



EXISTING RIGHT SIDE VIEW



EXISTING LEFT SIDE VIEW



EXISTING FRONT VIEW



FRONT VIEW

EXISTING PHOTOGRAPHS



SM-001

REVISION	BY

SUPREMA OAKLAND- EXTERIOR IMPROVEMENTS
 955 57TH STREET
 OAKLAND, CALIFORNIA
 for SUPREMA MEAT COMPANY



EXISTING PHOTOGRAPHS

DRAWN BY:	CH
CHECKED BY:	CH
DATE:	11-21-14
SCALE:	AS NOTED
JOB NO:	2115

P1



A ALEEN STREET



B ALEEN STREET



C ALEEN STREET

EXISTING PHOTOGRAPHS

- 3



A LOWELL STREET



B LOWELL STREET



C LOWELL STREET

EXISTING PHOTOGRAPHS

- 2



A 57TH STREET



B 57TH STREET



C 57TH STREET

EXISTING PHOTOGRAPHS

- 1



SM-002

REVISION	BY

SUPREMA OAKLAND- EXTERIOR IMPROVEMENTS
 955 57TH STREET
 OAKLAND, CALIFORNIA
 for SUPREMA MEAT COMPANY



EXISTING PHOTOGRAPHS

DRAWN BY:	JMS
CHECKED BY:	OT
DATE:	8-31-14
SCALE:	AS NOTED
DWG NO.:	4219

P2
 OF X SHEETS

Steve Hassing

From: Jonsson, Ulla-Britt <UJonsson@oaklandnet.com>
Sent: Wednesday, January 28, 2015 2:21 PM
To: cmiers@mierscottarchitects.com
Cc: Marvin, Betty
Subject: FW: Suprema Meats 012415

Hi Craig,
Here are our historic planner's comments. I think you will find them helpful. Please respond to Betty's questions.

Ulla-Britt

Ulla-Britt Jonsson, Planner
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Oakland, CA 94612
Direct: (510) 238-3322 | Fax: (510) 238-4730
ujonsson@oaklandnet.com | www.oaklandnet.com/planning

From: Marvin, Betty
Sent: Wednesday, January 28, 2015 1:55 PM
To: Jonsson, Ulla-Britt
Subject: RE: Suprema Meats 012415

Hi, Ulla –
My 2 cents worth:

The original part of this building has a 1944 permit date for a "brick and tile warehouse" 60x180x16' designed by Alben Froberg. Additions at the Aileen Street end date from 1945-46, and the "second floor office area" was added in 1955. The upper story probably looked just as it does now: the Sanborn map shows the office wing as brick below and "Frame 2nd."

The Dc3 rating makes it at least minimally a PDHP (largely because of Froberg, a notable designer of industrial buildings in the mid-20th century).

The totally authentic treatment for the upper story would probably be to patch and paint the stucco or otherwise maintain its appearance as a woodframe addition, but I don't see that a contrasting brick (or paint, or siding, or any other treatment) would be outright wrong. (In fact, if one wanted to get deep into preservation theology, *exactly matching* brick could arguably be "wrong" as False Historic Appearance.) The finding of equal or better design quality is pretty much what Craig is saying in #3, and the drawings look to me as if they meet that.

Here are my questions: Comparing drawings and photos, it appears that they are reshaping and relocating most of the upstairs windows, which isn't explicitly called out on the plans or in any of the discussion (it looks fine, but it ought to be noted, since it's a bigger change and a bigger construction job than just swapping sash). The plans say "replace 2nd flr steel sash windows ... to match ... first floor." It would be good to know what product or manufacturer they are using. Will the roof need reinforcing to support the weight of the brick veneer? And what about the paint on the existing bricks?

OK, I see some of my questions answered in a different email chain:

"The same brick veneer was used to cover the wall next to the driveway. It looks very similar to the brick that is on the building. It's a wire cut brick. This brick has been re-introduced to the market because of the high demand it has experience. texture, size and color is almost the same, **if the old brick looks to faded next to the new brick we can stain it to match it.** [I think a slight contrast would be good thing, as showing how the building has evolved.]

Plaster was not in the original building and it was clearly a mistake using it on the second floor. I have gone out of my way to find matching second floor windows [would like to know specs/supplier, since the need to replace factory sash comes up frequently] and I have ask permission to re-iline them to match the first floor windows.

The brick is the only thing needed to tie-in the whole building. Even if the brick has a slight color difference, the building will look TEN times better if the second floor is finish with veneer brick.

Thanks
MJ

Betty Marvin, Historic Preservation Planner | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-6879 | Fax: (510) 238-6538 | Email: bm Marvin@oaklandnet.com | Website: www.oaklandnet.com/planning

Miracle-Gro People's Choice Community Garden Grant - Thank You for Voting!

You can vote once every 24 hours until February 9, so check back tomorrow to cast another vote!

<http://gro1000vote.com/#>

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Wednesday, January 28, 2015 11:28 AM
To: Jonsson, Ulla-Britt; Marvin, Betty; Brenyah-Addow, Maurice
Cc: mmjara@comcast.net; sjh@hassinglaw.com; Quesada, Bill; Miller, Scott
Subject: RE: Suprema Meats 012415

Ulla-Britt

1. This is not a Historical Building, and the original date of the first story brick is unknown to us. The second floor addition was constructed approximately in 1955. The plaster vertical face of the second floor is stepped back from the brick course of the first floor. This can be seen on our detail 1/A8.1 on the submittal package you currently have ('the windows only permit').
2. Given the age of the existing brick, if we even found a match, the age would prevent a visible match. Quite frankly I think it could be a different color and be quite acceptable. But Miguel, is looking for one in a close appearance.
3. In either case the addition of a brick veneer to the second floor will greatly enhance the Building and the immediate neighborhood.

Craig.

Thank you.
If you have any questions or comments please contact us.
Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Saturday, January 24, 2015 2:23 PM
To: Jonsson, Ulla-Britt; Quesada, Bill

Cc: mmjara@comcast.net; sjh@hassinglaw.com

Subject: Suprema Meats 012415

Hi Ulla,

The permit for 'window replacement only' has been approved by the Building Department. We still would like to obtain a permit for the inclusion of plaster repair and thin brick veneer as originally submitted (and ultimately held up by the red-tag) in 2013. Our documents supersedes those submitted in 2013, but I have included a copy of those for your information attached to this email. The upper portion will still be unsightly as the plaster still needs to be repaired and we would like to do that prior to the installation of the brick veneer.

Bill,
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Thanks for all your help.

Craig.

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Steve Hassing

From: Jonsson, Ulla-Britt <UJonsson@oaklandnet.com>
Sent: Monday, February 2, 2015 9:20 AM
To: mmjara@comcast.net
Cc: craig; Marvin, Betty; Brenyah-Addow, Maurice; sjh@hassinglaw.com; Quesada, Bill; Miller, Scott
Subject: RE: Suprema Meats 012415

The "Old English Brick"?

Ulla-Britt

Ulla-Britt Jonsson, Planner
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ujonsson@oaklandnet.com | www.oaklandnet.com/planning

From: mmjara@comcast.net [mailto:mmjara@comcast.net]
Sent: Thursday, January 29, 2015 6:12 PM
To: Jonsson, Ulla-Britt
Cc: craig; Marvin, Betty; Brenyah-Addow, Maurice; sjh@hassinglaw.com; Quesada, Bill; Miller, Scott
Subject: Re: Suprema Meats 012415

This is the stain I was panning to use to match the veneer brick with the old brick :<http://www.dyebrick.com/>

From: "Ulla-Britt Jonsson" <UJonsson@oaklandnet.com>
To: "craig" <cmiers@mierscottarchitects.com>, "Betty Marvin" <BMarvin@oaklandnet.com>, mbrenyah@oaklandnet.com
Cc: mmjara@comcast.net, sjh@hassinglaw.com, "Bill Quesada" <BQuesada@oaklandnet.com>, "Scott Miller" <SMiller@oaklandnet.com>
Sent: Monday, January 26, 2015 8:53:12 AM
Subject: RE: Suprema Meats 012415

Hi Craig,

We have a concern about the brick veneer. It will be placed on the same elevations and above the original brick, which is not a veneer as far as I can tell. It will be difficult to match the color and texture and may therefore detract from rather than enhance the brick facade.

I would like our historic planner, Betty Marvin, to weigh in on this.

At the very least the two brick surfaces need to be separated with a distinct "bellyband".

Betty?

Ulla-Britt Jonsson, Planner
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Direct: (510) 238-3322 | Fax: (510) 238-4730
ujonsson@oaklandnet.com | www.oaklandnet.com/planning

From: Craig Miers [mailto:cmiers@mierscottarchitects.com]
Sent: Saturday, January 24, 2015 2:23 PM
To: Jonsson, Ulla-Britt; Quesada, Bill
Cc: mmjara@comcast.net; sjh@hassinglaw.com
Subject: Suprema Meats 012415

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Thanks for all your help.

Craig.

Thank you.
If you have any questions or comments please contact us.
Craig Miers, AIA

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Steve Hassing

From: Jonsson, Ulla-Britt <UJonsson@oaklandnet.com>
Sent: Monday, February 2, 2015 11:45 AM
To: Craig Miers; Marvin, Betty
Subject: RE: Suprema Meats 012415

Hi Craig,

We are OK with staining the brick and a brick veneer. It will be difficult to match exactly, and is not possible, but the difference needs to work so we will need samples.

Ulla-Britt

Ulla-Britt Jonsson, Planner
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From: Craig Miers [mailto:cmiers@mierscottarchitects.com]
Sent: Friday, January 30, 2015 10:57 AM
To: Jonsson, Ulla-Britt
Subject: RE: Suprema Meats 012415

Good Morning Ulla,

Based on Betty's comments what do we need to provide you so that we can get the 'brick' placement to be a part of the window replacement set?

1. We will install the 'new' brick over the plaster face (that will be repaired), that is slightly behind the vertical face of the existing brick of the first floor. The new brick face does not apply any additional load on the roof.
2. Suprema has requested that the windows align with the windows of the first floor.

Craig.

Thank you.

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Craig Miers, AIA

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1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: Jonsson, Ulla-Britt [mailto:UJonsson@oaklandnet.com]
Sent: Wednesday, January 28, 2015 2:21 PM
To: cmiers@mierscottarchitects.com
Cc: Marvin, Betty
Subject: FW: Suprema Meats 012415

Hi Craig,

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Ulla-Britt

Ulla-Britt Jonsson, Planner
City of Oakland Bureau of Planning

From: Marvin, Betty
Sent: Wednesday, January 28, 2015 1:55 PM
To: Jonsson, Ulla-Britt
Subject: RE: Suprema Meats 012415

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The original part of this building has a 1944 permit date for a "brick and tile warehouse" 60x180x16' designed by Alben Froberg. Additions at the Aileen Street end date from 1945-46, and the "second floor office area" was added in 1955. The upper story probably looked just as it does now: the Sanborn map shows the office wing as brick below and "Frame 2nd."

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Thanks
MJ

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<http://gro1000vote.com/#>

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Wednesday, January 28, 2015 11:28 AM
To: Jonsson, Ulla-Britt; Marvin, Betty; Brenyah-Addow, Maurice
Cc: mmjara@comcast.net; sjh@hassinglaw.com; Quesada, Bill; Miller, Scott
Subject: RE: Suprema Meats 012415

Ulla-Britt

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2. Given the age of the existing brick, if we even found a match, the age would prevent a visible match. Quite frankly I think it could be a different color and be quite acceptable. But Miguel, is looking for one in a close appearance.
3. In either case the addition of a brick veneer to the second floor will greatly enhance the Building and the immediate neighborhood.

Craig.

Thank you.
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Craig Miers, AIA

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From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Saturday, January 24, 2015 2:23 PM
To: Jonsson, Ulla-Britt; Quesada, Bill
Cc: mmjara@comcast.net; sjh@hassinglaw.com
Subject: Suprema Meats 012415

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Steve Hassing

From: Marvin, Betty <BMarvin@oaklandnet.com>
Sent: Tuesday, February 3, 2015 4:40 PM
To: mmjara@comcast.net
Cc: Jonsson, Ulla-Britt; cmiers@mierscottarchitects.com
Subject: RE: Suprema, 955 57th ST

Hi, Miguel –

I drove by the building yesterday, and I think there are a lot of ways you could go (as we have seen in these emails!). I think making the upper windows match the lower story is a great improvement. How much you want to do beyond that is your call.

I think a color difference in the bricks would not be a problem. The upper story was added historically and the contrast would maintain that as part of the building's history. I would not encourage staining or treating the new brick – it is a natural colored material and is best shown as such. (If you decide to remove the red paint from the bricks along Lowell, you'll have plenty of brick treatment to keep you busy.) In general I agree with what you said in an earlier email:

“I have gone out of my way to find matching second floor windows and I have ask permission to re-line them to match the first floor windows.

The brick is the only thing needed to tie-in the whole building. I don't understand the concern. Even if the brick has a slight color difference, the building will look TEN times better if the second floor is finish with veneer brick.”

I'm very interested in what you were able to find as matching industrial sash windows and wire-cut brick veneer. Also the Building Dept. will probably want you to show how “the new brick face does not apply any additional load on the roof” (Craig's email of Jan. 30).

Thanks -

Betty Marvin, Historic Preservation Planner | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-6879 | Fax: (510) 238-6538 | Email: bm Marvin@oaklandnet.com | Website: www.oaklandnet.com/planning

From: mmjara@comcast.net [mailto:mmjara@comcast.net]
Sent: Tuesday, February 03, 2015 1:30 PM
To: Marvin, Betty
Subject: Suprema

Hi Betty

Can you help with the brick. I want to installed the brick to the second floor. Once is done I want to discuss with you guys if necessary if anything else needs to be done. The brick I want to use is the same brick I used on the new wall. This brick is a wire cut brick, the same type of brick that is on the office building. The color is very similar. After it is installed I will agree to treat it so it looks best. Anyway you want me to. I don't mine the building is mine, the better it looks the more happy I will be.

Thanks

Miguel

Steve Hassing

From: Jonsson, Ulla-Britt <UJonsson@oaklandnet.com>
Sent: Tuesday, February 3, 2015 1:08 PM
To: Craig Miers
Cc: mmjara@comcast.net; sjh@hassinglaw.com; Marvin, Betty
Subject: RE: Suprema Meats 020315

Dear all,

We would be ok if you painted the whole building the same color. Otherwise you will end up with three different types of bricks: the painted, the existing without the paint, and the new.

Ulla-Britt

Ulla-Britt Jonsson, Planner

City of Oakland Bureau of Planning

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Direct: (510) 238-3322 | Fax: (510) 238-4730

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Please Note: City offices are closed for Holidays on Thursday, 2.12.15 and Monday, 2.16.15.

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Tuesday, February 03, 2015 8:09 AM
To: Jonsson, Ulla-Britt
Cc: mmjara@comcast.net; sjh@hassinglaw.com
Subject: RE: Suprema Meats 020315

Hi Ulla,

When the window replacement and brick veneer documents were originally submitted in +/- October 2013, the architect at that time John Newton, met with Betty Marvin and presented (showed) the proposed brick veneer to her and she had no objections, and approved them. Why is this being revisited?

We would prefer not to stain the new brick veneer, leaving the natural color as received from the brick manufacturer. As Betty stated previously that a color difference is acceptable and absolute match not desirable.

Craig.

Thank you.

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From: Jonsson, Ulla-Britt [<mailto:UJonsson@oaklandnet.com>]
Sent: Monday, February 02, 2015 11:45 AM
To: Craig Miers; Marvin, Betty
Subject: RE: Suprema Meats 012415

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Sent: Friday, January 30, 2015 10:57 AM

To: Jonsson, Ulla-Britt

Subject: RE: Suprema Meats 012415

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From: Jonsson, Ulla-Britt [<mailto:UJonsson@oaklandnet.com>]

Sent: Wednesday, January 28, 2015 2:21 PM

To: cmiers@mierscottarchitects.com

Cc: Marvin, Betty

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Sent: Wednesday, January 28, 2015 1:55 PM

To: Jonsson, Ulla-Britt

Subject: RE: Suprema Meats 012415

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"The same brick veneer was used to cover the wall next to the driveway. It looks very similar to the brick that is on the building. It's a wire cut brick. This brick has been re-introduced to the market because of the high demand it has. Experience, texture, size and color is almost the same, if the old brick looks to faded next to the new brick we can stain it to match it. [I think a slight contrast would be good thing, as showing how the building has evolved.]

