservation of slopes, management of storm water drainage and erosion controls shall comply with this section.

4.106.2 STORM WATER DRAINAGE AND RETENTION DURING CONSTRUCTION. Projects which disturb less than one acre of soil and are not part of a larger common plan of development which in total disturbs one acre or more, shall manage storm water drainage during construction. In order to manage storm water drainage during construction, one or more of the following measures shall be implemented to prevent flooding of adjacent property, prevent erosion and retain soil runoff on the site.

- Retention basins of sufficient size shall be utilized to retain storm water on the site.
- Where storm water is conveyed to a public drainage system, collection point, gutter or similar disposal method, water shall be filtered by use of a barrier system, wattle or other method approved by the enforcing agency.
- Compliance with a lawfully enacted storm water management ordinance.

Note: Refer to the State Water Resources Control Board for projects which disturb one acre or more of soil, or are part of a larger common plan of development which in total disturbs one acre or more of soil.
 (Website: https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html)

4.106.3 GRADING AND PAVING. Construction plans shall indicate how the site grading or drainage system will manage all surface water flows to keep water from entering buildings. Examples of methods to manage surface water include, but are not limited to, the following:

- Swales
- Water collection and disposal systems
- French drains
- Water retention gardens
- Other water measures which keep surface water away from buildings and aid in groundwater recharge.

Exception: Additions and alterations not altering the drainage path.

4.106.4 Electric vehicle (EV) charging for new construction. New construction shall comply with Sections 4.106.4.1, 4.106.4.2, or 4.106.4.3 to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with the *California Electrical Code*, Article 625.

Exceptions:
 1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:
 1.1 Where there is no commercial power supply.
 1.2 Where there is evidence substantiating that meeting the requirements will alter the local utility infrastructure design requirements on the utility side of the meter so as to increase the utility side cost to the homeowner or the developer by more than \$400.00 per dwelling unit.
 2. Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities.

4.106.4.1 New one- and two-family dwellings and townhouses with attached private garages. For each dwelling unit, install a listed raceway to accommodate a 200/240-volt branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved for permit installation of a branch circuit overcurrent protective device.

4.106.4.1.1 Identification. The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV CAPABLE".

4.106.4.2 New multifamily dwellings. If residential parking is available, ten (10) percent of the total number of parking spaces on a building site, provided for all types of parking facilities, shall be electric vehicle charging spaces (EV spaces) capable of supporting future EVSE. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.

Notes:
 1. Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging.
 2. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use.

4.106.4.2.1 Electric vehicle charging space (EV space) locations. Construction documents shall indicate the location of proposed EV spaces. Where common use parking is provided at least one EV space shall be located in the common use parking area and shall be available for use by all residents.

CHAPTER 4 DIVISION 4.3 WATER EFFICIENCY AND CONSERVATION

4.106.4.2.1.1 Electric Vehicle Charging Stations (EVCS) When EV chargers are installed, EV spaces required by Section 4.106.2.2, Item 3, shall comply with at least one of the following options:

- The EV space shall be located adjacent to an accessible parking space meeting the requirements of the *California Building Code*, Chapter 11A, to allow use of the EV charger from the accessible parking space.
- The EV space shall be located on an accessible route, as defined in the *California Building Code*, Chapter 2, to the building.

Exception: Electric vehicle charging stations designed and constructed in compliance with the *California Building Code*, Chapter 11B, are not required to comply with Section 4.106.4.2.1.1 and Section 4.106.4.2.2, Item 3.

Note: Electric Vehicle charging stations serving public housing are required to comply with the *California Building Code*, Chapter 11B.

4.106.4.2.2 Electric vehicle charging space (EV space) dimensions. The EV space shall be designed to comply with the following:

- The minimum length of each EV space shall be 16 feet (5496 mm).
- The minimum width of each EV space shall be 9 feet (2743 mm).
- One in every 25 EV spaces, but not less than one EV space, shall have an 8-foot (2438 mm) wide minimum aisle. A 5-foot (1524 mm) wide minimum aisle shall be permitted provided the minimum width of the EV space is 12 feet (3658 mm):
 - Surface slope for this EV space and the aisle shall not exceed 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction.

4.106.4.2.3 Single EV space required. Install a listed raceway capable of accommodating a 200/240-volt dedicated branch circuit. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or enclosure in close proximity to the proposed location of the EV space. Construction documents shall identify the raceway termination point. The service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device.

4.106.4.2.4 Multiple EV spaces required. Construction documents shall indicate the raceway termination point and proposed location of future EV spaces and EV chargers. Construction documents shall also provide information on amperage of future EVSE, raceway method(s), wiring schematics and electrical load calculations to verify that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at the full rated amperage of the EVSE. Plan design shall be based upon a 40-ampere minimum branch circuit. Required raceways and related components that are planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at the time of original construction.

4.106.4.2.5 Identification. The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging purposes as "EV CAPABLE" in accordance with the *California Electrical Code*.

4.106.4.3 New hotels and motels. All newly constructed hotels and motels shall provide EV spaces capable of supporting future installation of EVSE. The construction documents shall identify the location of the EV spaces.

Notes:
 1. Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging.
 2. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use.

4.106.4.3.1 Number of required EV spaces. The number of required EV spaces shall be based on the total number of parking spaces provided for all types of parking facilities in accordance with Table 4.106.4.3.1. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.

TOTAL NUMBER OF PARKING SPACES	NUMBER OF REQUIRED EV SPACES
0-9	0
10-25	1
26-50	2
51-75	4
76-100	5
101-150	7
151-200	10
201 and over	6 percent of total

4.106.4.3.2 Electric vehicle charging space (EV space) dimensions. The EV spaces shall be designed to comply with the following:

- The minimum length of each EV space shall be 16 feet (5496mm).
- The minimum width of each EV space shall be 9 feet (2743mm).