Plaster was not in the original building and it was clearly a mistake using it on the second floor. I have gone out of my way to find matching second floor windows [would like to know specs/supplier, since the need to replace factory sash comes up frequently] and I have ask permission to re-iline them to match the first floor windows.

The brick is the only thing needed to tie-in the whole building. Even if the brick has a slight color difference, the building will look TEN times better if the second floor is finish with veneer brick.

Thanks
MJ

Betty Marvin, Historic Preservation Planner | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-6879 | Fax: (510) 238-6538 | Email: bmarvin@oaklandnet.com | Website: www.oaklandnet.com/planning

Miracle-Gro People's Choice Community Garden Grant - Thank You for Voting!

You can vote once every 24 hours until February 9, so check back tomorrow to cast another vote!

<http://gro1000vote.com/#>

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Wednesday, January 28, 2015 11:28 AM
To: Jonsson, Ulla-Britt; Marvin, Betty; Brenyah-Addow, Maurice
Cc: mmjara@comcast.net; sjh@hassinglaw.com; Quesada, Bill; Miller, Scott
Subject: RE: Suprema Meats 012415

Ulla-Britt

1. This is not a Historical Building, and the original date of the first story brick is unknown to us. The second floor addition was constructed approximately in 1955. The plaster vertical face of the second floor is stepped back from the brick course of the first floor. This can be seen on our detail 1/A8.1 on the submittal package you currently have ('the windows only permit').
2. Given the age of the existing brick, if we even found a match, the age would prevent a visible match. Quite frankly I think it could be a different color and be quite acceptable. But Miguel, is looking for one in a close appearance.
3. In either case the addition of a brick veneer to the second floor will greatly enhance the Building and the immediate neighborhood.

Craig.

Thank you.

If you have any questions or comments please contact us.

Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]

Sent: Saturday, January 24, 2015 2:23 PM

To: Jonsson, Ulla-Britt; Quesada, Bill

Cc: mmjara@comcast.net; sjh@hassinglaw.com

Subject: Suprema Meats 012415

Hi Ulla,

The permit for 'window replacement only' has been approved by the Building Department. We still would like to obtain a permit for the inclusion of plaster repair and thin brick veneer as originally submitted (and ultimately held up by the red-tag) in 2013. Our documents supersedes those submitted in 2013, but I have included a copy of those for your information attached to this email. The upper portion will still be unsightly as the plaster still needs to be repaired and we would like to do that prior to the installation of the brick veneer.

Bill,

Per our discussions over this past summer in when you inquired about timing of Construction of the various proposed work for Suprema. our responses were based on two separate planning packages. From what I understand during this past week both of our planning packages are being considered as one submittal. Again, from what I understand, in this planning review direction, approved items can still be subject to 'appeal' by the neighbors. Thereby eliminating our ability to submit and possible construct the work along Lowell Street sooner.

Our responses during this summer's resolution process will need to be amended and our timing for submittal of documents for review by the Building Department and ultimate Construction will need to be extended. We had submitted two succinct packages, one for the 'conditional use permit' which can be appealed, and one for a straight design review, (The Lowell Street proposed work), which would not be subject to neighborhood appeal and allow us to submit Building Documents sooner and possibly start construction sooner.

Thanks for all your help.

Craig.

Thank you.

If you have any questions or comments please contact us.

Craig Miers, AIA

Craig Miers + George Scott Architects, llp

1624 Santa Clara Drive, Suite 230

Roseville, CA 95661

(916) 780-0100

Steve Hassing

From: Jonsson, Ulla-Britt <UJonsson@oaklandnet.com>
Sent: Wednesday, February 4, 2015 2:07 PM
To: Craig Miers
Cc: mmjara@comcast.net; sjh@hassinglaw.com; Marvin, Betty
Subject: RE: Suprema Meats 020315

Sounds good. The window realignment will still go forth, yes.

Ulla-Britt

Ulla-Britt Jonsson, Planner

City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Oakland, CA 94612

Direct: (510) 238-3322 | Fax: (510) 238-4730

ujonsson@oaklandnet.com | www.oaklandnet.com/planning

Please Note: City offices are closed for Holidays on Thursday, 2.12.15 and Monday, 2.16.15.

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Wednesday, February 04, 2015 1:47 PM
To: Jonsson, Ulla-Britt
Cc: mmjara@comcast.net; sjh@hassinglaw.com; Marvin, Betty
Subject: RE: Suprema Meats 020315

Ulla,
Per Betty's email of yesterday we would not like to paint the brick (old or new). Miguel stated that he will remove the existing paint on the brick that exists currently. We would prefer to have the natural color of the brick. The color difference between the second and first floors would be appropriate as Betty stated and we agree.

Craig.

Thank you.
If you have any questions or comments please contact us.
Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: Jonsson, Ulla-Britt [<mailto:UJonsson@oaklandnet.com>]
Sent: Tuesday, February 03, 2015 1:08 PM
To: Craig Miers
Cc: mmjara@comcast.net; sjh@hassinglaw.com; Marvin, Betty
Subject: RE: Suprema Meats 020315

Dear all,
We would be ok if you painted the whole building the same color. Otherwise you will end up with three different types of bricks: the painted, the existing without the paint, and the new.

Ulla-Britt

Ulla-Britt Jonsson, Planner

City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Oakland, CA 94612
Direct: (510) 238-3322 | Fax: (510) 238-4730
ujonsson@oaklandnet.com | www.oaklandnet.com/planning
Please Note: City offices are closed for Holidays on Thursday, 2.12.15 and Monday, 2.16.15.

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Tuesday, February 03, 2015 8:09 AM
To: Jonsson, Ulla-Britt
Cc: mmjara@comcast.net; sjh@hassinglaw.com
Subject: RE: Suprema Meats 020315

Hi Ulla,
When the window replacement and brick veneer documents were originally submitted in +/- October 2013, the architect at that time John Newton, met with Betty Marvin and presented (showed) the proposed brick veneer to her and she had no objections, and approved them. Why is this being revisited?

We would prefer not to stain the new brick veneer, leaving the natural color as received from the brick manufacturer. As Betty stated previously that a color difference is acceptable and absolute match not desirable.

Craig.

Thank you.
If you have any questions or comments please contact us.
Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: Jonsson, Ulla-Britt [<mailto:UJonsson@oaklandnet.com>]
Sent: Monday, February 02, 2015 11:45 AM
To: Craig Miers; Marvin, Betty
Subject: RE: Suprema Meats 012415

Hi Craig,
We are OK with staining the brick and a brick veneer. It will be difficult to match exactly, and is not possible, but the difference needs to work so we will need samples.

Ulla - Britt

Ulla-Britt Jonsson, Planner
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Oakland, CA 94612
Direct: (510) 238-3322 | Fax: (510) 238-4730
ujonsson@oaklandnet.com | www.oaklandnet.com/planning

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Friday, January 30, 2015 10:57 AM
To: Jonsson, Ulla-Britt
Subject: RE: Suprema Meats 012415

Good Morning Ulla,
Based on Betty's comments what do we need to provide you so that we can get the 'brick' placement to be a part of the window replacement set?

1. We will install the 'new' brick over the plaster face (that will be repaired), that is slightly behind the vertical face of the existing brick of the first floor. The new brick face does not apply any additional load on the roof.
2. Suprema has requested that the windows align with the windows of the first floor.

Craig.

Thank you.

If you have any questions or comments please contact us.

Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: Jonsson, Ulla-Britt [<mailto:UJonsson@oaklandnet.com>]
Sent: Wednesday, January 28, 2015 2:21 PM
To: cmiers@mierscottarchitects.com
Cc: Marvin, Betty
Subject: FW: Suprema Meats 012415

Hi Craig,

Here are our historic planner's comments. I think you will find them helpful. Please respond to Betty's questions.

Ulla-Britt

Ulla-Britt Jonsson, Planner
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Oakland, CA 94612
Direct: (510) 238-3322 | **Fax:** (510) 238-4730
ujonsson@oaklandnet.com | www.oaklandnet.com/planning

From: Marvin, Betty
Sent: Wednesday, January 28, 2015 1:55 PM
To: Jonsson, Ulla-Britt
Subject: RE: Suprema Meats 012415

Hi, Ulla –
My 2 cents worth:

The original part of this building has a 1944 permit date for a "brick and tile warehouse" 60x180x16' designed by Alben Froberg. Additions at the Aileen Street end date from 1945-46, and the "second floor office area" was added in 1955. The upper story probably looked just as it does now: the Sanborn map shows the office wing as brick below and "Frame 2nd."

The Dc3 rating makes it at least minimally a PDHP (largely because of Froberg, a notable designer of industrial buildings in the mid-20th century).

The totally authentic treatment for the upper story would probably be to patch and paint the stucco or otherwise maintain its appearance as a woodframe addition, but I don't see that a contrasting brick (or paint, or siding, or any other treatment) would be outright wrong. (In fact, if one wanted to get deep into preservation theology, *exactly matching* brick could arguably be "wrong" as False Historic Appearance.) The finding of equal or better design quality is pretty much what Craig is saying in #3, and the drawings look to me as if they meet that.

Here are my questions: Comparing drawings and photos, it appears that they are reshaping and relocating most of the upstairs windows, which isn't explicitly called out on the plans or In any of the discussion (it looks

fine, but it ought to be noted, since it's a bigger change and a bigger construction job than just swapping sash). The plans say "replace 2nd flr steel sash windows ... to match ... first floor." It would be good to know what product or manufacturer they are using. Will the roof need reinforcing to support the weight of the brick veneer? And what about the paint on the existing bricks?

OK, I see some of my questions answered in a different email chain:

"The same brick veneer was used to cover the wall next to the driveway. It looks very similar to the brick that is on the building. It's a wire cut brick. This brick has been re-introduce to the market because of the high demand it has experience. texture, size and color is almost the same, **if the old brick looks to fained next to the new brick we can stain it to match it.** [I think a slight contrast would be good thing, as showing how the building has evolved.]

Plaster was not in the original building and it was clearly a mistake using it on the second floor. I have gone out of my way to find matching second floor windows [would like to know specs/supplier, since the need to replace factory sash comes up frequently]

and I have ask permission to re-iline them to match the first floor windows.

The brick is the only thing needed to tie-in the whole building. Even if the brick has a slight color difference, the building will look TEN times better if the second floor is finish with veneer brick.

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Betty Marvin, Historic Preservation Planner | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-6879 | Fax: (510) 238-6538 | Email: bmarvin@oaklandnet.com | Website: www.oaklandnet.com/planning

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<http://gro1000vote.com/#>

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Wednesday, January 28, 2015 11:28 AM
To: Jonsson, Ulla-Britt; Marvin, Betty; Brenyah-Addow, Maurice
Cc: mmjara@comcast.net; sjh@hassinglaw.com; Quesada, Bill; Miller, Scott
Subject: RE: Suprema Meats 012415

Ulla-Britt

1. This is not a Historical Building, and the original date of the first story brick is unknown to us. The second floor addition was constructed approximately in 1955. The plaster vertical face of the second floor is stepped back from the brick course of the first floor. This can be seen on our detail 1/A8.1 on the submittal package you currently have ('the windows only permit').
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3. In either case the addition of a brick veneer to the second floor will greatly enhance the Building and the immediate neighborhood.

Craig.

Thank you.
If you have any questions or comments please contact us.

Craig Miers, AIA

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1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Saturday, January 24, 2015 2:23 PM
To: Jonsson, Ulla-Britt; Quesada, Bill
Cc: mmjara@comcast.net; sjh@hassinglaw.com
Subject: Suprema Meats 012415

Hi Ulla,

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If you have any questions or comments please contact us.
Craig Miers, AIA

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Roseville, CA 95661
(916) 780-0100

Steve Hassing

From: Jonsson, Ulla-Britt <UJonsson@oaklandnet.com>
Sent: Thursday, October 30, 2014 2:37 PM
To: Craig Miers
Cc: mmjara@comcast.net; sjh@hassinglaw.com
Subject: RE: Suprema Meats

Good afternoon Craig,
I was simply trying to familiarize myself with the project. But that's OK.
No decisions are being made and you don't have to respond my request for information at this time.
You will receive the incomplete letter before the 30 day completeness period is over.

Ulla-Britt

Ulla-Britt Jonsson, Planner
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Oakland, CA 94612
Direct: (510) 238-3322 | Fax: (510) 238-4730
ujonsson@oaklandnet.com | www.oaklandnet.com/planning

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Thursday, October 30, 2014 2:07 PM
To: Jonsson, Ulla-Britt
Cc: mmjara@comcast.net; sjh@hassinglaw.com
Subject: Suprema Meats

Good Afternoon Ulla-Britt,

My name is Craig Miers, and we are the architects working with Miguel on this Design-Review submittal. All the SF (square footage) listed on the application is existing, and we are not planning on any additional enclosed square footage space. This SF of the Facility has existed pre-1970's, pre-current zoning criteria and therefore an existing condition. If no additional SF is added we are not understanding the criteria to meet current parking standards.

Thank you for your attention to this matter.

Craig.

Thank you.
If you have any questions or comments please contact us.
Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: mmjara@comcast.net [<mailto:mmjara@comcast.net>]
Sent: Thursday, October 30, 2014 12:55 PM
To: craig
Subject: Fwd: page 3 of application

Hi Craig

Steve Hassing

From: PermitInfo <PermitInfo@oaklandca.gov>
Sent: Wednesday, April 29, 2020 8:55 AM
To: Craig Miers
Subject: FW: 955 57th Street - Building Permit (Exterior Face upgrade)
Attachments: Suprema Submittal-signed.pdf

Craig,

For planning staff review (design review) at the zoning counter, please resubmit with the following application form completed:

<https://www.oaklandca.gov/documents/basic-application-form>

TO: permitinfo@oaklandca.gov

Subject: Design review

Sincerely,

Aubrey Rose AICP

Planner III / Zoning Counter Supervisor

From: Craig Miers [mailto:cmiers@mierscottarchitects.com]
Sent: Tuesday, April 28, 2020 5:48 PM
To: PermitInfo <PermitInfo@oaklandca.gov>
Subject: 955 57th Street - Building Permit (Exterior Face upgrade)

Thank you very much for the fast response.

The address of the property and permit requested is in the subject line (exterior upgrade, that is, replacement of existing windows and replacement exterior plaster with Metal Siding. Addition of a singular wall at the interior). This file attached is just above 4mb.

Suprema Meats – 955 57th Street.

My contact information if right below.

Thank you again for your time.

Craig.

Thank you.

If you have any questions or comments please contact us.

Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: PermitInfo <PermitInfo@oaklandca.gov>
Sent: Tuesday, April 28, 2020 5:31 PM
To: Craig Miers <cmiers@mierscottarchitects.com>
Subject: RE: 955 57th Street

Hello.

Thank you for your inquiry to the Planning or Building Bureaus. Due to the COVID-19 related Shelter in Place Order dated March 31,2020, <http://www.acphd.org/media/563688/health-officer-order-20-04-shelter-in-place-20200331.pdf> , the Bureau of Planning and Bureau of Building are operating under reduced capacity.

During this period, the Planning and Building Department shall receive applications and perform electronic plan reviews. We recommend you apply through this email or submit them to <https://apps.oaklandca.gov/DigitalInbox/> if the file is big. We are only accepting **digital submittals** at this time.

Please include the property address & desired permit type in the subject line. In the body of the email, please also include the property address, the description of the permit needs, and contact information of the requestor.

Please look at our website for guidelines, applications and check list at <https://www.oaklandca.gov/news/2020/planning-building-department-response-to-shelter-in-place>. Citizens are encouraged to apply for zoning clearances, letters of determination and trade permits for 1-2 unit residential buildings through Accela Online <https://aca.accela.com/OAKLAND/Welcome.aspx> which may require registration.

In addition, please look at the website for inspections that will be performed during the SIP Order: <https://www.oaklandca.gov/news/2020/planning-building-department-response-to-shelter-in-place#building-inspections-323870>.

The issuance of the permit notwithstanding, it is solely the individual permit holder's responsibility to ensure that their project complies with Alameda County's Order No 20-04, including but not limited to the project's non-exempt or exempt status to proceed with construction. The issuance of this permit by the City of Oakland in no way warrants that the project meets the standard of exemption under Alameda County's Order No 20-04, which must be confirmed by the permit holder with the County.

Thank you for your patience and understanding during the COVID-19 pandemic.