4.106.4.3.3 Single EV space required. When a single EV space is required, the EV space shall be designed in accordance with Section 4.106.4.2.3.

4.106.4.3.4 Multiple EV spaces required. When multiple EV spaces are required, the EV spaces shall be designed in accordance with Section 4.106.4.2.4.

4.106.4.3.5 Identification. The service panels or sub-panels shall be identified in accordance with Section 4.106.4.2.5.

4.106.4.3.6 Accessible EV spaces. In addition to the requirements in Section 4.106.4.3, EV spaces for hotels/motels and all EVSE, when installed, shall comply with the accessibility provisions for the EV charging stations in the *California Building Code*, Chapter 11B.

DIVISION 4.2 ENERGY EFFICIENCY

4.201 GENERAL
4.201.1 SCOPE. For the purposes of mandatory energy efficiency standards in this code, the California Energy Commission will continue to adopt mandatory standards.

DIVISION 4.3 WATER EFFICIENCY AND CONSERVATION

4.303 INDOOR WATER USE

4.303.1 WATER CONSERVING PLUMBING FIXTURES AND FITTINGS. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the sections 4.303.1.1, 4.303.1.2, 4.303.1.3, and 4.303.4.4.

Note: All noncompliant plumbing fixtures in any residential real property shall be replaced with water-conserving plumbing fixtures. Plumbing fixture replacement is required prior to issuance of a certificate of final completion, certificate of occupancy, or final permit approval by the local building department. See Civil Code Section 1101.1, et seq., for the definition of a noncompliant plumbing fixture, types of residential buildings affected and other important enactment dates.

4.303.1.1 Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush. Tank-type water closets shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for Tank-type Toilets.

Note: The effective flush volume of dual flush toilets is defined as the composite, average flush volume of two reduced flushes and one full flush.

4.303.1.2 Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gallons per flush. The effective flush volume of all other urinals shall not exceed 0.5 gallons per flush.

4.303.1.3 Showerheads.
4.303.1.3.1 Single Showerhead. Showerheads shall have a maximum flow rate of not more than 1.8 gallons per minute at 80 psi. Showerheads shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for Showerheads.

4.303.1.3.2 Multiple showerheads serving one shower. When a shower is served by more than one showerhead, the combined flow rate of all the showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi, or the shower shall be designed to only allow one shower outlet to be in operation at a time.

Note: A hand-held shower shall be considered a showerhead.

4.303.1.4 Faucets.
4.303.1.4.1 Residential Lavatory Faucets. The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi. The minimum flow rate of residential lavatory faucets shall not be less than 0.8 gallons per minute at 20 psi.

4.303.1.4.2 Lavatory Faucets in Common and Public Use Areas. The maximum flow rate of lavatory faucets installed in common and public use areas (outside of dwellings or sleeping units) in residential buildings shall not exceed 0.5 gallons per minute at 60 psi.

4.303.1.4.3 Metering Faucets. Metering faucets when installed in residential buildings shall not deliver more than 0.2 gallons per cycle.

4.303.1.4.4 Kitchen Faucets. The maximum flow rate of kitchen faucets shall not exceed 1.8 gallons per minute at 60 psi. Kitchen faucets may temporarily increase the flow above the maximum rate, but not to exceed 2.2 gallons per minute at 60 psi, and must default to a maximum flow rate of 1.8 gallons per minute at 60 psi.

Note: Where complying faucets are unavailable, aerators or other means may be used to achieve reduction.

4.303.2 STANDARDS FOR PLUMBING FIXTURES AND FITTINGS. Plumbing fixtures and fittings shall be installed in accordance with the *California Plumbing Code*, and shall meet the applicable standards referenced in Table 1701.1 of the *California Plumbing Code*.

NOTE: THIS TABLE COMPILES THE DATA IN SECTION 4.303.1, AND IS INCLUDED AS A CONVENIENCE FOR THE USER.

FIXTURE TYPE	FLOW RATE
SHOWER HEADS (RESIDENTIAL)	1.8 GMP @ 80 PSI
LAVATORY FAUCETS (RESIDENTIAL)	MAX. 1.2 GPM @ 60 PSI MIN. 0.8 GPM @ 20 PSI
LAVATORY FAUCETS IN COMMON & PUBLIC USE AREAS	0.5 GPM @ 60 PSI
KITCHEN FAUCETS	1.8 GPM @ 60 PSI
METERING FAUCETS	0.2 GAL/CYCLE
WATER CLOSET	1.28 GAL/FLUSH
URINALS	0-125 GAL/FLUSH

4.304 OUTDOOR WATER USE
4.304.1 OUTDOOR POTABLE WATER USE IN LANDSCAPE AREAS. Residential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent.

NOTES:
 1. The Model Water Efficient Landscape Ordinance (MWELO) is located in the *California Code Regulations*, Title 23, Chapter 2.7, Division 2. MWELO and supporting documents, including water budget calculator, are available at: <https://www.water.ca.gov/>

Exception: Rural jurisdictions that meet and apply for the exemption in Public Resources Code Section 42649.82 (a)(2)(A) et seq. are not required to comply with the organic waste portion of this section.

DIVISION 4.4 MATERIAL CONSERVATION AND RESOURCE EFFICIENCY

4.406 ENHANCED DURABILITY AND REDUCED MAINTENANCE

4.406.1 RODENT PROOFING. Annular spaces around pipes, electric cables, conduits or other openings in sole/bottom plates at exterior walls shall be protected against the passage of rodents by closing such openings with cement mortar, concrete masonry or a similar method acceptable to the enforcing agency.

4.408 CONSTRUCTION WASTE REDUCTION, DISPOSAL AND RECYCLING
4.408.1 CONSTRUCTION WASTE MANAGEMENT. Recycle and/or salvage for reuse a minimum of 65 percent of the non-hazardous construction and demolition waste in accordance with either Section 4.408.2, 4.408.3 or 4.408.4, or meet a more stringent local construction and demolition waste management ordinance.

Exceptions:
 1. Excavated soil and land-clearing debris.
 2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the jobsite.
 3. The enforcing agency may make exceptions to the requirements of this section when isolated jobsites are located in areas beyond the haul boundaries of the diversion facility.

4.408.2 CONSTRUCTION WASTE MANAGEMENT PLAN. Submit a construction waste management plan in conformance with Items 1 through 5. The construction waste management plan shall be updated as necessary and shall be available during construction for examination by the enforcing agency.

- Identify the construction and demolition waste materials to be diverted from disposal by recycling, reuse on the project or salvage for future use or sale.
- Specify if construction and demolition waste materials will be sorted on-site (source separated) or bulk mixed (single stream).
- Identify diversion facilities where the construction and demolition waste material collected will be taken.
- Identify construction methods employed to reduce the amount of construction and demolition waste generated.
- Specify that the amount of construction and demolition waste materials diverted shall be calculated by weight or volume, but not by both.

4.408.3 WASTE MANAGEMENT COMPANY. Utilize a waste management company, approved by the enforcing agency, which can provide verifiable documentation that the percentage of construction and demolition waste material diverted from the landfill complies with Section 4.408.1.

Note: The owner or contractor may make the determination if the construction and demolition waste materials will be diverted by a waste management company.

4.408.4 WASTE STREAM REDUCTION ALTERNATIVE (LRI). Projects that generate a total combined weight of construction and demolition waste disposed of in landfills, which do not exceed 3.4 lbs./sq. ft. of the building area shall meet the minimum 65% construction waste reduction requirement in Section 4.408.1.

4.408.4.1 WASTE STREAM REDUCTION ALTERNATIVE. Projects that generate a total combined weight of construction and demolition waste disposed of in landfills, which do not exceed 2 pounds per square foot of the building area, shall meet the minimum 65% construction waste reduction requirement in Section 4.408.1.

4.408.5 DOCUMENTATION. Documentation shall be provided to the enforcing agency which demonstrates compliance with Section 4.408.2, Items 1 through 5, Section 4.408.3 or Section 4.408.4.

- Notes:**
- Sample forms found in "A Guide to the California Green Building Standards Code (Residential)" located at www.hcd.ca.gov/CALGreen.html may be used to assist in documenting compliance with this section.
 - Mixed construction and demolition debris (C & D) processors can be located at the California Department of Resources Recycling and Recovery (CalRecycle).

4.410 BUILDING MAINTENANCE AND OPERATION

4.410.1 OPERATION AND MAINTENANCE MANUAL. At the time of final inspection, a manual, compact disc, web-based reference or other media acceptable to the enforcing agency which includes all of the following shall be placed in the building:

- Directions to the owner or occupant that the manual shall remain with the building throughout the life cycle of the structure.
- Operation and maintenance instructions for the following:
 - Equipment and appliances, including water-saving devices and systems, HVAC systems, photovoltaic systems, electric vehicle chargers, water-heating systems and other major appliances and equipment.
 - Roof and yard drainage, including gutters and downspouts.
 - Space conditioning systems, including condensers and air filters.
 - Landscape irrigation systems.
 - Water reuse systems.
- Information from local utility, water and waste recovery providers on methods to further reduce resource consumption, including recycle programs and locations.
- Public transportation and/or carpool options available in the area.
- Educational material on the positive impacts of an interior relative humidity between 30-60 percent and what methods an occupant may use to maintain the relative humidity level in that range.
- Information on required routine maintenance measures, including, but not limited to, caulking, painting, grading around the building, etc.
- Information about state solar energy and incentive programs available.
- A copy of all special inspections verifications required by the enforcing agency or this code.

4.410.2 RECYCLING BY OCCUPANTS. Where 5 or more multifamily dwelling units are constructed on a building site, provide readily accessible area(s) that serves all buildings on the site and are identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals, or meet a lawfully enacted local recycling ordinance, if more restrictive.

Exception: Rural jurisdictions that meet and apply for the exemption in Public Resources Code Section 42649.82 (a)(2)(A) et seq. are not required to comply with the organic waste portion of this section.

DIVISION 4.5 ENVIRONMENTAL QUALITY

SECTION 4.501 GENERAL
4.501.1 Scope
 The provisions of this chapter shall outline means of reducing the quality of air contaminants that are odorous, irritating and/or harmful to the comfort and well being of a building's installers, occupants and neighbors.

SECTION 4.502 DEFINITIONS
4.502.1 DEFINITIONS
 The following terms are defined in Chapter 2 (and are included here for reference)

AGRFIBER PRODUCTS. Agrifiber products include wheatboard, strawboard, panel substrates and door cores, not including furniture, fixtures and equipment (FF&E) not considered base building elements.

COMPOSITE WOOD PRODUCTS. Composite wood products include hardwood plywood, particleboard and medium density fiberboard. "Composite wood products" does not include hardboard, structural plywood, structural panels, structural composite lumber, oriented strand board, glued laminated timber, prefabricated wood I-joists or finger-jointed lumber, all as specified in California Code of regulations (CCR), title 17, Section 93120.1.

DIRECT-VENT APPLIANCE. A fuel-burning appliance with a sealed combustion system that draws all air for combustion from the outside atmosphere and discharges all flue gases to the outside atmosphere.