Deb French

Public Service Representative

City Of Oakland | Planning & Building Department

Bureau of Building

Building Permits, Inspections and Code Enforcement Services

250 Frank H. Ogawa Plaza, Suite 2340, Oakland CA 94612-2031

From: Craig Miers <cmiers@mierscottarchitects.com>

Sent: Tuesday, April 28, 2020 5:26 PM

To: PermitInfo <PermitInfo@oaklandca.gov>

Subject: 955 57th Street

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Good Morning City of Oakland Building!

My name is Craig Miers an architect working on behalf of the Owner on the above noted property. Would it be possible for someone to direct me on how to submit a project electronically to your department? I started an accelera account but I am neither the Owner nor the Contractor.

I appreciate your time in advance.

Be Safe.
Thanks.
Craig.

Thank you.
If you have any questions or comments please contact us.
Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100



CITY OF OAKLAND

BASIC APPLICATION FOR DEVELOPMENT REVIEW

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031
Zoning Information: 510-238-3911
www.oaklandnet.com/planning

CERTAIN APPLICATIONS ARE ACCEPTED BY APPOINTMENT ONLY!

Please **call (510) 238-3940 to schedule an appointment** if your project involves any of the following:

- Conditional Use Permit
- Variance
- Regular Design Review
- Parcel Map Waiver
- Tentative Parcel/Tract Map
- New dwelling unit(s)
- 1,000 sq. ft. or more of new floor area/footprint
- Additions ≥ 100% of existing floor area/footprint
- Creek Protection Permit (Category 3 or 4)

Applicants must cancel at least 24 hours in advance of appointment or pay a cancellation fee.

All other projects may be submitted to the zoning counter without an appointment.

Submit applications for Small Project Design Review to station #13 at the zoning counter by signing the sign-up sheet.

1. TYPE OF APPLICATION

(Check all that apply)

Development Permits

- Conditional Use Permit (CUP) (Major or Minor)
- Variance (Major or Minor)
- Regular Design Review (DR)
- Small Project Design Review (DS) (Type 1, 2, 3)
- Special Project Design Review (SP) (West Oakland)
- Design Review Exemption (DRX)
- Tree Preservation or Removal Permit (T)
- Determination (DET)
- Planned Unit Development/Mini-Lot Development

Subdivision Applications

- Parcel Map Waiver (PMW) (Lot Line Adjustment/Merger)
- Tentative Parcel Map (TPM) (subdivision for 1– 4 lots)
- Tentative Tract Map (TTM) (subdivision 5 or more lots)

Other Applications

- Request for Environmental Review
- General Plan Amendment Rezoning
- Creek Protection Permit (separate application required)
- State Bill 35 Streamlining
- Other: _____

**FOR AFFORDABLE HOUSING PROJECTS WITH FUNDING DEADLINES, PLEASE INDICATE DATE: _____

**

2. GENERAL INFORMATION

APPLICANT'S NAME/COMPANY: Craig Miers, AIA

PROPERTY ADDRESS: 955 57th Street

ASSESSOR'S PARCEL NUMBER(S): 15-1298-9

EXISTING USE OF PROPERTY: Office/Warehouse

DESCRIPTION OF PROPOSAL (including type of use, hours of operation, number of employees, etc., on additional sheets if needed.):

Replacement of existing second floor windows and replacement of second exterior level finishes. No change to building SF, operation hours or number of employees

TO BE COMPLETED BY STAFF

GENERAL PLAN LAND USE CLASS.: _____ ZONING: _____

SPECIFIC PLAN: Broadway Valdez District Central Estuary Coliseum Area Lake Merritt Station West Oakland

FEES¹:

APPLICATION FEE: \$ _____

POSTER DEPOSIT²: \$ _____

TREE PERMIT FEE: \$ _____

CREEK PERMIT FEE: \$ _____

TOTAL FEES DUE: \$ _____

EXPECTED PROCESSING TIME³:

¹Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

²For permit applications requiring public notice, a refundable security deposit is required for the on-site poster containing the public notice. Posters MUST be returned within 180 days and in good condition to claim a refund of the deposit.

³Expected processing time is only an estimate and is subject to change without notice due to staff workload, public hearing availability, and the completeness or complexity of the application.

3. PROPERTY OWNER AND APPLICANT INFORMATION

Original signatures or clear & legible copies are required.

Owner: 955 57th LLC Suprema Meats occupant, c/o Miguel Jara

Owner Mailing Address: 955 57th Street

City/State: Oakland, CA Zip: 94608

Phone No.: 510-654-9282 Fax No.: _____ E-mail: mmjara18@gmail.com

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

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


Signature of Property Owner

Applicant (Authorized Agent), if different from Owner: Craig Miers, AIA

Applicant Mailing Address: 1624 Santa Clara Drive, Suite 230

City/State: Roseville, CA Zip: 95661

Phone No.: 916-780-0100 Fax No.: 9167-780-0105 E-mail: cmiers@mierscottarchitects.com

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

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

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

I understand that the proposed project and/or property may be subject to other laws, codes, regulations, guidelines, restrictions, agreements, or other requirements of other public agencies within or outside of the City of Oakland, and that the project and/or property may also be subject to requirements enforced by private parties, including but not limited to private easements/agreements and Covenants, Conditions and Restrictions (CC&Rs) of a homeowners association. I am aware that the City recommends that I become fully aware of any other potential requirements before I submit this application and that I comply with all other requirements prior to commencing the proposed project.

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


Signature of Owner or Authorized Agent

05/14/20
Date

4. PROJECT & LOT INFORMATION

CALCULATIONS	Existing Pre-Project	Demolition	New Proposed	Total Post-Project	% Change (Existing / Total)
Type/Size of Dwelling Units (Please fill in the number of each type)					
Rooming Units					
Efficiency Units					
1-Bedroom Units					
2-Bedroom Units					
3-Bedroom Units					
≥ 4-Bedroom Units					
Total Number of Dwelling Units					
Are Any of the Project Units Affordable? If Yes, Please Fill Out the Section Below (include number of each type)					
Market-Rate/Unrestricted Dwelling Units (DU)					
Moderate-Income Restricted DU (80%-120% AMI)					
Low-Income Restricted DU (50%-80% AMI)					
Very Low-Income Restricted DU (30%-50% AMI)					
Extremely Low-Income Restricted DU (<30% AMI)					
Total Affordable Units					
Total Affordable Units located Onsite:					
Other Types of Units/Rooms (if applicable) (not counted towards density) - include number of each type					
Secondary Units					
Live/Work Units					
Work/Live Units					
Mobile Homes					
Hotel Rooms					
Floor Area					
Office Floor Area (square feet)	3,080		0		3,080
Retail Floor Area (square feet)					
Industrial Floor Area (square feet) Warehouse	18,565		0		18,565
Other Non-Residential Floor Area (sq. ft.)					
Total Non-Residential Floor Area (sq. ft.)	21,645				21,645
Residential Floor Area (sq. ft.)					
Total Res. & Non-Res. Floor Area (sq. ft.)					
Other Project Information					
Total Building Footprint Area (square feet)	15,328		0		15,328
Building Height (feet)	22'-4"				22'-4"
Building Stories (number)	2				2
Total Lot Area (square feet)	23,014				23,014
Number of Lots	1				1
Parking Spaces (number)					
Bicycle Parking Spaces (number)	0				0
New Landscape Square Footage (WELO see pg. 13)	n/a			n/a	n/a
Setback Slope (for hillside properties only)				n/a	n/a
Structure Slope (for hillside properties only)				n/a	n/a

Definitions For Table 4 on Page 3

“**Building Height**” means the vertical distance measured from any point on top of the facility to a line directly below which meets finished grade on the outside perimeter of the facility, or intersects with a perpendicular plane connecting opposite points of finished grade at the outside perimeter of the facility.

“**Floor Area**” for all projects with **one or two dwelling units on a lot** means the total square footage of all levels of all buildings on the lot, measured horizontally from the outside surface of exterior walls and supporting columns, but excluding: (a) unenclosed living areas such as balconies, decks, and porches; (b) carports that are unenclosed on two or more sides; (c) 440 square feet within an attached or detached garage or carport that is enclosed on three sides or more; (d) non-habitable accessory structures of less than 120 square feet; (e) unfinished understories, attics and basements; and (f) finished basements if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50% of the perimeter and does not exceed twelve (12) feet above grade at any point. For new floor area, only include new floor area located outside of the existing building envelope.

“**Floor Area**” for all projects **except those with one or two dwelling units on a lot** means the total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surfaces of the main walls of principal or accessory buildings, or the center line of party walls separating such buildings, but excluding: (a) areas used for off-street parking spaces, loading berths, driveways, and maneuvering aisles; (b) areas which qualify as usable open space in Chapter 17.126; and (c) arcades, porticoes, and similar open areas which are located at or near street level of Nonresidential Facilities, are accessible to the general public, and are not designed or used as sales, display, storage, or production areas. For new floor area, only include new floor area located outside of the existing building envelope.

“**Footprint**” means the total land area covered by all structures on a lot, measured from outside of all exterior walls and supporting columns, including residences, garages, covered carports, and accessory structures, except that the following shall not be considered in determining footprint:

1. The portions of any uncovered and unenclosed decks, porches, landings, or patios, not including railings, which are less than thirty (30) inches above finished grade;
2. The portions of any uncovered and unenclosed balconies and stairways, including railings, which are less than six (6) feet above finished grade;
3. Eaves and roof overhangs; and
4. Trellises and similar structures which do not have solid roofs and which would not otherwise be included in this definition.

“**Market-Rate/Unrestricted Dwelling Units**” are residential units for which the rent/price is set by the real estate market and not limited to certain household incomes.

“**Restricted Dwelling Units**” are residential units for which the rent/price is legally restricted to households earning a certain income expressed as a percentage of the Area Median Income or AMI. For more information, visit the Housing and Community Development Department’s website at <https://www.oaklandca.gov/services/housing-index-a-z/housing-policies-plans-and-data/rent-and-income-limits-for-affordable-housing>

“**Setback Slope**” means the slope between edge of pavement and the front setback line, at the midpoint and perpendicular to the front property line.

“**Structure Slope**” means the steepest slope across building footprint measured from one side of the building to another.

5. IMPERVIOUS SURFACE INFORMATION

PROJECT CHARACTERISTICS: (check one)

- (1) The project will create or replace **10,000 square feet or more** of new or existing impervious surface area* (not including projects involving one single-family dwelling).
- (2) The project will create or replace **5,000 square feet or more but less than 10,000 square feet** of new or existing impervious surface area* AND involves the following:
 - Auto servicing, auto repair, or gas station;
 - Restaurant (full service, limited service, or fast-food); or
 - Uncovered parking (stand-alone parking lot or parking serving an activity; including uncovered parking garages).

➤ If you checked (1) or (2) the project is considered a “Regulated Project” and must comply with NPDES C.3 stormwater requirements. You must submit a completed **Stormwater Supplemental Form** and a **Preliminary Post-Construction Stormwater Management Plan** with your application (see page 14).
- (3) The project will create or replace **2,500 square feet or more but less than 5,000 square feet** of new or existing impervious surface (including projects involving one single-family dwelling), unless the project meets the definition of (1) or (2) above.

➤ If you checked (3) site design measures to retain stormwater on-site are required. Refer to the City’s “Overview of Provision C.3” for more information. <https://www.oaklandca.gov/documents/overview-of-provision-c-3-requirements-for-stormwater-management>
- (4) None of the above.

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

6. TREE PRESERVATION ORDINANCE

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

The following are Protected Trees:

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

I ATTEST THAT: *(check one)*

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

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

DESCRIPTION OF TREES (Identification numbers and letters must be consistent with the Tree Survey, see submittal requirements in Section 8)

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

Reason for removal/impacting of trees: _____

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

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

7. CREEK PROTECTION ORDINANCE

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

WHAT IS A CREEK?

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

A creek must include the following two components:

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

I ATTEST THAT: (check one)

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

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

8. HAZARDOUS WASTE AND SUBSTANCES STATEMENT

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

Please refer to the following State-maintained websites:

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

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

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

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Name of applicant: _____

Applicant's address: _____

Phone number: _____

Address of site on list: _____

Local agency (city/county): _____

Specify any list pursuant to Section 65962.5 of the Government Code: _____

Regulatory identification number: _____

Date of list: _____

Status of regulatory action: _____

Signature of Owner or Authorized Agent

Date

9. RECYCLING SPACE REQUIREMENTS

Applicants are required to provide sufficient space for the storage and collection of recyclable materials to comply with Ordinance No. 11807 – Recycling Space Allocation Requirements. This space should be in addition to that provided for garbage service.

Affected projects:

1. New multifamily buildings in excess of five (5) units
2. New commercial and industrial projects that require a building permit
3. New public facilities
4. Additions and alternations for a single or multiple permits that add 30% or more to the gross floor area

Requirements:

For residential projects, two (2) cubic feet of storage per unit, with a minimum requirement of not less than ten (10) cubic feet. Additionally, Oakland Municipal Code Section 8.28.140 requires the provision of 32 gallons or 4.3 cubic feet of storage per unit for garbage. For affected commercial, industrial and public facility project, two (2) cubic feet of storage and collection space per each one thousand (1,000) square feet of the total gross building footage, with a minimum requirement not less than ten (10) cubic feet. For these projects, the space for storage and collection of garbage varies based on the type and operation of the facility. Space for storage of recyclables should be separated into the following categories: paper and cardboard (mixed together); plastic bottles, glass bottles and metal cans (mixed together); and organics/plant material.

10. GREEN BUILDING ORDINANCE

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

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

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

A. PROPERTY ADDRESS: _____

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

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

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

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

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

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

MAILING ADDRESS: _____

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

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

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

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

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

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

TO BE COMPLETED BY CITY STAFF:

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

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

11. PUBLIC ART FOR PRIVATE DEVELOPMENT REQUIREMENTS

Effective February 9, 2015, Ordinance No. 13275 requires a public art allocation for private developments. (OMC Chapter 15.78). The following reflects the Ordinance updated through Ordinance No. 13491, which was adopted by the City Council on June 15, 2018.

Applicant information

Name: _____
Phone: _____
Email: _____

Project information

Address: _____
Number of dwelling units: _____
Floor area of nonresidential: _____
Floor area of residential: _____

Not Applicable.

Applicability

The public art for private development requirement applies to:

- 1) Private non-residential developments of 2,000 square feet or more of new floor area that are subject to Regular Design Review approval; and
- 2) Private residential developments of 20 or more new dwelling units that are subject to Regular Design Review approval.

The public art requirements do not apply to affordable housing if the developer demonstrates that they would cause the project to be economically infeasible.

Contribution Requirements

- 1) For non-residential developments, at least 1.0% of "building development costs."
- 2) For residential developments, at least 0.5% of "building development costs."

The "building development cost" is the construction cost declared on the building permit application and accepted by the Building Official.

CHECK ONE OF THE FOLLOWING COMPLIANCE METHODS:

- On-site art Art in the public right of way within .25 miles from the site In-lieu contribution Combination of in-lieu payment and on-site cultural space and/or art gallery Contribution to City-owned art facility within 0.5 miles from site

Compliance Methods

Compliance with art requirement shall be demonstrated when filing the Building Permit application through one of the following:

- 1) An approved public art plan and contractual agreement to install the artwork at the site or in the public right of way within .25 miles from the site. Note that development in the public right of way requires additional permits and approval from the City's Public Art Advisory Committee. The installation of the artwork must be complete prior to issuance of certificate of occupancy; or
- 2) Full payment of an in-lieu contribution; or
- 3) Provide up to 75% of the contribution as follows, with the remaining to be fulfilled through an in-lieu payment*:
 - a. Space within the development project that is generally open to the public during regular business hours for use as a rotating art gallery can satisfy up to 25% of total contribution; and/or
 - b. A minimum of 500 square feet of arts and cultural programming space within the development that is made available to the public can satisfy up to 50% of the total contribution; or
- 4) Capital improvements to a City-owned arts facility(s) within 0.5 miles of the development.

*All proposals must be approved by the City in advance. Please contact Kristen Zaremba, the Public Art Coordinator, at kzaremba@oaklandca.gov or (510)238-2155 for more information regarding approval of a public art plan or compliance requirements.

I, hereby certify under the penalty of perjury that I have reviewed the project and appropriate checklist and attest that to the best of my knowledge the proposed project would likely comply with the City of Oakland's Public Art Requirements Ordinance.

X _____
Signature of Applicant

Date

12. RESIDENTIAL TENANT PROTECTIONS

The City of Oakland has laws to protect residential tenants, including the Rent Adjustment Ordinance (OMC Chap. 8.22, Article I), Just Cause Eviction Ordinance (OMC Chap. 8.22, Articles II & III), Tenant Protection Ordinance (OMC Chap. 8.22, Article V) and Code Compliance Relocation Ordinance (OMC Chap. 15.60). These laws may apply to development projects under certain circumstances.

	Yes	No
A. Will the project affect existing residential units on the site, including Live/Work Units, Work/Live Units, Joint Living and Working Quarters, or unpermitted units? ➤ If "Yes," go to Question B. ➤ If "No," you do not need to complete the remainder of this section.	<input type="checkbox"/>	<input type="checkbox"/>
B. Are there existing residential tenants in the affected residential units, including Live/Work Units, Work/Live Units, Joint Living and Working Quarters, or unpermitted units; or did residential tenants occupy the affected residential units within the past 12 months? ➤ If "Yes," go to Question C. ➤ If "No," you do not need to complete the remainder of this section.	<input type="checkbox"/>	<input type="checkbox"/>
C. Will existing residential tenants in the affected residential units, including Live/Work Units, Work/Live Units, Joint Living and Working Quarters, or unpermitted units, be temporarily or permanently evicted or relocated due to the project, or were residential tenants previously occupying the affected units within the past 12 months temporarily or permanently evicted or relocated due to the project? ➤ If "Yes," provide the information below about these units and complete the remainder of this section. 1) Number of Affected Units: _____ 2) Number of Affected Tenants: _____ ➤ If "No," you do not need to complete the remainder of this section.	<input type="checkbox"/>	<input type="checkbox"/>

D. Project Information (to be completed if Questions A-C above are marked "Yes"):

- 1) Property Address: _____
- 2) Assessor's Parcel Number: _____
- 3) Applicant's Name: _____
- 4) Applicant's Address: _____
- 5) Applicant's Phone: _____ 6) Applicant's Email: _____

Existing and former tenants on the site may be entitled to protections and benefits, including relocation payments and the right to return to previous units. The property owner may be required to submit evidence of compliance with applicable tenant protection laws upon the request of the City. **For more information, please contact the Oakland Housing Assistance Center: 250 Frank H. Ogawa Plaza, 6th Floor, Oakland, California, 94612; (510) 238-6182.**

To be completed by staff:

Case Number(s): _____ Case Planner's Name: _____ Date: _____

Note to Case Planner: If Questions A, B, or C are marked "Yes," please route a copy of this page to the Housing and Community Development Department.

13. COMMUNITY ENGAGEMENT

Although community engagement is important for all development projects requiring discretionary approval, it is especially important for larger projects, controversial projects, and projects with the potential to cause substantial community impacts. Applicants proposing the following project types will be required to submit a written statement to the City describing the community engagement efforts undertaken to date:

	Yes	No
<p>A. Does the application involve any of the following?</p> <ul style="list-style-type: none"> • New residential project with 100 or more dwelling units; • New nonresidential project with 100,000 square feet or more of floor area; • New Planned Unit Development (PUD); • New subdivision of 25 or more lots; • Proposed regulatory change (Development Agreement, Rezoning, and/or General Plan Amendment); or • Any other new project requiring discretionary approval that the Planning Bureau has determined may potentially cause substantial community impacts. <p>➤ If "Yes," complete Section B below.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B. Community Engagement Efforts. Please summarize community engagement efforts undertaken to date concerning the project, community input received concerning the project, and how the project has or has not been modified in response to community input (attach additional sheets if necessary):

~~For approximately the past six years the community has pressed the owner to take action to improve the exterior appearance of the 57th street side of the building, legalize modifications to the height of the freezer area and provide for other interior improvements construction without permits. On October 18, 2014 the owner and Suprema Meats, Inc. entered into a compliance plan with the City of Oakland in which Owner agreed to apply for permits to perform exterior improvements to the exterior of the front of the building to enhance its appearance. However, the City refused to issue the necessary permits pending a hearing on application for a Conditional Use Permit to maintain a loading dock and canopy. That hearing did not take place until December 2019. When the application was rejected Owner and Suprema Petitioned the Superior Court for a writ of Mandate. Following the December, 2019 hearing the City informed Owner that new permits would be required to legalize the improvements reflected in the present application. No further contact has been made with the community. Base on prior input from neighbors owner assumes that they are in favor of aesthetic improvements to the front of the building, are opposed to the increase in height of the freezer area and likely don't care about the interior improvements.~~

~~The loading dock on 57th and the canopy (except the west five feet) are being addressed in the pending petition and are not implicated by this application.~~

14. SUBMITTAL REQUIREMENTS: WHAT TO SUBMIT

The following information and drawings must be included in the submittal package for your application. Planning staff reserves the right to require additional plans and information as needed for certain development proposals.

**The following items are required for ALL applications unless otherwise noted.
Each and every item is required at the time of application submittal.
APPLICATIONS WITH MISSING ITEMS WILL NOT BE ACCEPTED.
All fees are due at the time of application submittal.**

- (1) **Basic Application for Development Review**
This application form signed and completed (including impervious surface, protected tree, creek information, the Hazardous Waste and Substances Statement, and green building sections). Original signatures or clear & legible copies are required.
- (2) **Supplemental Forms and Findings**
Explanation describing how the proposal complies with City requirements (forms provided by staff).
- DRX, DS, DR, or SP supplemental findings.
 - CUP and/or Variance supplemental findings.
 - TPM/TTM supplemental findings.
 - Other extra CUP or DR findings, such as alcohol, ground floor use, extra units, telecom (mini, micro, macro), etc.
 - Specific Plans Design Guidelines Checklist (Broadway Valdez District, Central Estuary, Lake Merritt Station, or West Oakland).
 - Affordable Housing Density Bonus Requirements and Checklist.
- (3) **Assessor's Parcel Map**
Available at the City of Oakland Engineering Services or Zoning counters, the County Assessor's Office, 1221 Oak St. or the County Assessor's website at <http://acgov.org/MS/prop/index.aspx>
- (4) **Photographs** (Photographs placed in a secure envelope or mounted on a board folded to a size no larger than 9" x 12")
- Color photographs showing the existing structure or lot as seen from across the street and from the front, side and rear property lines. Label each photograph with the view pictured (e.g., front, side, rear, across the street).
 - Color photographs showing the 20 nearest neighbors from the street (5 nearest lots on either side, 10 nearest lots across the street). Label each photograph with the address pictured.
- (5) **Plans** (see supplemental requirements for all Tentative Parcel Map (TPM), Tentative Tract Map (TTM), Parcel Map Waiver (PMW) applications).
- **Two (2)** stapled and folded sets of full-sized plans and **Two (2)** additional sets of reduced plans (11" x 17") are required for all applications. For Major Permits, a color 11"x17" rendering **MUST** be submitted.
 - For all projects that will require a presentation before a Board or Commission you will be required to provide **fifteen (15) color** sets of your final plans sized at 11"x17" at least three weeks before your scheduled hearing date or as directed by Planning staff.
 - Fold plans to 9" x 12" maximum size. Plans must be on sheets no greater than 24" x 36".
 - Include north arrow, date prepared and scale.
 - Acceptable drawing scales are: 1/4" = 1', 3/16" = 1', 1/8" = 1', and 1" = 10'. Other scales may be appropriate, but should be discussed with Planning staff before filing. Also, please limit the range of scales used, so Planning staff can more easily analyze your project in relation to adjacent properties.
 - Include the name and phone number of person preparing the plan(s). As appropriate or required, include the stamp and "wet signature" of any licensed architect, landscape architect, surveyor and/or civil engineer preparing final plans.
 - Show all encroachments over the public Right-of-Way.
 - All submittals are required to provide an electronic submission of the all required submittal items at time of intake. Plan sets will have two copies submitted, one (1) low resolution and one (1) high resolution in .PDF format. Each item will be scanned separately and clearly identified. For each revision of the project, the applicant will be required to submit both a paper and electronic submittal of all the material being revised as directed by Planning staff.
- (a) **Survey** (required only for the following project types listed below)
- Must be no more than 3 years old from the time of submittal – date of survey must be included.
 - Must be prepared by a California State licensed Land Surveyor or by a Civil Engineer with a license number below 33966 (licensed prior to January 1, 1982).
 - **Include the wet stamp and signature** of the Land Surveyor or Civil Engineer who prepared the survey.
 - Include the applicable surveyor's statement in accordance with the Professional Land Surveyors Act.
 - In addition to paper copies, the survey must also be submitted on a CD.

Required for all new buildings, including Secondary Units Type 2 and >100% footprint additions to existing buildings (except small non-habitable buildings):

- Full boundary & topographic survey with field-verifiable monuments set or found by the surveyor.
- Location, dimensions, and dimensions to property lines of all existing buildings and similar structures.

Required for any building or addition within any required setback:

- Applicable line survey with field-verifiable monuments set or found by the surveyor.
- Location, dimensions, & dimensions to property line of existing buildings & similar structures adjacent to relevant property line.

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

- Site topography for all areas of proposed work and for all existing driveways, buildings, and similar structures.
- Location and dimensions for all existing driveways, buildings, and similar structures.

(b) **Site Plan**

- Location and dimensions of all property boundaries.
- Location and dimensions of all existing and proposed buildings, decks, stairs, and patios. see A2.1
- Dimensions of all existing and proposed building setbacks from property lines.
- Location of building footprints and approximate height of buildings on adjacent lots.
- Location, dimensions, and paving materials of all adjacent sidewalks, curbs, curb-cuts (including curb-cuts on adjacent neighbor's lots), and streets.
- Location and dimension of all existing and proposed driveways, garages, carports, vehicle parking spaces, bicycle parking spaces, maneuvering aisles, wheel-stops, pavement striping/markings, and directional signage. Indicate existing and proposed paving materials.
- NA Location, height, and building materials of all existing and proposed fencing and walls.
- NA Location, height (including top and bottom elevation measurements), and building materials of all existing and proposed retaining walls.
- NA Location and size (dbh) of all existing trees and indication of any trees to be removed, include trees on neighboring properties that are within 10 feet of construction.
- NA Location of drainage ways, creeks, and wetlands (check with the Engineering Services Division for this information)
- NA Roof plan showing roof slope and direction, and location of mechanical equipment, ducts, and vents.
- NA For projects located on a lot with a slope of 20% or more: Show existing and proposed topographic contours overlaid with proposed roof plan and indicating roof ridge spot elevations.
 - For multi-family residential projects: Show the location, dimension, slope, and site area of all existing and proposed Group Usable Open Space and Private Usable Open Space, including a summary table of site area.
 - For projects in all Residential, Commercial, and Industrial Zones, including the CIX-1A Zone, show any building to be demolished both historic and non-historic.
 - Location and size of storage area for recycling containers (see page 7 for more information).

(c) **Landscape Plan** (required for new buildings, new dwellings, and residential additions of more than 500 sq. ft.)

- Indicate any existing landscaping and new landscaping.
- Indicate the size, species, location, and method of irrigation for all plantings.
- Include the square footage of new landscaping, if over 500 square feet or over 2,500 square feet of new landscaping please provide all requirements per the Water Efficiency Landscape Ordinance (WELo), visit <https://water.ca.gov/LegacyFiles/wateruseefficiency/docs/MWELo09-10-09.pdf>
- Include all existing and proposed groundcovers, driveways, walkways, patios, and other surface treatments.

(d) **Floor Plan**

- Include complete floor plan of all floors of entire building, including existing and proposed work.
- Label all rooms (e.g., bedroom, kitchen, bathroom), and include dimensions of room sizes.
- Show the location of all existing and proposed doors, windows, and walls.
- Location of and distance to all adjacent property boundaries.
- For non-residential projects: show all existing and proposed seating areas, mechanical/kitchen equipment, and/or other major functional components of the proposed project.

(e) **Elevations** (required only for new construction, additions, or exterior alterations)

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

(f) **Cross Sections** (required only for buildings or additions located on a lot with a slope of 20% or more)

- Include all critical cross sections, including at least one passing through the tallest portion of the building.
- Include floor plate and roof plate elevation heights.
- Location of and distance to all adjacent property boundaries.

- Label the location of the cross-sections on the site plan.
- NA (g) Tree Survey** (required only for projects which involve a Tree Preservation/Removal Permit [see page 5])
 - **Three (3)** folded full-sized plans are required (in addition to the plans required under No. 5 above).
 - Fold plans to 9" x 12" maximum size. Plans must be on sheets no greater than 24" x 36".
 - Include north arrow, date prepared and scale (Tree Survey should be drawn to the same scale as the Site Plan).
 - Include the name & phone number of person preparing the plan(s). As appropriate or required, include the stamp & "wet signature" of any licensed architect, landscape architect, surveyor and/or civil engineer preparing final plans.
 - For new construction on an undeveloped lot:** include the stamp and "wet signature" of the licensed architect, landscape architect and/or civil engineer preparing the survey.
 - Indicate the size (dbh), species, and location of all protected trees within 30 feet of development activity on the subject lot, regardless of whether or not the protected trees are included on any tree preservation/removal permit application.
 - Label all protected trees that are located within 10 feet of construction (including trees located on neighbor's properties or the adjacent public right-of-way) with the matching number or letter from the Tree Preservation/Removal Permit application (see section 6 of this application).
- NA (h) Shadow Study (for DS-III projects and other two-story DR projects for one- and two-units)**
 - Include a roof plan of proposed house/addition with adjacent homes and show the shadows at different times of the day as shown in the Design Review Manual for One- and Two-Unit Residences on page 2.1 and 2.2.
- NA (i) Grading Plan** (required only if the project proposes any site grading)
 - Show proposed grading plan and/or map showing existing and proposed topographic contours (this may be combined with the Site Plan for small projects with only minor grading).
 - Include an erosion & sedimentation control plan.
 - Include a summary table of all proposed excavation, fill, and off-haul volumes.

The following are required only for non-residential, mixed-use, and/or multi-family residential projects.

- (j) **Sign Plan** (required only for non-residential and mixed-use projects)
 - Include fully dimensioned color elevations for all proposed signs.
 - Indicate proposed sign location(s) on site plan
 - Indicate proposed material(s) and method of lighting for all proposed signs.
- (k) **Lighting Plan** (required only for non-residential, multi-family residential, and mixed-use projects)
 - Show the type and location of all proposed exterior lighting fixtures (this may be combined with the Site Plan for small projects).
- (l) **Materials & Color Board** (required only for non-residential, multi-family residential, and mixed-use projects involving new construction or an addition/alteration that does not match existing materials and colors).
 - Limit board(s) to a maximum size of 9" x 12". Large projects (generally more than 25 dwelling units or 50,000 square feet of floor area) should also submit a large sized materials & color board (24" x 36") for use at public hearings.
 - Include samples of proposed exterior building materials and paint colors.
 - Include manufacturer's brochures as appropriate.
- (m) **Three-dimensional Exhibits** (required only for large projects with more than 25 dwelling units or 50,000 square feet of floor area).
 - Provide color perspective drawings showing the project from all major public vantage points, or provide a scale model of the proposed project.
- NA(6) Preliminary Post-Construction Stormwater Management Plan*** (required only for "Regulated Projects" subject to NPDES C.3 stormwater requirements [see page 4 for more information])
 - Show location and size of new and replaced impervious surface.
 - Show directional surface flow of stormwater runoff.
 - Show location of proposed on-site storm drain lines.
 - Show preliminary type and location of proposed site design measures, source control measures, and stormwater treatment measures.
 - Show preliminary type and location of proposed hydromodification management measures (if applicable).

* Please refer to the Stormwater Supplemental Form for more information concerning NPDES C.3 requirements. The Stormwater Supplemental Form must also be submitted with the application.
- NA (7) Preliminary Title Report or deed not more than 60 days old** (required for all Tentative Parcel Map (TPM), Tentative Tract Map (TTM), Parcel Map Waiver (PMW), Rezoning, and General Plan Amendment applications, and any application where the owner information does not match the current Alameda County Assessor's records)

- (8) **Fees** (all fees are due at the time of application submittal)
 - Additional fees may be required if the project changes or based on staff's environmental determination.
- (9) **Additional Telecom Information Required** (See full requirements in Chapter 17.128 in the Oakland Planning Code)
 - For the whole parcel, indicate the total number of existing and proposed antennas and equipment cabinets, their location, and the carriers they serve (please include all wireless carriers). Also indicate area, height, and width of all equipment cabinets and antennas (existing and proposed).
 - Additional Telecom CUP & DR findings for either: Mini, Micro, Macro, Monopole, or Tower (See definitions in 17.10.860).
 - Include Radio Frequency emissions report (RF), see Section 17.128.130 for requirements.
 - If a revision, please include previous approved case number if applicable and can be obtained.
 - If swapping out & replacing existing antennas, include existing & proposed heights of antennas (per Federal Section 6409).