Revision:

ZONING PERMIT SEPTEMBER 27, 2021

Drawing Title:
CALIFORNIA GREEN BUILDING STANDARDS

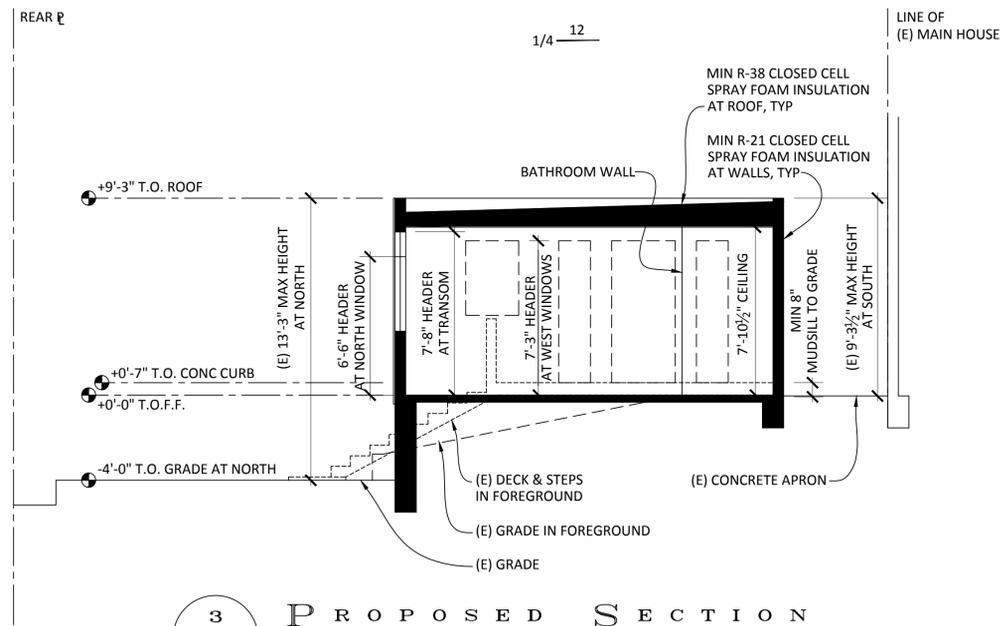
Scale: NTS DWG NO.
 Drawn By: CL **A1.2**
 4 OF 8

Cindy YP Lan

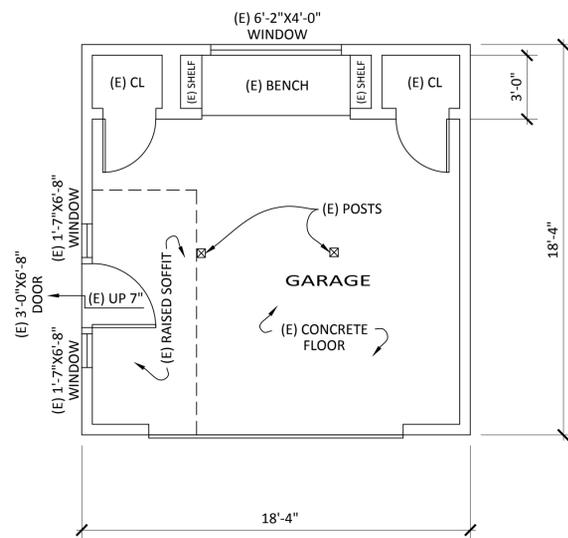
Design
PO Box 303
Junction City, CA 96048-0303
(510) 517-2874
cindy@newavenuehomes.com

Homeowner:
Raquel Sefton & Dan Sharp
564 Crofton Avenue
Oakland, CA 94610
(415) 867-4379
rsefton13@gmail.com