For any questions regarding this application, visit the Zoning Counter or call the Zoning Information Line:

Zoning Counter:

250 Frank H. Ogawa Plaza, 2nd Floor Oakland CA 94612

Mon, Tues, Thurs & Friday: 9am-Noon & 2pm-4pm

Wednesday 9:30am-Noon & 2pm-4pm

Zoning Information Line:

(510) 238-3911

Mon, Tues, Thurs & Friday: 9am-Noon & 2pm-4pm

Wednesday 9:30am-Noon & 2pm-4pm

To obtain an electronic PDF fillable copy of this form please visit

<https://www.oaklandca.gov/documents/development-review-basic-application>



TAHOE BLUE
SRI: 33 • LRV: 14

**HORIZONTAL
METAL TRIM
ASC BUILDING
PRODUCTS
'TAHOE BLUE'**



ZINCALUME® Plus*
SRI: 64 • LRV: 67

**VERTICAL METAL
SIDING
ASC BUILDING
PRODUCTS
'ZINCALUME'**



**EXISTING
BRICK**

29 APRIL 2020

SUPREMA MEAT COMPANY

955 57TH STREET
OAKLAND, CALIFORNIA

COLOR BOARD



834 South Clara Street, Suite 210
Berkeley, CA 94702
415.863.2222
www.craigmiers.com
www.georgesca.com

Steve Hassing

From: August, Karen <KAugust@oaklandca.gov>
Sent: Thursday, May 21, 2020 10:56 AM
To: Craig Miers
Subject: Re: 051920 955 57th Street - Building Permit (Exterior Face upgrade)
Attachments: 955 57th Street Planning Submittal.pdf; DRX200655.pdf

Good morning,

In accordance with the City's Zoning Division and Title 17, I have reviewed your submittal.

The application and zoning design sheets have been approved and stamped. Your proposal is ready for the next step.

Please contact our cashier at 510-238-4774 and reference the planning/zoning record number (**DRX200655**) & the address to settle the planning/zoning balance by phone. The record summary contains the record number and balance. The stamped Zoning sheets are also attached.

After that, you can submit the documents to the Building Department through the Digital Mailbox:
<https://apps.oaklandca.gov/DigitalInbox/>

Alternatively, you may reach out to the Building Department through Permitinfo@oaklandca.gov

When contacting the Building Department please highlight that you are submitting for a Building Permit; explain that you have received a *zoning entitlement* and have the stamped zoning plans and would now like to submit for the building permits. You may reference the address and share the zoning-stamped plans & the record summary. They may require further documents and will create a new Building record number & fee schedule.

Please be aware that due to the Shelter-in-Place order, the processing of your application may be affected; the Planning and Building Department is operating under reduced capacity and is working in compliance with all state mandates.

If you have any further Zoning questions related to this submittal, please feel free to email me directly.

All the best,
Karen

Karen August, Planner II

kaugust@oaklandca.gov | (510) 238-6935* | City of Oakland | Planning & Building Department | 250 Frank H Ogawa Plaza, 2nd Floor | Oakland CA 94612

**Please note due to SIP & remote working, the best means of communication is via email.*

To keep up to date with Permit Center News, sign up for updates here:

<https://www.oaklandca.gov/topics/permits>

COVID-19 Update - Conditions and information relating to Planning and Building Department's operations are changing rapidly; check for updates here:

<https://www.oaklandca.gov/news/2020/planning-building-department-response-to-shelter-in-place>

From: PermitInfo <PermitInfo@oaklandca.gov>
Sent: Tuesday, May 19, 2020 4:11 PM
To: cmiers@mierscottarchitects.com <cmiers@mierscottarchitects.com>
Cc: August, Karen <KAugust@oaklandca.gov>
Subject: FW: 051920 955 57th Street - Building Permit (Exterior Face upgrade)

Craig:

Received, forwarding to planning staff for review and next steps.

Sincerely,

Aubrey

From: Craig Miers [mailto:cmiers@mierscottarchitects.com]
Sent: Tuesday, May 19, 2020 3:23 PM
To: PermitInfo <PermitInfo@oaklandca.gov>
Cc: Steve Hassing <sjh@hassinglaw.com>
Subject: 051920 955 57th Street - Building Permit (Exterior Face upgrade)

Aubrey Rose AICP

As requested please find attached:

1. Planning Application
2. Documents including photographs (P1 and P2) as requested by planning checklist
3. Assessor's Map
4. Color Board

Craig.

Thank you.
If you have any questions or comments please contact us.
Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: PermitInfo <PermitInfo@oaklandca.gov>
Sent: Wednesday, April 29, 2020 8:55 AM
To: Craig Miers <cmiers@mierscottarchitects.com>
Subject: FW: 955 57th Street - Building Permit (Exterior Face upgrade)

Craig,
For planning staff review (design review) at the zoning counter, please resubmit with the following application form completed:

<https://www.oaklandca.gov/documents/basic-application-form>

TO: permitinfo@oaklandca.gov

Subject: Design review

Sincerely,

Aubrey Rose AICP

Planner III / Zoning Counter Supervisor

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Tuesday, April 28, 2020 5:48 PM
To: PermitInfo <PermitInfo@oaklandca.gov>
Subject: 955 57th Street - Building Permit (Exterior Face upgrade)

Thank you very much for the fast response.

The address of the property and permit requested is in the subject line (exterior upgrade, that is, replacement of existing windows and replacement exterior plaster with Metal Siding. Addition of a singular wall at the interior). This file attached is just above 4mb.

Suprema Meats – 955 57th Street.

My contact information if right below.

Thank you again for your time.

Craig.

Thank you.

If you have any questions or comments please contact us.

Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: PermitInfo <PermitInfo@oaklandca.gov>
Sent: Tuesday, April 28, 2020 5:31 PM
To: Craig Miers <cmiers@mierscottarchitects.com>
Subject: RE: 955 57th Street

Hello.

Thank you for your inquiry to the Planning or Building Bureaus. Due to the COVID-19 related Shelter in Place Order dated March 31,2020, <http://www.acphd.org/media/563688/health-officer-order-20-04-shelter-in-place-20200331.pdf> , the Bureau of Planning and Bureau of Building are operating under reduced capacity.

During this period, the Planning and Building Department shall receive applications and perform electronic plan reviews. We recommend you apply through this email or submit them to <https://apps.oaklandca.gov/DigitalInbox/> if the file is big. We are only accepting **digital submittals** at this time.

Please include the property address & desired permit type in the subject line. In the body of the email, please also include the property address, the description of the permit needs, and contact information of the requestor.

Please look at our website for guidelines, applications and check list at <https://www.oaklandca.gov/news/2020/planning-building-department-response-to-shelter-in-place>. Citizens are encouraged to apply for zoning clearances, letters of determination and trade permits for 1-2 unit residential buildings through Accela Online <https://aca.accela.com/OAKLAND/Welcome.aspx> which may require registration.

In addition, please look at the website for inspections that will be performed during the SIP Order: <https://www.oaklandca.gov/news/2020/planning-building-department-response-to-shelter-in-place#building-inspections-323870>.

The issuance of the permit notwithstanding, it is solely the individual permit holder's responsibility to ensure that their project complies with Alameda County's Order No 20-04, including but not limited to the project's non-exempt or exempt status to proceed with construction. The issuance of this permit by the City of Oakland in no way warrants that the project meets the standard of exemption under Alameda County's Order No 20-04, which must be confirmed by the permit holder with the County.

Thank you for your patience and understanding during the COVID-19 pandemic.

Deb French

Public Service Representative

City Of Oakland | Planning & Building Department
Bureau of Building
Building Permits, Inspections and Code Enforcement Services
250 Frank H. Ogawa Plaza, Suite 2340, Oakland CA 94612-2031

From: Craig Miers <cmiers@mierscottarchitects.com>

Sent: Tuesday, April 28, 2020 5:26 PM

To: PermitInfo <PermitInfo@oaklandca.gov>

Subject: 955 57th Street

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Good Morning City of Oakland Building!

My name is Craig Miers an architect working on behalf of the Owner on the above noted property. Would it be possible for someone to direct me on how to submit a project electronically to your department? I started an accelera account but I am neither the Owner nor the Contractor.

I appreciate your time in advance.

Be Safe.
Thanks.
Craig.

Thank you.
If you have any questions or comments please contact us.
Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

Steve Hassing

From: City of Oakland - Applications <oakapps@oaklandnet.com>
Sent: Saturday, May 23, 2020 1:14 PM
To: Craig Miers
Cc: drex@oaklandca.gov
Subject: Message Submitted



Planning and Building Department
250 Frank Ogawa Plaza, 6th Floor
Oakland, CA 94612
Phone: 510.238.6182

Dear Craig Miers + George Scott Architects, llp,

Thank you for your message. Planning and Building department has been notified about your request and will respond to you shortly. Please visit your City of Oakland, [Digital Mailbox](#) to view /send messages to the City of Oakland.

Message : **We have just received Planning Approval and would like to submit the attached for Building Review.**

Craig Miers, AIA (architect)

Sincerely,
City of Oakland
Planning and Building Department



Steve Hassing

From: Sabiniano, Elysia <ESabiniano@oaklandca.gov>
Sent: Friday, June 12, 2020 8:24 AM
To: Craig Miers
Cc: Steve Hassing
Subject: RE: 061020 955 57th St. - Digital Inbox

Morning Craig,

That worked out! Thank you for resending that. This project is assigned to **Jasmin Lei**. Note our staff is backlogged due to influx of emails and applications. She'll reach out once ready for the next steps or questions.

Appreciate your patience with us.

Elysia Sabiniano

Process Coordinator

City of Oakland
Planning and Building Department
250 Frank H. Ogawa Plaza
Oakland, CA 94612
(510) 238-6664

Hours of Operation: Monday-Friday 8AM-4:30PM

** COVID-19 Update: Conditions and information relating to Planning and Building Department's operations are changing rapidly. Please check our website for regular updates.*

<https://www.oaklandca.gov/news/2020/planning-building-department-response-to-shelter-in-place>

From: Craig Miers <cmiers@mierscottarchitects.com>
Sent: Wednesday, June 10, 2020 10:45 AM
To: Sabiniano, Elysia <ESabiniano@oaklandca.gov>
Cc: Steve Hassing <sjh@hassinglaw.com>
Subject: 061020 955 57th St. - Digital Inbox

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Ms. Sabiniano

I hope this one works, we were still having issues with the original 'planning' department stamp, and did a 'save as' and a couple other things.

Craig.

Thank you.

If you have any questions or comments please contact us.

Craig Miers, AIA

**ORDER OF THE HEALTH OFFICER
OF THE COUNTY OF ALAMEDA DIRECTING
ALL INDIVIDUALS LIVING IN THE COUNTY TO CONTINUE
SHELTERING AT THEIR PLACE OF RESIDENCE EXCEPT FOR
ESSENTIAL NEEDS; CONTINUING TO EXEMPT HOMELESS
INDIVIDUALS FROM THE ORDER BUT URGING GOVERNMENT
AGENCIES TO PROVIDE THEM SHELTER AND HAND SANITATION
FACILITIES; RESTRICTING ACCESS TO RECREATION AREAS;
REQUIRING ESSENTIAL BUSINESSES TO IMPLEMENT SOCIAL
DISTANCING PROTOCOLS; CLARIFYING AND FURTHER LIMITING
ESSENTIAL BUSINESS ACTIVITIES, INCLUDING CONSTRUCTION;
AND DIRECTING ALL BUSINESSES AND GOVERNMENTAL
OPERATIONS TO FURTHER CEASE NON-ESSENTIAL OPERATIONS**

**DATE OF ORDER: MARCH 31, 2020
No. 20-04**

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1))

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF ALAMEDA (“HEALTH OFFICER”) ORDERS:

1. This Order supersedes the March 16, 2020 Order of the Health Officer directing all individuals to shelter in place (“Prior Shelter Order”). This Order clarifies, strengthens, and extends certain terms of the Prior Shelter Order to increase social distancing and reduce person-to-person contact in order to further slow transmission of Novel Coronavirus Disease 2019 (“COVID-19”). As of the effective date and time of this Order set forth in Section 16 below, all individuals, businesses, and government agencies in the County of Alameda (“County”) are required to follow the provisions of this Order.
2. The intent of this Order is to ensure that the maximum number of people shelter in their places of residence to the maximum extent feasible to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.

Order of the Alameda County Health Officer
to Shelter in Place No. 20-04

3. All individuals currently living within the County are ordered to shelter at their place of residence. They may leave their residence only for Essential Activities, Essential Governmental Functions, Essential Travel, to work for Essential Businesses, or to perform Minimum Basic Operations for non-essential businesses, all as defined in Section 13. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to, as soon as possible, make such shelter available and provide handwashing or hand sanitation facilities to persons who continue experiencing homelessness.
4. When people need to leave their place of residence for the limited purposes allowed in this Order, they must strictly comply with Social Distancing Requirements as defined in Section 13.k, except as expressly provided in this Order.
5. All businesses with a facility in the County, except Essential Businesses, as defined in Section 13.f, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 13.g. For clarity, all businesses may continue operations consisting exclusively of owners, employees, volunteers, or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. But Essential Businesses are directed to maximize the number of employees who work from home. Essential Businesses may only assign those employees who cannot perform their job duties from home to work outside the home. All Essential Businesses shall prepare, post, and implement a Social Distancing Protocol at each of their facilities at which they are maintaining operations, as specified in Section 13.h. Businesses that include an Essential Business component at their facilities alongside non-essential components must, to the extent feasible, scale down their operations to the Essential Business component only; provided, however, that mixed retail businesses that are otherwise allowed to operate under this Order may continue to stock and sell non-essential products. Essential Businesses must follow industry-specific guidance issued by the Health Officer related to COVID-19.
6. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes expressly permitted in this Order. Nothing in this Order prohibits members of a single household or living unit from engaging in Essential Travel or Essential Activities together.
7. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel, as defined below in Section 13.i, is prohibited. People may use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses, maintain Essential Governmental Functions, or to perform Minimum Basic Operations at non-essential businesses. Transit agencies and people riding on public transit must comply with Social Distancing Requirements, as defined in Section 13.k, to the greatest extent feasible. This Order allows travel into or out of the County only to perform Essential

Activities, operate Essential Businesses, maintain Essential Governmental Functions, or perform Minimum Basic Operations at non-essential businesses.

8. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Bay Area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 disease in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the virus causing the COVID-19 disease have no symptoms or have mild symptoms, which means they may not be aware they carry the virus and are transmitting it to others. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, gatherings and other interpersonal interactions can result in preventable transmission of the virus. This public health emergency has substantially worsened since the County issued the Prior Shelter Order on March 16, 2020, with a significant escalation in the number of positive cases, hospitalizations, and deaths, and increasing strain on health care resources. At the same time, evidence suggests that the restrictions on mobility and social distancing requirements imposed by the Prior Shelter Order are slowing the rate of increase in community transmission and confirmed cases by limiting interactions among people, consistent with scientific evidence of the efficacy of similar measures in other parts of the country and world. The scientific evidence shows that at this stage of the emergency, it remains essential to continue to slow virus transmission as much as possible to protect the most vulnerable, to prevent the health care system from being overwhelmed, and to prevent deaths. Extension of the Prior Shelter Order and strengthening of its restrictions are necessary to further reduce the spread of the COVID-19 disease, preserving critical and limited healthcare capacity in the County and advancing toward a point in the public health emergency where transmission can be controlled.
9. This Order is also issued in light of the existence, as of March 29, 2020, of 254 cases of COVID-19 in the County, as well as at least 2,092 confirmed cases (up from 258 confirmed cases on March 15, 2020, just before the Prior Shelter Order) and at least 51 deaths (up from three deaths on March 15, 2020) in the seven Bay Area jurisdictions jointly issuing this Order, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. This Order is necessary to slow the rate of spread, and the Health Officer will re-evaluate it as further data becomes available.
10. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the Declarations of Local Health Emergency issued by the Health Officer on March 1 and 5, the March 10, 2020 Resolution of the Board of Supervisors of the County of Alameda

Ratifying the Declarations of Local Health Emergency, and the March 17, 2020 Resolution of the Board of Supervisors Ratifying the Declaration of Local Emergency.

11. This Order is issued in light of evidence that the Prior Shelter Order has been generally effective in increasing social distancing, but that at this time additional restrictions are necessary to further mitigate the rate of transmission of COVID-19, to prevent the health care system from being overwhelmed, and prevent death. This Order comes after the release of substantial guidance from the County Health Officer, the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, including an increasing number of orders imposing similar social distancing requirements and mobility restrictions to combat the spread and harms of COVID-19. The Health Officer will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.
12. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer (the “State Shelter Order”) , which set baseline statewide restrictions on non-residential business activities effective until further notice, as well as the Governor’s March 19, 2020 Executive Order N-33-20 directing California residents to follow the State Shelter Order. The State Shelter Order was complementary to the Prior Shelter Order. This Order adopts in certain respects more stringent restrictions addressing the particular facts and circumstances in this County, which are necessary to control the public health emergency as it is evolving within the County and the Bay Area. Without this tailored set of restrictions that further reduces the number of interactions between persons, scientific evidence indicates that the public health crisis in the County will worsen to the point at which it may overtake available health care resources within the County and increase the death rate. Also, this Order enumerates additional restrictions on non-work-related travel not covered by the State Shelter Order, including limiting such travel to performance of Essential Travel or Essential Activities; sets forth mandatory Social Distancing Requirements for all individuals in the County when engaged in activities outside their residences; and adds a mechanism to ensure that Essential Businesses comply with the Social Distancing Requirements. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County.
13. Definitions and Exemptions.
 - a. For the purposes of this Order, individuals may leave their residence only to perform the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are strongly urged to stay in their

residence to the extent possible, except as necessary to seek or provide medical care or Essential Governmental Functions. Essential Activities are:

- i. To engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or household members (including pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional.
- ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, products needed to work from home, or products necessary to maintain the habitability, sanitation, and operation of residences.
- iii. To engage in outdoor recreation activity, including, by way of example and without limitation, walking, hiking, bicycling, and running, in compliance with Social Distancing Requirements and with the following limitations:
 1. Outdoor recreation activity at parks, beaches, and other open spaces must be in conformance with any restrictions on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19. Such restrictions may include, but are not limited to, restricting the number of entrants, closing the area to vehicular access and parking, or closure to all public access;
 2. Use of recreational areas with high-touch equipment or that encourage gathering, including, but not limited to, playgrounds, outdoor gym equipment, picnic areas, dog parks, and barbecue areas, is prohibited outside of residences, and all such areas shall be closed to public access including by signage and, as appropriate, by physical barriers;
 3. Use of shared facilities for recreational activities outside of residences, including, but not limited to, golf courses, tennis and pickle ball courts, rock parks, climbing walls, pools, spas, shooting and archery ranges, gyms, disc golf, and basketball courts is prohibited and those areas must be closed for recreational purposes, including by signage and, as appropriate, by physical barriers. Such facilities may be repurposed during the emergency to provide essential services needed to address the COVID-19 pandemic; and
 4. Sports or activities that include the use of shared equipment may only be engaged in by members of the same household or living unit.

- iv. To perform work for an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations, as defined in this Section.
 - v. To provide necessary care for a family member or pet in another household who has no other source of care.
 - vi. To attend a funeral with no more than 10 individuals present.
 - vii. To move residences, but only if it is not possible to defer an already planned move, if the move is necessitated by safety, sanitation, or habitability reasons, or if the move is necessary to preserve access to shelter. When moving into or out of the Bay Area region, individuals are strongly urged to quarantine for 14 days. To quarantine, individuals should follow the guidance of the United States Centers for Disease Control and Prevention.
- b. For the purposes of this Order, individuals may leave their residence to work for, volunteer at, or obtain services at “Healthcare Operations,” including, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations shall be construed broadly to avoid any interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.
- c. For the purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operation and maintenance of “Essential Infrastructure,” including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services).
- d. For the purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order to the extent they are performing those essential services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions in the County. Each governmental entity shall identify and designate appropriate employees, volunteers, or contractors to continue providing and carrying out any Essential

Governmental Functions, including the hiring or retention of new employees or contractors to perform such functions. Each governmental entity and its contractors must employ all necessary emergency protective measures to prevent, mitigate, respond to and recover from the COVID-19 pandemic, and all Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements to the greatest extent feasible.

- e. For the purposes of this Order, a “business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.
- f. For the purposes of this Order, “Essential Businesses” are:
 - i. Healthcare Operations and businesses that operate, maintain, or repair Essential Infrastructure;
 - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of residences. The businesses included in this subparagraph (ii) include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subparagraph, such as liquor stores that also sell a significant amount of food.
 - iii. Food cultivation, including farming, livestock, and fishing;
 - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - v. Construction, but only of the types listed in this subparagraph below:
 - 1. Projects immediately necessary to the maintenance, operation, or repair of Essential Infrastructure;
 - 2. Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response;
 - 3. Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units;
 - 4. Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency;
 - 5. Shelters and temporary housing, but not including hotels or motels;
 - 6. Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons,

- persons who are economically disadvantaged, and persons with special needs;
7. Construction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so; and
 8. Construction or repair necessary to ensure that residences and buildings containing Essential Businesses are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed;
- vi. Newspapers, television, radio, and other media services;
 - vii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services (and not, by way of example, car sales or car washes). This subparagraph (vii) does not restrict the on-line purchase of automobiles if they are delivered to a residence or Essential Business;
 - viii. Bicycle repair and supply shops;
 - ix. Banks and related financial institutions;
 - x. Service providers that enable residential transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit (except that in person visits are not allowed when the occupant is still residing in the residence);
 - xi. Hardware stores;
 - xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, and operation of residences and Essential Businesses, but not for cosmetic or other purposes;
 - xiii. Arborists, landscapers, gardeners, and similar service professionals, but only to the limited extent necessary to maintain the habitability, sanitation, operation of businesses or residences, or the safety of residents, employees, or the public (such as fire safety or tree trimming to prevent a dangerous condition), and not for cosmetic or other purposes (such as upkeep);
 - xiv. Businesses providing mailing and shipping services, including post office boxes;
 - xv. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
 - xvi. Laundromats, drycleaners, and laundry service providers;

- xvii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xviii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains;
- xix. Businesses that supply other Essential Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these Essential Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;
- xx. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation;
- xxi. Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xxii. Home-based care for seniors, adults, children, and pets;
- xxiii. Residential facilities and shelters for seniors, adults, and children;
- xxiv. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities;
- xxv. Services to assist individuals in finding employment with Essential Businesses;
- xxvi. Moving services that facilitate residential or commercial moves that are allowed under this Order;
- xxvii. Childcare facilities providing services that enable owners, employees, volunteers, and contractors for Essential Businesses or Essential Governmental Functions to work as permitted. Children of owners, employees, volunteers, and contractors who are not exempt under this Order may not attend childcare facilities. To the extent possible, childcare facilities must operate under the following conditions:
 1. Childcare must be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day).
 2. Children shall not change from one group to another.

3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 4. Childcare providers shall remain solely with one group of children.
- g. For the purposes of this Order, “Minimum Basic Operations” means the following activities for businesses, provided that owners, employees, and contractors comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
- i. The minimum necessary activities to maintain and protect the value of the business’s inventory and facilities; ensure security, safety, and sanitation; process payroll and employee benefits; provide for the delivery of existing inventory directly to residences or businesses; and related functions.
 - ii. The minimum necessary activities to facilitate owners, employees, and contractors of the business being able to continue to work remotely from their residences, and to ensure that the business can deliver its service remotely.
- h. For the purposes of this Order, all Essential Businesses must prepare and post by no later than 11:59 p.m. on April 2, 2020 a “Social Distancing Protocol” for each of their facilities in the County frequented by the public or employees. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A. The Social Distancing Protocol must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and employees. A copy of the Social Distancing Protocol must also be provided to each employee performing work at the facility. All Essential Businesses shall implement the Social Distancing Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand. The Social Distancing Protocol must explain how the business is achieving the following, as applicable:
- i. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as required to complete the Essential Business activity;
 - ii. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
 - iii. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g. cashiers);
 - iv. Providing for contactless payment systems or, if not feasible to do so, the providing for disinfecting all payment portals, pens, and styluses after each use;
 - v. Regularly disinfecting other high-touch surfaces; and

- vi. Posting a sign at the entrance of the facility informing all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact.
 - vii. Any additional social distancing measures being implemented (see the Centers for Disease Control and Prevention's guidance at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>).
- i. For the purposes of this Order, "Essential Travel" means travel for any of the following purposes:
- i. Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 - ii. Travel to care for any elderly, minors, dependents, or persons with disabilities.
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iv. Travel to return to a place of residence from outside the County.
 - v. Travel required by law enforcement or court order.
 - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
 - vii. Travel to manage after-death arrangements and burial.
 - viii. Travel to arrange for shelter or avoid homelessness.
 - ix. Travel to avoid domestic violence or child abuse.
 - x. Travel for parental custody arrangements.
 - xi. Travel to a place to temporarily reside in a residence or other facility to avoid potentially exposing others to COVID-19, such as a hotel or other facility provided by a governmental authority for such purposes.
- j. For purposes of this Order, "residences" include hotels, motels, shared rental units and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit.
- k. For purposes of this Order, "Social Distancing Requirements" means:
- i. Maintaining at least six-foot social distancing from individuals who are not part of the same household or living unit;
 - ii. Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;

- iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands); and
- iv. Avoiding all social interaction outside the household when sick with a fever or cough.

All individuals must strictly comply with Social Distancing Requirements, except to the limited extent necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care); as necessary to carry out the work of Essential Businesses, Essential Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this Order.

14. Government agencies and other entities operating shelters and other facilities that house or provide meals or other necessities of life for individuals experiencing homelessness must take appropriate steps to help ensure compliance with Social Distancing Requirements, including adequate provision of hand sanitizer. Also, individuals experiencing homelessness who are unsheltered and living in encampments should, to the maximum extent feasible, abide by 12 foot by 12 foot distancing for the placement of tents, and government agencies should provide restroom and hand washing facilities for individuals in such encampments as set forth in Centers for Disease Control and Prevention Interim Guidance Responding to Coronavirus 2019 (COVID-19) Among People Experiencing Unsheltered Homelessness (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>).
15. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
16. This Order shall become effective at 11:59 p.m. on March 31, 2020 and will continue to be in effect until 11:59 p.m. on May 3, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer.
17. Copies of this Order shall promptly be: (1) made available at the County Administration Building at 1221 Oak Street, Oakland, California 94612; (2) posted on the County Public Health Department's website (acphd.org); and (3) provided to any member of the public requesting a copy of this Order.

18. If any provision of this Order to its application to any person or circumstance is held to be invalid, the reminder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:



Dr. Erica Pan
Interim Health Officer of the County of Alameda

Dated: March 31, 2020

Attachments: Appendix A – Social Distancing Protocol

Appendix A: Social Distancing Protocol

Business name: Click or tap here to enter text.

Facility Address: Click or tap here to enter text.

Approximate gross square footage of space open to the public: Click or tap here to enter text.

Businesses must implement all applicable measures listed below, and be prepared to explain why any measure that is not implemented is inapplicable to the business.

Signage:

Signage at each public entrance of the facility to inform all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into a cloth or tissue or, if not available, into one's elbow; and not shake hands or engage in any unnecessary physical contact.

Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

Measures To Protect Employee Health (check all that apply to the facility):

Everyone who can carry out their work duties from home has been directed to do so.

All employees have been told not to come to work if sick.

Symptom checks are being conducted before employees may enter the work space.

All desks or individual work stations are separated by at least six feet.

Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:

Break rooms:

Bathrooms:

Other (Click or tap here to enter text.): Click or tap here to enter text.

Disinfectant and related supplies are available to all employees at the following location(s): Click or tap here to enter text.

Hand sanitizer effective against COVID-19 is available to all employees at the following location(s): Click or tap here to enter text.

Soap and water are available to all employees at the following location(s): Click or tap here to enter text.

Copies of this Protocol have been distributed to all employees.

Optional—Describe other measures: Click or tap here to enter text.

Measures To Prevent Crowds From Gathering (check all that apply to the facility):

Limit the number of customers in the store at any one time to Click or tap here to enter text. [insert maximum number here], which allows for customers and employees to easily maintain at least six-foot distance from one another at all practicable times.

Post an employee at the door to ensure that the maximum number of customers in the facility set forth above is not exceeded.

Placing per-person limits on goods that are selling out quickly to reduce crowds and lines. Explain: Click or tap here to enter text.

Appendix A: Social Distancing Protocol

Optional—Describe other measures: [Click or tap here to enter text.](#)

Measures To Keep People At Least Six Feet Apart (check all that apply to the facility)

- Placing signs outside the store reminding people to be at least six feet apart, including when in line.
- Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.
- Separate order areas from delivery areas to prevent customers from gathering.
- All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.
- Optional—Describe other measures: [Click or tap here to enter text.](#)

Measures To Prevent Unnecessary Contact (check all that apply to the facility):

- Preventing people from self-serving any items that are food-related.
 - Lids for cups and food-bar type items are provided by staff; not to customers to grab.
 - Bulk-item food bins are not available for customer self-service use.
- Not permitting customers to bring their own bags, mugs, or other reusable items from home.
- Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly.
Describe: [Click or tap here to enter text.](#)
- Optional—Describe other measures (e.g. providing senior-only hours): [Click or tap here to enter text.](#)

Measures To Increase Sanitization (check all that apply to the facility):

- Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.
- Employee(s) assigned to disinfect carts and baskets regularly.
- Hand sanitizer, soap and water, or effective disinfectant is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else inside the store or immediately outside where people have direct interactions.
- Disinfecting all payment portals, pens, and styluses after each use.
- Disinfecting all high-contact surfaces frequently.
- Optional—Describe other measures: [Click or tap here to enter text.](#)

* Any additional measures not included here should be listed on separate pages, which the business should attach to this document.

You may contact the following person with any questions or comments about this protocol:

Name: [Click or tap here to enter text.](#)

Phone number: [Click or tap here to enter text.](#)

Steve Hassing

From: Lei, Jasmin <JLei@oaklandca.gov>
Sent: Friday, August 21, 2020 10:11 AM
To: Craig Miers
Cc: August, Karen
Subject: 955 57th St (B2002151)- Application Status

Hi Craig,

Hope you're doing well. My apologies for long wait and thank you for being patient with us.

Your plans are currently under review with the plan checker. I will contact you later today to let you know of the status.

We had some difficulties figuring out the project address. DRX200655 was under 5655 Lowell St but the plans submitted to Building was under 955 57th St.

Karen- I've created the record under 955 57th St per what's written on the permit application. I believe that is where the work is being done and referenced DRX200655 on the record. Hopefully that works!

Thank you,

Jasmin Lei
Permit Technician I
City of Oakland Planning and Building Department
250 Frank Ogawa Plaza, 2nd Floor, Oakland, CA 94612
(510) 238-2316

“* **COVID-19 Update:** Conditions and information relating to Planning and Building Department's operations are changing rapidly. Please check our [priority services during shelter-in-place webpage](#) for regular updates.”

The website has our most updated information.

Steve Hassing

From: Lei, Jasmin <JLei@oaklandca.gov>
Sent: Friday, August 21, 2020 2:49 PM
To: August, Karen; Craig Miers
Subject: Re: 955 57th St (B2002151)- Application Status

Thanks so much Karen!!

Craig- the plans have been approved so I'll email you shortly with the fees to pay and final paperwork to sign.

Best Regards,

Jasmin Lei
Permit Technician I
City of Oakland Planning and Building Department
250 Frank Ogawa Plaza, 2nd Floor, Oakland, CA 94612
(510) 238-2316

“* **COVID-19 Update:** Conditions and information relating to Planning and Building Department's operations are changing rapidly. Please check our [priority services during shelter-in-place webpage](#) for regular updates.”

The website has our most updated information.

From: August, Karen <KAugust@oaklandca.gov>
Sent: Friday, August 21, 2020 10:26 AM
To: Lei, Jasmin <JLei@oaklandca.gov>; cmiers@mierscottarchitects.com <cmiers@mierscottarchitects.com>
Subject: Re: 955 57th St (B2002151)- Application Status

Good morning,

Thank you Jasmin, that is a well spotted. I have updated the zoning record and attached it.

Always a pleasure - thank you for everything you do!

All the best,
Karen

Karen August, Planner II
kaugust@oaklandca.gov | City of Oakland | Zoning Division | 250 Frank H Ogawa Plaza, 2nd Floor | Oakland CA 94612

Please note the best means of communication is via email.