CROFTON ADU
564 CROFTON AVENUE
OAKLAND, CA 94610
APN 11-08555-20

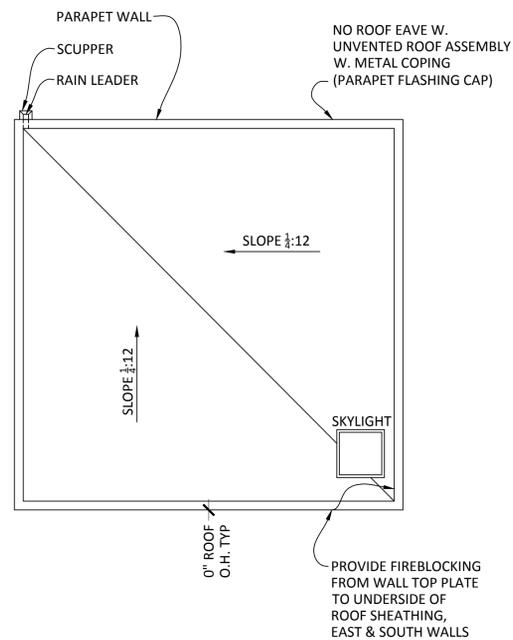


3 PROPOSED SECTION
A2.1 1/4" = 1'-0"



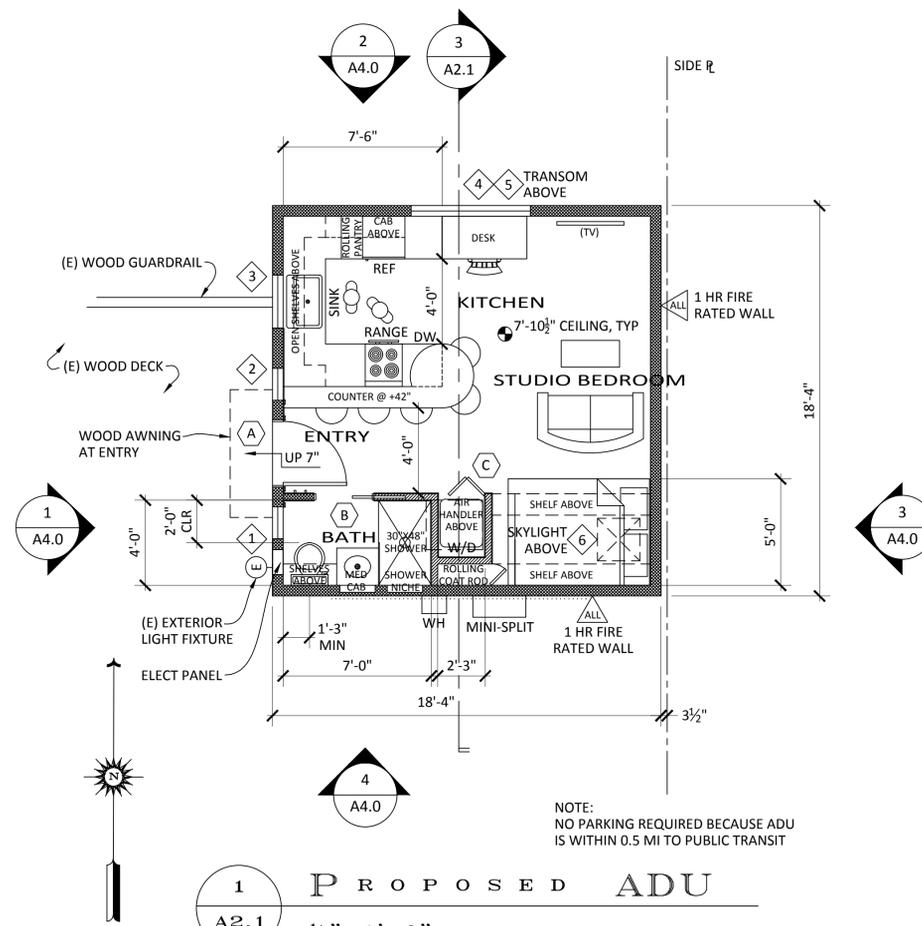
NOTE: ALL WALLS TO BE DEMOLISHED AND REBUILT WITHIN SAME FOOTPRINT. EXISTING CONCRETE FOOTINGS TO REMAIN.

0 EXISTING GARAGE
A2.1 1/4" = 1'-0"



NOTE: ALL ROOF TO BE DEMOLISHED AND REBUILT WITHIN SAME FOOTPRINT, W. DRAINAGE & MEMBRANE ROOFING MATERIAL TO REMAIN THE SAME.

2 ROOF PLAN
A2.1 1/4" = 1'-0"



NOTE: NO PARKING REQUIRED BECAUSE ADU IS WITHIN 0.5 MI TO PUBLIC TRANSIT

1 PROPOSED ADU
A2.1 1/4" = 1'-0"

Revision:

ZONING PERMIT SEPTEMBER 27, 2021

Drawing Title:
(E) GARAGE PLAN & PROPOSED ADU PLAN & ROOF PLAN & SECTION

Scale: 1/4" = 1'-0"

DWG NO.