To keep up to date with Permit Center News, sign up for updates here:
<https://www.oaklandca.gov/topics/permits>

Steve Hassing

From: Lei, Jasmin <JLei@oaklandca.gov>
Sent: Friday, August 21, 2020 3:48 PM
To: Craig Miers
Subject: 955 57th St (B2002151)- Plans Approved

Hi Craig,

The plans have been approved. Please call the cashier at (510) 238-4774 to pay the permit fee of \$1,307.92.

May I know who will be pulling the permit so I can forward the final paperwork for signing?

Thank you,

Jasmin Lei
Permit Technician I
City of Oakland Planning and Building Department
250 Frank Ogawa Plaza, 2nd Floor, Oakland, CA 94612
(510) 238-2316

“* **COVID-19 Update:** Conditions and information relating to Planning and Building Department's operations are changing rapidly. Please check our [priority services during shelter-in-place webpage](#) for regular updates.”

The website has our most updated information.

COVID-19 Update - Conditions and information relating to Planning and Building Department's operations are changing rapidly; check for updates here:

<https://www.oaklandca.gov/news/2020/planning-building-department-response-to-shelter-in-place>

From: Lei, Jasmin <JLei@oaklandca.gov>
Sent: Friday, August 21, 2020 10:10 AM
To: cmiers@mierscottarchitects.com <cmiers@mierscottarchitects.com>
Cc: August, Karen <KAugust@oaklandca.gov>
Subject: 955 57th St (B2002151)- Application Status

Hi Craig,

Hope you're doing well. My apologies for long wait and thank you for being patient with us.

Your plans are currently under review with the plan checker. I will contact you later today to let you know of the status.

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Thank you,

Jasmin Lei
Permit Technician I
City of Oakland Planning and Building Department
250 Frank Ogawa Plaza, 2nd Floor, Oakland, CA 94612
(510) 238-2316

*** COVID-19 Update:** Conditions and information relating to Planning and Building Department's operations are changing rapidly. Please check our [priority services during shelter-in-place webpage](#) for regular updates."

The website has our most updated information.

DRX200655 - DRX @ 5655 LOWELL ST (aka 955 57th St)

Menu Save Reset Update View Log Reports Help

The Record updated successfully.

Record #
DRX200655

Opened Date
05/21/2020

Status
Approved

Type
Planning/Applications/Counter/DR Exemption

Application Name
DRX @ 5655 LOWELL ST (aka 955 57th St)

Assigned to Department Current Department **Assigned to Staff** Current User
Zoning Review Karen August

Description
DRX @ 5655 LOWELL ST (aka 955 57th St)

Repair, replacement of siding and windows as shown in plans.

Used address: 955 57th St
Legal address:

Parcel Number: 015 129800900
Address: 5655 LOWELL ST
Building Area Sq. Ft.: 16,016
Lot Size Sq. Ft.: 23,014.00
LandUse Discription: Light industrial

[check spelling](#)

Total Invoiced **Total Paid** **Balance**
84.92 84.92 0.00

System ID
20CAP-00000-11873

Steve Hassing

From: Lei, Jasmin <JLei@oaklandca.gov>
Sent: Friday, September 4, 2020 2:34 PM
To: Craig Miers
Cc: M Jara; Steve Hassing
Subject: Re: 090420-2 Suprema 955 57h Street B2002151
Attachments: 03 Acknowledgement of County Order 20-14 v060920.pdf

Hi Craig,

My apologies. We're actually on Health Order 20-14. I've attached the newest Acknowledgment form and also a link below to which you can access/ read the newest order issued by Alameda County.

Updated Order under FAQ: <https://covid-19.acgov.org/sip-faq.page?>

Thank you,

Jasmin Lei
Permit Technician I
City of Oakland Planning and Building Department
250 Frank Ogawa Plaza, 2nd Floor, Oakland, CA 94612
(510) 238-2316

“* **COVID-19 Update:** Conditions and information relating to Planning and Building Department's operations are changing rapidly. Please check our [priority services during shelter-in-place webpage](#) for regular updates.”

The website has our most updated information.

From: Craig Miers <cmiers@mierscottarchitects.com>
Sent: Friday, September 4, 2020 12:36 PM
To: Lei, Jasmin <JLei@oaklandca.gov>
Cc: M Jara <mmjara18@gmail.com>; Steve Hassing <sjh@hassinglaw.com>
Subject: RE: 090420-2 Suprema 955 57h Street B2002151

Jasmin
You provided the health order 20-04 not 20-10?

Craig.

Thank you.
If you have any questions or comments please contact us.
Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: Lei, Jasmin <JLei@oaklandca.gov>
Sent: Friday, September 4, 2020 12:33 PM
To: Craig Miers <cmiers@mierscottarchitects.com>
Cc: M Jara <mmjara18@gmail.com>
Subject: Re: 090420 Suprema 955 57h Street B2002151

Hi Craig,

Please let Miguel know so I can enter that information into our records.

For the time, please have him sign and return the attached Contractor's Declaration and 1-page County Acknowledgment form (stating that you have read over the Health Officer Order).

Thank you,

Jasmin Lei
Permit Technician I
City of Oakland Planning and Building Department
250 Frank Ogawa Plaza, 2nd Floor, Oakland, CA 94612
(510) 238-2316

“* **COVID-19 Update:** Conditions and information relating to Planning and Building Department's operations are changing rapidly. Please check our [priority services during shelter-in-place webpage](#) for regular updates.”

The website has our most updated information.

From: Craig Miers <cmiers@mierscottarchitects.com>
Sent: Friday, September 4, 2020 12:22 PM
To: Lei, Jasmin <JLei@oaklandca.gov>
Cc: M Jara <mmjara18@gmail.com>
Subject: 090420 Suprema 955 57h Street B2002151

Good Afternoon Jasmin
The address is 955 57th Street, (B2002151).
(I let Miguel know that you still needed Contractor's Name and License Number.

Thanks, be safe.
Craig.

Thank you.
If you have any questions or comments please contact us.
Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: Lei, Jasmin <JLei@oaklandca.gov>
Sent: Friday, September 4, 2020 12:01 PM

To: M Jara <mmjara18@gmail.com>
Cc: Craig Miers <cmiers@mierscottarchitects.com>
Subject: Re: Suprema

Hi Miguel,

Can you let me know what address this is for? I can check on the status.

Thank you,

Jasmin Lei
Permit Technician I
City of Oakland Planning and Building Department
250 Frank Ogawa Plaza, 2nd Floor, Oakland, CA 94612
(510) 238-2316

“* **COVID-19 Update:** Conditions and information relating to Planning and Building Department's operations are changing rapidly. Please check our [priority services during shelter-in-place webpage](#) for regular updates.”

The website has our most updated information.

From: M Jara <mmjara18@gmail.com>
Sent: Thursday, September 3, 2020 3:20 PM
To: Lei, Jasmin <JLei@oaklandca.gov>
Cc: Craig <cmiers@mierscottarchitects.com>
Subject: Suprema

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi Jasmin

When can I pick up my stamped plans. Do I have to do anything else ???

Thanks

Miguel jara
Suprema Meat

Steve Hassing

From: PermitInfo <PermitInfo@oaklandca.gov>
Sent: Thursday, October 21, 2021 12:01 PM
To: Craig Miers
Subject: Re: Planning submittal 955 57th Street, 102121

Craig,

OK with zoning, with this email -- no zoning permit / fee required for this project at this time -- apply for building permit when ready, with this email included, at:

permitinfo@oaklandca.gov

Aubrey Rose AICP
Planner III

*

Zoning OK
5655 Lowell St aka 955 57th St
Roof screen
ABR 10-21-2021

*****Please note that these emails are not reviewed in conversation format nor is it reviewed by the same person, so please include all required attachments in all new emails or replies if you are trying to provide additional supporting documentation. Thank you.*****

From: Craig Miers <cmiers@mierscottarchitects.com>
Sent: Thursday, October 21, 2021 10:48 AM
To: PermitInfo <PermitInfo@oaklandca.gov>
Subject: Planning submittal 955 57th Street, 102121

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Good Morning.

Attached is our submittal for the Planning Department to add a roof screen along Lowell for the Building located at 955 57th Street.

1. Planning Application
2. Planning Documents
3. Illustration of proposed deck material
4. We did not include a photo of the deck material, per the request not to send any photographs.

Please let us know if there are any other documents you need for this submittal.

Thank you.

Craig.

Thank you.

If you have any questions or comments please contact us.

Craig Miers, AIA

Craig Miers + George Scott Architects, llp

1624 Santa Clara Drive, Suite 230

Roseville, CA 95661

(916) 780-0100

MICHAEL ROUSH, HEARING OFFICER

CITY OF OAKLAND)
)
 v.)
)
 955 57TH LLC, Appellant)
)
)
)
)
)

Complaint #1303769
Parcel No. 015 129800900
Appellant's Pre-Hearing Brief
May 23, 2023
1:30 P.M.

APPELLANT'S LIST OF EXHIBITS

1. Withdrawn as City's version of the October 20, 2014 Compliance Plan is more complete.
2. February 7, 2018 Letter from city regarding PLN14-303
3. February 19, 2018 Appeal of Zoning Administrator's Decision to Planning Commission
4. June 27, 2022 Notice of Declaration of Public Nuisance
5. July 18, 2022 Administrative Appeal
6. January 24-28 three page email exchange between Miers, Jonsson, and Marvin
7. January 26-February 2, 2015 email exchange between Jonsson, Jara, Miers, et al.
- 8, 11, 13, 14, 20, 21, No Exhibit**
9. October 30, 2014 email exchange between Jonsson and Miers
10. May 14, 2020 Application for Development Review
12. August 21, 2020 email exchange between Miers and Lei
15. May 21, 2020 DRX200655 5655 Lowell St. Receipt for Planning Application
16. September 3 and 4, 2020 email exchange between Jara, Lei, and Miers
17. October 21, 2021 email exchange between Miers and Rose
18. 11 pictures bates stamped SM 075-093
19. Picture bates stamped SM-078
22. Picture bates stamped SM-089 through 096
23. Four page Inspection History for Permit B2002151 April 16, 2021-April 6, 2023
24. March 8, 2023 Remittitur from Court of Appeal

Also attached are the following which may or may not be offered as exhibits.

- (1) a letter dated April 8, Hassing to Bears
- (2) an April 12 email exchange between Mr. Bears and Hassing with Hassing April 12 letter
- (3) an email exchange between Hassing and Bears dated May 10, and
- (4) an email exchange between Hassing and Bears dated May 12.



CITY OF OAKLAND

DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • SUITE 3315 • OAKLAND, CALIFORNIA 94612

Planning and Building Department
Bureau of Planning

(510) 238-3941

FAX (510) 238-6538

TDD (510) 238-3254

Sent via U.S. Mail and Electronic Mail

February 7, 2018

Miguel Jara
Suprema Meats
955 57th Street, LLC
955 57th Street
Oakland, California 94608

Steven J. Hassing
Law Offices of Steven J. Hassing
425 Calabria Court
Roseville, California 95747

Craig Miers, Architect
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661

RE: Case File No. PLN14-303; 955 57th, Street, Oakland, CA 94608 (APN: 015 129800900)

Dear Messrs. Jara, Hassing, and Miers,

Your application, as described below, has been **APPROVED**, in part, and **DENIED**, in part, for the reasons stated in Attachment A, which contains the findings required to support these decisions. Attachment B contains the Conditions of Approval for the project. This decision is effective ten (10) days after the date of this letter unless appealed as explained below.

The following table summarizes the proposed project:

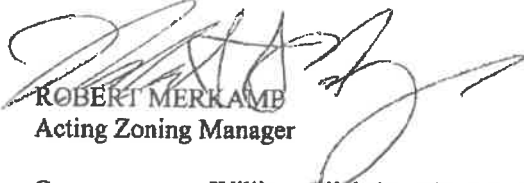
Proposal:	To legalize unpermitted canopy, unloading dock and entry sliding fence/gate on 57th Street; and to construct a loading dock with opening gates on Lowell Street, including making exterior building alterations to the existing transport and warehouse facility.
Planning Permits Required:	Minor Conditional Use permit for unpermitted canopies; Minor Variance to reduce side yard setback where 5 feet is required and 0 feet is proposed; and Regular Design Review for unpermitted canopies, loading dock, entry sliding gate/fence. It includes a new loading dock and exterior alterations to building.
General Plan:	Housing and Business Mix
Zoning:	HBX-1
Environmental Determination:	15301-Existing Facilities 15183-Projects Consistent with a Community Plan or Zoning
Historic Status:	OCHS Rating: Dc3
Service Delivery District:	2
City Council District:	1

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the date of this letter, (by 4:00 pm on Feb 20th, 2018). An appeal shall be on a form provided by the Bureau of Planning of the Planning and building Department, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of Heather Klein, Planner IV. The appeal shall identify the specific action or actions objected to, the action appellant requests City to take, the reason for the appeal; and must additionally provide evidence of a claim of error or abuse of discretion by the Zoning Manager or that his/her decision is not supported by substantial evidence. The appeal must include payment of \$1,622.57 in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter.

A signed Notice of Exemption (NOE) is enclosed certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$50.00 made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of Heather Klein, Planner IV. Pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines, recordation of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA.

If you have any questions, please contact the Supervising District Planner, Heather Klein, at (510) 238-3659 or hklein@oaklandnet.com, however, this does not substitute for filing of an appeal as described above.

Very Truly Yours,



ROBERT MERKAMB
Acting Zoning Manager

Cc: William Gilchrist, Director, Planning and Building Department
Darin Ranelletti, Deputy Director, Bureau of Planning
Greg Minor, City Administrator's Office
Peter Spoerl, Deputy City Attorney
Elias Ferran, Deputy City Attorney
Bill Quesada, Zoning Inspections Manager
Chris Candell, Zoning Inspections

Neighbors Commenting on Zoning Permits:
Interested Parties Distribution List (emails and mailing list)

Attachments:

- A. Findings
- B. Conditions of Approval, including Standard Conditions of Approvals

ATTACHMENT A: FINDINGS

In order to be approved in its entirety, this proposal is required to satisfy all of the following Findings: I. Code Section 17.134.050 (General Use Permit Criteria) for canopy and loading docks, II. Code Section 17.136.050.B (Regular Design Review Criteria – Nonresidential Facilities) for a 1,000-sq. ft. increase of the canopy, and III., Code Section 17.148.050 (Variance – Findings required) for the canopy within the side setback. Subject to Conditions of Approval, staff has made the Findings in support of the Conditional Use Permit and Design Review, but was not able to make all the required Findings for the Variance (Canopy within the side setback).

Required findings are shown in **bold type**; reasons the proposal satisfies or does not satisfy each are shown in normal type.

I. 17.134.050 GENERAL USE PERMIT CRITERIA.

Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all the following general use permit criteria, as well as to any and all other applicable use permit criteria:

- A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

The project includes minor modifications to an existing business which has operated for decades. The proposal to legalize an unpermitted canopy and the loading dock requires a Minor Conditional Use Permit as these facilities do not meet the definition of an accessory facility in Planning Code Section 17.10.70 because the facilities are unenclosed and considered an Open Non-Residential Facility. These elements provide shading for the temporary storage of refrigerated and frozen meat products as these products await loading into the facility or onto delivery trucks. As such, the canopy and loading is considered a Warehousing and Storage activity.

While the added roof area and other modifications listed will improve the operation and design of the facility, as a new non-residential activity and open facility, they will also result in more loading and unloading outside, potentially added noise, and visual intrusions. To address these issues, the City has imposed specific operational conditions of approval in conjunction with the approvals set forth under these findings detailing specific management and operational requirements for the continued use of the facility. Specifically, locating more deliveries to Lowell Street and inside, development and implementation of a delivery management plan, transportation improvements, truck loading and parking and noise measures are necessary to minimize the potential impacts on residential neighbors associated with the improvements. These measures will also address existing nuisances. The City will ensure compliance with the management through enforcement and reporting measures.

With compliance with the Conditions of Approval, the location, size, and design of the improvements will not have an adverse effect on the livability or development of abutting properties. The freezer area addition encloses the operation, reduces noise, and is compatible in materials and scale with the surrounding neighborhood. The canopy will be relocated outside the side setback and away from the residential neighbor. However, the continued use of the under-canopy area, should not negatively

affect the livability or appropriate development of abutting properties and the surrounding neighborhood character because with the unloading area on Lowell Street, vehicle traffic and noise adjacent to residential properties will be minimized as well as perceived bulk and mass. Furthermore, current ongoing impacts will be reduced by the redesign and reduced in the future by proposed Conditions of Approval related to traffic, noise, air quality and shadowing.