Drawn By: CL

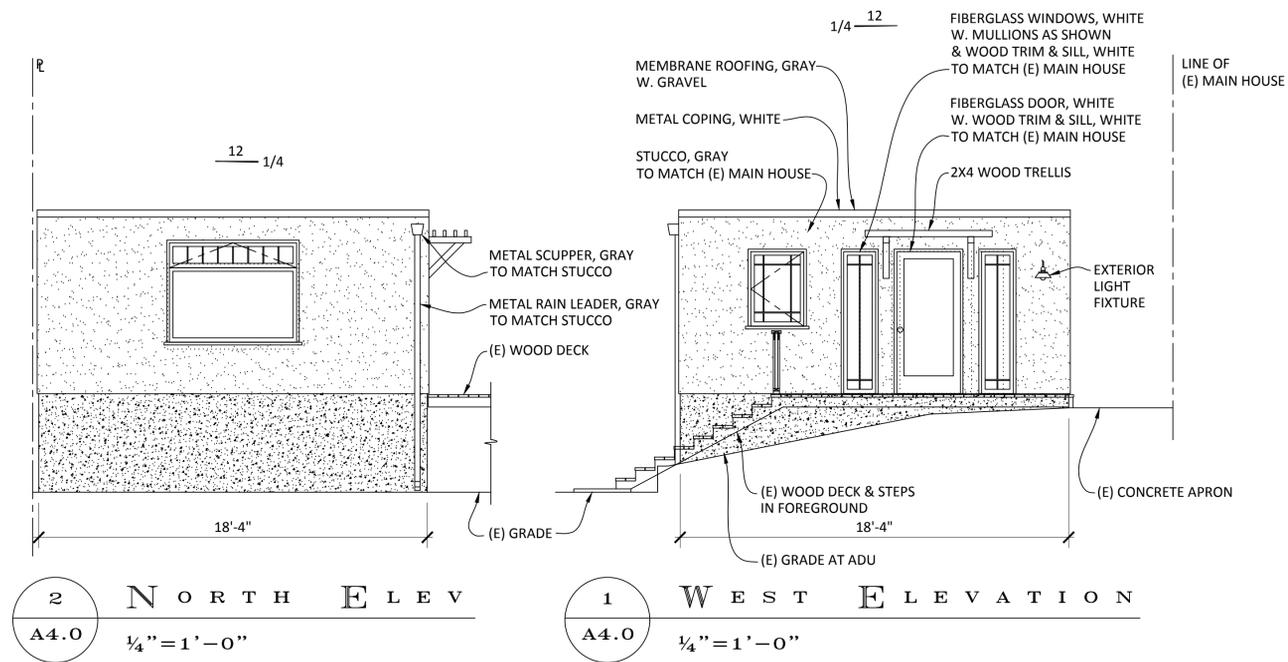
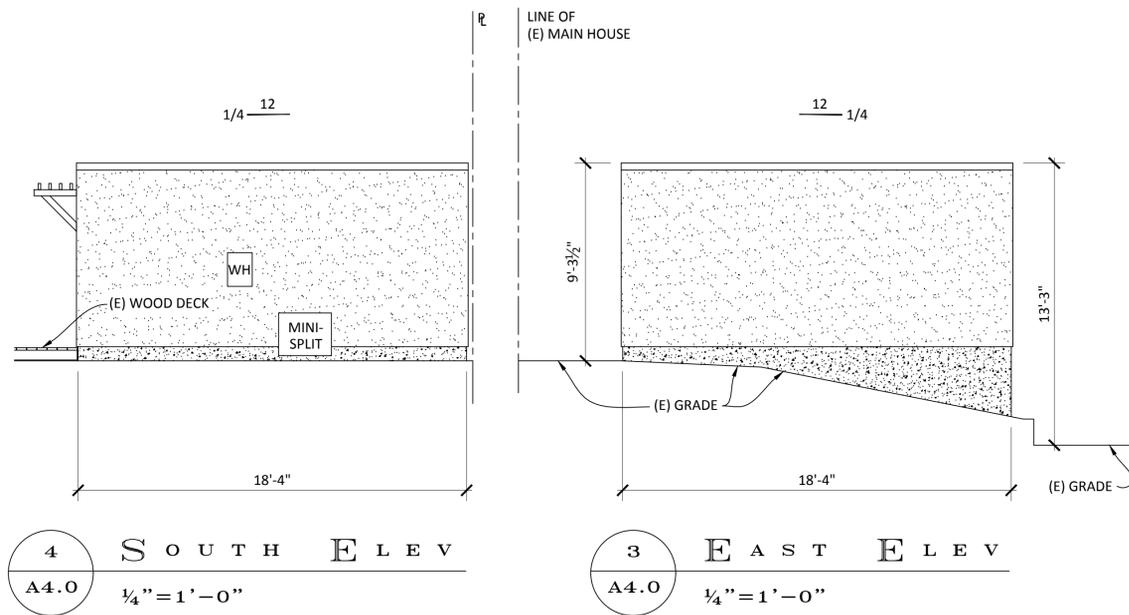
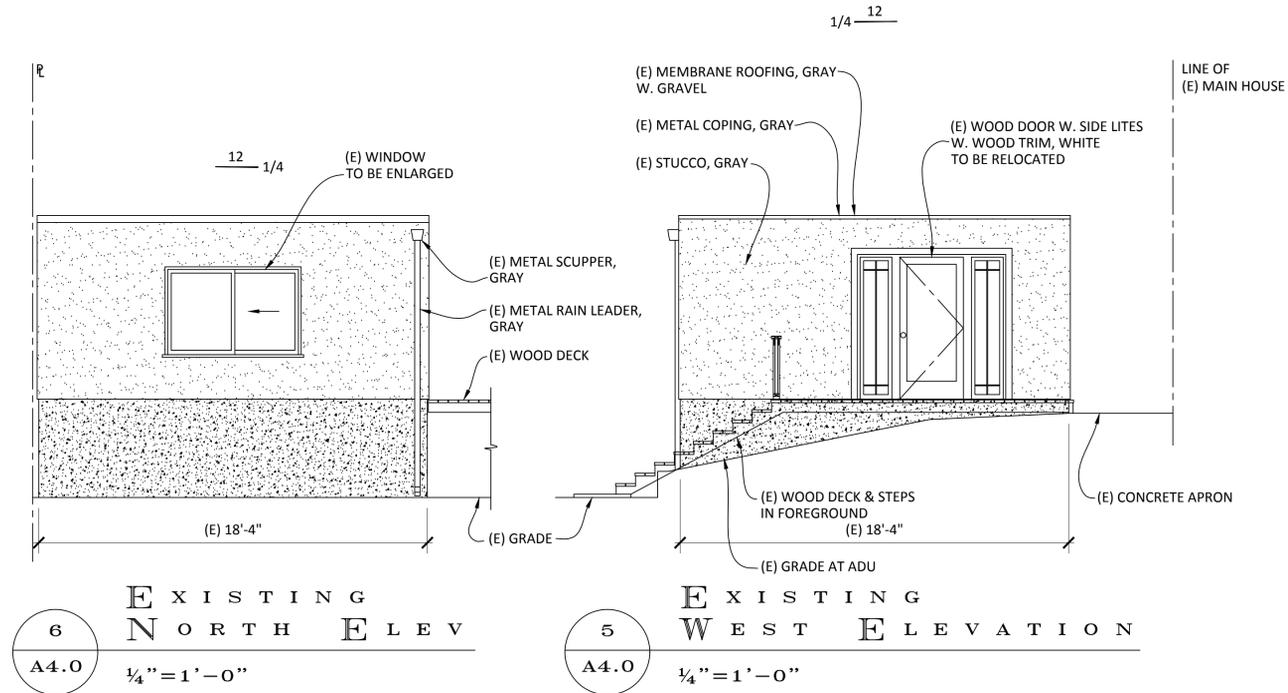
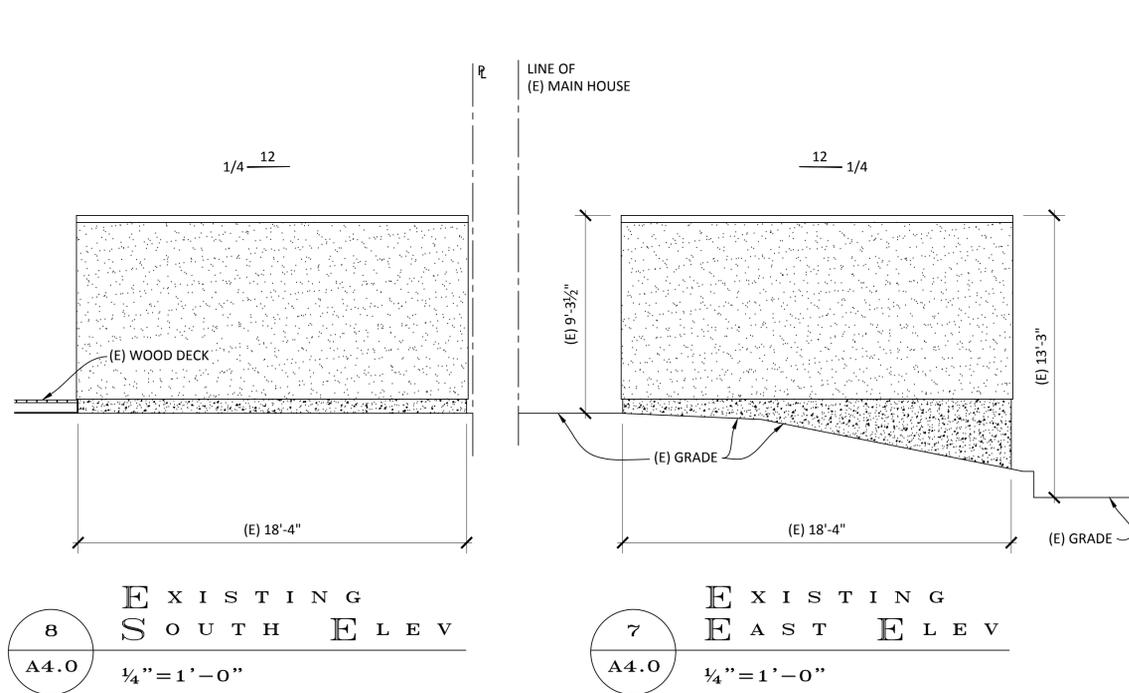
A2.1
7 OF 8

Cindy YP Lan

Design
PO Box 303
Junction City, CA 96048-0303
(510) 517-2874
cindy@newavenuehomes.com

Homeowner:
Raquel Sefton & Dan Sharp
564 Crofton Avenue
Oakland, CA 94610
(415) 867-4379
rsefton13@gmail.com

CROFTON ADU
564 CROFTON AVENUE
OAKLAND, CA 94610
APN 11-0855-20



Revision:

ZONING PERMIT SEPTEMBER 27, 2021

Drawing Title:

ADU EXISTING & PROPOSED ELEVATIONS

Scale: 1/4" = 1'-0"

DWG NO.

Drawn By: CL

A4.0
8 OF 8

MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT (“MOA”), dated as of this ____ day of _____, 2022 (“Effective Date”), is entered into by and between the City of Piedmont, a municipal corporation (“Piedmont”) and the City of Oakland, a municipal corporation (“Oakland”), with reference to the following facts and circumstances:

RECITALS

A. The property located at 564 Crofton Avenue (the “Property”) consists of one lot, and two tax parcels (APN No. 011 -0855-020-00 and 011 -0855-021-00), that straddles the Piedmont/Oakland border. The assessor parcel map for the Property is provided as Exhibit A, which is attached hereto and incorporated herein. The Property is generally bounded by single-family properties at 558 & 570 Crofton Avenue on either side, single-family properties on 535 & 533 Boulevard Way at the rear, and single-family properties 565 & 569 Crofton Avenue across the street. The Property consists of 6,375 square feet (determined by a survey dated March 25, 2021), with approximately 2,225 square feet or 35 percent of which is located in Piedmont, and approximately 4,150 square feet or 65 percent of which is located in Oakland.

B. When considering properties intersected by the border between the City of Piedmont and the City of Oakland, by long-standing arrangement between the cities, certain properties are considered Piedmont properties for the purposes of providing 911 and other municipal services, and certain properties are considered Oakland properties for the purposes of providing 911 and other municipal services. The Property is considered an Oakland property eligible for Oakland 911 services, municipal waste removal services, access to Oakland schools, and other municipal services. The neighboring residences which have vehicular and pedestrian access to Crofton Avenue are also considered Oakland properties for those same services.

C. Cindy YP Lan/ New Avenue Inc. (“Applicant”) for Property owners Raquel Sefton and Dan Sharp desire to convert the existing 336-square-foot detached garage to an Accessory Dwelling Unit (ADU), with the entirety of the project located in Piedmont (“Project”).

D. The entire garage, approximately 336 square feet footprint, is located in Piedmont.

E. In order to efficiently consider the Project, the cities desire to enter into this MOA to memorialize the designation of Oakland as the lead agency for the purposes of both land use approvals and building inspection of the Project, including but not limited to issuance of building and occupancy permits, and the provision of 911 and other municipal services to the Project, consistent with the terms and conditions contained in this MOA.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

I. Lead Agency under CEQA

Oakland shall serve as Lead Agency for purposes of review under the California Environmental Quality Act (CEQA).

II. Planning Approval Process

The City of Oakland will be the approval authority for all land use approvals regarding the Property, including but not limited to the current ADU proposal, zoning approvals, variances, and issuance of conditional use permits or the like, to the extent any such approvals may be necessary. Oakland shall apply its land use regulations, except as may be otherwise stated in this MOA.

- A. Applications. The Applicant has submitted an application for an Accessory Dwelling Unit (ADU) to the City of Oakland Planning Department for the Project. The project is subject to ministerial approval within sixty (60) days pursuant to Government Code section 65852.2
- B. Conditions of Approval. The City of Oakland will provide the City of Piedmont a copy of the Conditions of Approval for the Project, if any, if and when the Project is approved.
- C. Ongoing Jurisdiction. Both Piedmont and Oakland understand that, by virtue of the proposed location of this Project, the Project, if approved, will be constructed both within the City of Oakland and the City of Piedmont. As a consequence, except as otherwise provided in this MOA, the Property is subject to the laws of both cities.
 - Oakland acknowledges the continuing jurisdiction of the City of Piedmont, its Charter, and its Municipal Code within those portions of the Property located within the City of Piedmont and will not undertake any action or approval that will result in any violation of any of those laws. Piedmont acknowledges the continuing jurisdiction of the City of Oakland, its Charter, and Municipal Code within those portions of the Project located within the City of Oakland and will not undertake any action or approval that will result in any violation of those laws, except as may regard planning or building approvals for buildings on the Property. The City of Oakland shall have jurisdiction over planning and building approvals for the Property.
 - The City of Oakland and the City of Piedmont both reserve the right to take such actions as necessary to enforce the laws, conditions or requirements within each city. Both cities agree to cooperate with the other city in any action undertaken to enforce any condition or requirement imposed on the Project.

III. Building and Permit Issues

- A. Building Permit and Plan Check. Oakland will be responsible for building permit issuance, plan check, issuance of certificates of occupancy, building inspections, assignment of unit address and similar activities for the entire Project consistent with the appropriate procedures, fees, and standards of Oakland. Except as set forth elsewhere in this MOA, inspections of the Project will be conducted by the City of Oakland. Prior to the issuance of a building permit, the City of Oakland Fire Department shall review and approve the fire and life safety systems including, but not limited to, fire hydrants, fire sprinkler systems, fire alarm systems, fire department access, and water distribution systems. In addition, prior to the issuance of a building permit, the Oakland Planning Department shall review the building permit plans to ensure compliance with the approved Conditions of Approval, if any. The City of Oakland retains the authority to issue future building permits for buildings on the Property located either partially or wholly within its jurisdiction.

IV. Emergency Service

The Oakland Fire Department shall be responsible for the provision of emergency and public safety services to the Project, including those portions located in the City of Piedmont. Each City shall provide reciprocal response assistance as needed.

V. Fees

- A. Public Improvement Fees. The Applicant shall be responsible for paying any public improvement fees required for the Project in Oakland, including sewer connection fees and sewer user fees as applicable. The Applicant shall be responsible for paying sewer connection fees to the City of Oakland for those units in the Project that discharge to the City of Oakland sewer system. The sewer user fees are collected by East Bay Municipal Utility District as a part of water bills.
- B. Other Fees. The Applicant shall be responsible for paying any fees required by Oakland for staff review of encroachment permits, building permit plans, public improvement plans, and subdivision maps for consistency with Project approvals and city design standards.
- C. Not Comprehensive. The listing of specified fees in this Section V is not intended to serve as a comprehensive list of applicable fees from either jurisdiction.

VI. Indemnification

- A. No Liability To Third Parties. Nothing in this MOA shall be deemed to create rights or obligations in the Applicant or third parties not signatories to this MOA.
- B. Indemnification.
- Oakland. Oakland shall defend, indemnify and hold harmless Piedmont from and against any and all liability, loss, expense (including reasonable attorneys' fees) or claims for injury or damage arising out of the performance of this MOA or arising from or connected to the approval process or relating to the Project, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or the result of the negligent or intentional acts or omissions of Oakland, its officers, agents or employees.
 - Piedmont. Piedmont shall defend, indemnify and hold harmless Oakland from and against any and all liability, loss, expense (including reasonable attorneys' fees) or claims for injury or damage arising out of the performance of this MOA or arising from or connected to the approval process or relating to the Project, but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or the result of the negligent or intentional acts or omissions of Piedmont, its officers, agents or employees

VII. Miscellaneous Provisions

- A. Notice. For any action related to this MOA. each City shall be sent notices at the following addresses:

To Piedmont:

City of Piedmont
120 Vista Avenue
Piedmont, CA 94611
Attention: Kevin Jackson, Planning & Building Director
Phone: 510-420-3050 FAX: 510-658-3167
Email: kjackson@piedmont.ca.gov

With a copy to:

City of Piedmont
Attention: City Attorney
120 Vista Avenue Piedmont, CA 94611

Phone: 510-273-8780 FAX: 510-839-9104

To Oakland:

City of Oakland
Dept. of Planning and Building
250 Frank H Ogawa Plaza, Suite 2114, Oakland, CA 94612
Attention: Heather Klein
Phone: (510) 238-3659
FAX: (510) 238-6538
Email: hklein@oaklandca.gov

With a copy to:

Office of the City Attorney
1 Frank H. Ogawa Plaza,
Floor Oakland, CA 94612
Attention: Brian P. Mulry
Phone: (510) 238-6839
FAX: (510) 238-6500
Email: bmulry@oaklandcityattorney.org

- B. Headings. The headings in this MOA are for reference and convenience of the parties and do not represent substantive provisions of this MOA.
- C. Governing Law. This MOA shall be governed by the laws of the State of California.
- D. Modifications. Any modification of or amendment to this MOA will be effective only if it is signed in writing by all parties.
- E. Counterparts. This MOA may be executed in any number of counterparts (including by fax, PDF, or other electronic means), each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
- F. Project Permit File. This MOU shall be kept and maintained at all times in the Property's Planning Permit file with the City of Oakland Planning Department. The City of Piedmont shall be provided a copy of this MOU upon request.

[Signatures on Following Page]

IN WITNESS WHEREOF, Piedmont and Oakland have each caused this MOA to be duly executed on its behalf as of the Effective Date.

City of Piedmont

City of Oakland

By: _____
Name: Theadora Gray King
Title: Mayor

Attest:
By: _____
Name: John Tulloch
Title: City Clerk

Authorized by Resolution No. _____
Adopted _____, 2022

By: _____
Name: William Gilchrist as designee for
Edward Reskin, City Administrator
Title: Director, Department of Planning
and Building

Approved as to form:

By: _____
Name: Brian Mulry
Title: Senior Deputy City Attorney

Approved as to form:

By: _____
Name: Michelle Marchetta Kenyon
Title: City Attorney