- B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

The project is convenient and functional to the area. It serves as an adjunct to restaurants in the region in that the facility provides meat and fish products to these businesses. The proposal does not change the overall site planning of the facility which has existed in roughly its current configuration for many years. The imposition of Conditions of Approval on business operations (which had previously been unregulated and unmonitored by the City) in association with the approvals supported by these findings will serve to improve both the business and the neighborhood nuisance complaints related to traffic, noise, air quality and shadowing will be reduced or resolved by the redesign of the facility and by implementation of Conditions of Approval included in this action.

- C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The essential function of the site is food distribution providing meat and fish products to businesses within Oakland and the region. The essential function of the surrounding area is residential. These properties will be enhanced through the implementation of the Conditions of Approval which will ensure active management of the food distribution operations, further control its impacts on neighbors, and retain a small business.

- D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050.**

This proposal is to add truck, traffic, noise and shade controlling elements to a warehousing facility which has existed in its present configuration for decades. The design modifications are primarily to shield the facility and neighbors from noise, sun, traffic and air quality effects. The modifications to the building involve less than one-quarter of the floor or building areas respectively, and meet the Design Review criteria for balanced design and efficient use of materials as described below.

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

The subject site is in the Housing and Business Mix (HBX) land use classification per the Land Use and Transportation Element (LUTE) of the Oakland General Plan. The HBX classification is intended to recognize the equal importance of both housing and business and intended to guide a transition from heavy industry to low impact light industrial and other businesses that can co-exist compatibly with residential development. Respect for environmental quality, coupled with opportunities for additional housing and neighborhood friendly businesses is desired, as well as the transition from industry that generates impacts detrimental for residences.

The HBX classification also notes that the desired character should include development of site specific buffers essential as specific conditions under which business and housing will co-exist. While the business and operations were previously considered “grandfathered”, construction of the canopy and loading dock are now considered a new principal facility and expansion of the overall use and footprint. As such, staff may impose Conditions of Approval related to the effects of these features and consistency with the intent (respect for environmental quality) and character (conditions to allow business and residential to co-exist). The delivery management plan, transportation improvements, truck loading and parking and noise measures are necessary to minimize the potential impacts on residential neighbors associated with the improvements as well as the existing nuisances and to move these activities to the more industrial façade along Lowell Street.

The proposed project, with the exception of the canopy structure in the side setback, conforms with the HBX classification. This business is existing and has located in the same location without restrictions. With implementation of the attached Conditions of Approval, impacts to residents related to traffic, noise and air quality and nuisances will be reduced. These Conditions are essential to the coexistence of the business and adjacent residential. Specifically, the project meets the following LUTE Objectives and Policies.

- Policy 1/C1.2 Retaining Existing Businesses- Existing businesses and jobs within Oakland which are consistent with long-range objectives of this plan should, whenever possible, be retained. *The existing business will be retained.*
- Objective 1/C4 Minimize land use compatibility conflicts in commercial and industrial areas through achieving a balance between economic development values and community values.
- Policy 1/C4.2 Minimizing Nuisances- The potential for new or existing industrial or commercial uses, including seaport and airport activities, to create nuisance impacts on surrounding residential land uses should be minimized through appropriate siting and efficient implementation and enforcement of environmental and development controls. *The project, with the Conditions of Approval, places restrictions on the business where none were previously and will reduce impacts on neighbors.*
- Objective T1.5 Reduce truck traffic impacts on residential neighborhoods. *Constructing new docks for loading and unloading along Lowell Street will reduce vehicle traffic impacts on 57th Street and locate impactful operations next to industrial activities and away from residential properties.*
- Policy N1.5 Designing Commercial Development – Commercial development should be designed in a manner that is sensitive to surrounding residential uses. *The project, with the relocation of the canopy out of the side setback, is designed to be more sensitive to surrounding residential properties. Specific features of the project include constructing new docks for unloading along Lowell Street to reduce vehicle traffic impacts on 57th Street and locate impactful operations next to industrial activities and away from residential, adding new traffic improvements, lighting and landscaping.*

The project is consistent with the HBX Design Guidelines as applicable. Specifically:

- **Design Objective #1:** Create a development pattern that encloses the street space by defining a street wall and street section while providing transitions from existing patterns and respecting the light and air of residential properties, if present. *The project does not involve new construction, only minor modifications to an existing commercial building. The street wall will*

remain the same. The freezer addition will be located on the interior of the property. The canopy will be moved away from the adjacent neighbor to reduce shadowing on that property.

- **Design Objective #2:** Site parking to maintain an attractive streetscape and preserve on-street parking. *The project does not involve new construction, only minor modifications to an existing commercial building. The unloading area off 57th Street will be screened by the new entry gate. Per the Conditions of Approval, no trucks owned or controlled by Suprema Meats Inc. shall park on 57th Street. The loading area off Lowell Street will ensure that truck parking and unloading activities are located near industrial activities and away from residential properties.*
- **Design Objective #3:** Integrate functional open space into the design of the site. *The project is not residential but includes minor modifications to an existing commercial business. This finding is not applicable.*
- **Design Objective #4:** Use design techniques to scale buildings appropriate to their location. *The project does not involve new construction, only minor modifications to an existing commercial building. The freezer addition is compatible in height and materials to the existing facility. The canopy will be reduced to the previous existing height, is appropriate to its location and will not increase overall building bulk or shadowing on the adjacent neighbor.*
- **Design Objective #5:** Consider a variety of architectural styles. *The project does not involve new construction, only minor modifications to an existing commercial building. The freezer addition is compatible in height and materials to the existing facility. The canopy will be compatible with the existing architecture.*
- **Design Objective #6:** Provide visual interest to street facing areas. *The project does not involve new construction, only minor modifications to an existing commercial building. The project will add a new entry and sliding gate which is appropriate to the context and the commercial building. The new windows will be compatible with what is existing. The new unloading zone will reduce vehicle traffic impacts on 57th Street and locate impactful operations next to industrial activities and away from residential properties.*
- **Design Objective #7:** Provide visual emphasis to buildings at street corners. *The project does not involve new construction, only minor modifications to an existing commercial building. No changes will occur at the street corner.*
- **Design Objective #8:** Provide well designed landscaping and buffering for street fronting yards, parking areas, nonresidential activities, and parking podiums. *The project, with implementation of the Conditions of Approval, will improve the streetscape with sidewalk, curb, gutter, catch basins, pavement grade adjustments, drainage improvements and appropriate landscaping.*

Finally, the project is not located within a district plan or other development control map.

**II. SECTION 17.136.050(B) - DESIGN REVIEW DISCRETIONARY CRITERIA:
NONRESIDENTIAL FACILITIES AND SIGNS.**

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors,

and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area.

The proposal includes minor modifications to an existing building. The canopy and freezer additions have been designed to facilitate operation of the food distribution business with minimum overflow of noise and other effects onto adjacent buildings, subject to new Conditions of Approval. Specifically, staff has included Conditions related to truck traffic, unloading, parking, washing, and management as well as acoustic buffering and street improvements. The additions fit the pattern of pre-existing industrial and warehousing facilities in the Lowell Street area with regard to arrangement, texture, materials, and colors.

- 2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.**

The applicant proposes to legalize existing improvements and make related modifications, while preserving most of the existing facilities unchanged. It has been designed with efficient industrial materials compatible with existing facilities. The proposed project will preserve the design characteristics of the existing industrial/warehousing facilities in the area but with minor operational changes. The Conditions of Approval imposed in conjunction with the approvals supported by these findings, will reduce traffic, noise and air quality impacts and nuisances on neighbors and protect the value of these properties while also retaining an existing legal business.

- 3. 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.**

See the Conditional Use Permit findings above.

III. SECTION 17.148.050(a) - MINOR VARIANCE FINDINGS:

The project involves canopies which are located closer than the Zoning standard of 5 feet from neighboring properties. A Minor Variance is required, which is **DENIED**, with findings for denial as follows from Oakland Planning Code Section 17.148.050(a). Since all the required Findings for Approval cannot be made, the Variance must be denied.

- 1. That strict compliance with the specified regulations would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.**

The project site has been used as a food distribution facility since the 1940s and previous buildings were built to the front and side property lines. However, the project site is a rectangular shape, approximately 23,000 sq. ft., flat and covered in either structure or parking/loading areas. There are no unique physical or topographical circumstances on site. No habitat, vegetation, or natural amenities exist onsite that should be avoided, and the site itself is sizeable. Staff could find no reason to support a finding of practical difficulty or unnecessary hardship.

Furthermore, the adjacent property is a residential dwelling unit, in a residential zone. The purpose of the Zoning regulations (Oakland Planning Code Section 17.07.030) is to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare." The purpose of the setback

regulations is to provide a buffer from activities occurring on adjacent properties and reduce potential nuisance issues. While retaining the canopy on the property line would provide operational efficiency for the business, it would not improve the livability for the neighbor or appearance or meet the intent of the regulation. Residential activities would not be buffered and open loading/unloading would occur closer to the property line. However, removing the portion of the canopy that encroaches into the 5-foot setback area and the subsequent reduction of the screening wall to its original height (approximately 9 to 10 feet) will reduce potential impacts on the neighbor. It will move activities away open loading/unloading activities away from the neighbor, reduce the shadow from the canopy on the neighboring property and reduce the building bulk along the shared property.

- 3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy;**

The variance, if granted, would adversely affect the character, livability, or appropriate development of abutting properties and would be detrimental to the public welfare or contrary to adopted plans or development policy. As noted above, retaining the canopy along the side property line would increase potential nuisance activities occurring closer to the property line. Furthermore, retaining the canopy structure as built within the setback area would increase shading and result in a closer building bulk to the immediately abutting residential neighbor.

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

The canopy located within the side setback does not meet the desired intent or desired character of the HBX land use classification. The HBX classification notes that the desired character should include development of site specific buffers essential as specific conditions under which business and housing will co-exist. A canopy along the property line would not provide such a buffer or minimize potential impacts to neighbors.

CEQA FINDINGS

The project includes the legalization of an unpermitted insulated panel canopy, loading dock and entry sliding fence/gate on 57th Street, construction of a dock with opening gates on Lowell Street, exterior building alterations (new and replaced windows, patching of plaster facade, height increase to freezer area), and landscaping and lighting.

Staff has evaluated the project pursuant to the California Environmental Quality Act (CEQA). Staff has denied the Minor Variance for the canopy in the side setback. This denial is exempt from environmental review per Statutory Exemption 15270 which states that CEQA does not apply to projects or portions of projects that are disapproved. Staff has also determined that the project, including construction of the canopy outside the setback and at a 9-10' height, is exempt from environmental review under Sections 15301, 15303, 15332 and 15183, each as a separate and independent basis, and when viewed collectively, as an overall basis for exemption from CEQA.

Section 15301 of the CEQA Guidelines exempts from CEQA review those facilities which are existing. This exemption includes projects and minor alterations that involve negligible or no expansion of use beyond that existing. The project site already contains a food distribution facility with no restriction on hours of operation, number of employees, number of shifts, noise control, and truck loading, parking,

washing, and management. As noted in the City's determination letter dated October 19, 2017, there was insufficient evidence to support a finding that there was a change or expansion of Suprema Meats operations in conjunction with the unpermitted work. Furthermore, the proposed changes, including the new docks and exterior changes, will also not result in an expansion of use with implementation of the Conditions of Approval. Specifically, the new dock for unloading will not increase truck trips but will relocate noise generating activities away from residential activities and along the property line adjacent to industrial activities. Additional restrictions regarding semi-truck and truck management will further restrict, as opposed to expand, operations at the site. Finally, accessory (appurtenant) structures such as garages, carports, patios and fencing (which are similar to canopies) and the entry gate/fence, landscaping, windows and façade changes are specifically described in the exemption.

Section 15303 of the CEQA Guidelines exempts from CEQA review the construction and location of a small facilities including buildings in urbanized areas that do not exceed 10,000 sf of floor area where facilities which are existing, do not involve hazardous waste substances and are in areas that are not environmentally sensitive; utilities and street improvements, and accessory (appurtenant) structures. The project includes a height increase to a 2,871-freezer area which would be under 10,000 sf floor area once constructed.

Section 15332 of the CEQA Guidelines exempts infill projects from CEQA review. While the food distribution facility is existing and no expansion will occur but rather will be restricted, the project is consistent with the General Plan and Zoning, is within city limits, is less than five acres in an urban area, and has no special studies species habitat. With implementation of the Conditions of Approval related to loading areas, truck parking, loading and unloading, and delivery management and traffic improvement, the project would not result in any significant traffic impacts. These Conditions, along with moving the canopy away from the side property side and acoustic noise and buffering, will reduce noise impacts and Conditions related to the loading areas, truck management, washing, and idling will reduce air quality impacts. Finally, the project site is already served by utilities and services.

This project doesn't trigger any of the exceptions in CEQA Section 15300.2 that would disqualify it for an exemption.

- The project is not located in a particularly sensitive environment. The project site has been used as distribution facility since the 1940s per the Oakland Cultural Heritage Survey. Also, according to this data and the City's Sanborn maps, the area has long been and continues to be a mix of industrial and single-family to small multi-family residential, and the building reflects food processing in 19th and 20th centuries.
- The project would not result in a cumulative impact of successive projects of the same type and the same place being significant. The site has been a food distribution since the 1940s with minor additions in 1950s prior to CEQA. Other improvements to the building have been made over the years which were ministerial building permits. The improvements are mainly to increase the efficiency of the operation. No expansion is anticipated and the improvements, with the Conditions of Approval, will restrict operations. No successive projects are anticipated.
- The project will not result the reasonable possibility that activity and changes will have a significant effect due to unusual circumstances. Again, the facility is existing and not proposed to expand operations. The surrounding area has not changed substantially regarding the land uses and remains both industrial and residential. Furthermore, with implementation of the Conditions of Approval, the use will be further restricted to alleviate impacts on neighbors.
- The project is not located near a scenic highway or on a hazardous waste site.
- The property is not a historic resource. The site was evaluated in 1994, and the City found in 1995 that the property was not a Potentially Designated Historic Property with a historic rating of Dc3.

Finally, as noted above, this project is also consistent with the City's General Plan and Zoning subject to Conditional Use Permit and Regular Design Review approval, consistent with CEQA Section 15183.

Attachment B: Conditions of Approval

This approval is subject to the following Conditions of Approval:

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, letter, and plans dated March 31, 2015 and submitted on April 2, 2015, as amended by the following conditions of approval. Any additional use 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 for the approved plans, Conditions of Approval or use shall be require prior approval from the Director of Planning and Building or designee. This action by the Zoning Manager includes the following:

- I. **Denial** of a Minor Variance to reduce side yard setback where 5 feet is required and 0 feet is proposed under Oakland Municipal Code Chapter 17.148 for the unpermitted expansion of the canopy structure;
- II. **Approval** of a Minor Conditional Use permit for Open Non-Residential Facilities (unpermitted loading dock) under Oakland Municipal Code Chapter 17.134, and partial approval for the unpermitted expansion of the canopy (see I., above);
- III. **Approval** of a Regular Design Review permit for the unpermitted loading dock and entry sliding gate/fence. It also includes approval for a new dock along Lowell Street and exterior alterations to the building under Oakland Municipal Code Chapter 17.136.

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire in **one (1) calendar year** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

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

4. Minor and Major Changes

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning.

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

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the "project applicant" or "applicant") shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant's expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this

Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

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

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

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

11. Compliance Matrix

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

12. Public Improvements

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

13. Graffiti Control**Requirement:**

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

14. Lighting

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

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

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.
- e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").
- i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. Asbestos in Structures

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

17. Archaeological and Paleontological Resources – Discovery During Construction

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

find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. Human Remains – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

19. Construction-Related Permit(s)

Requirement: The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

20. Hazardous Materials Related to Construction

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

- a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;
- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

21. Erosion and Sedimentation Control Measures for Construction

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

22. Site Design Measures to Reduce Stormwater Runoff

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged

to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following:

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

23. Source Control Measures to Limit Stormwater Pollution

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

- a. Stencil storm drain inlets "No Dumping – Drains to Bay;"
- b. Minimize the use of pesticides and fertilizers;
- c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;
- d. Cover trash, food waste, and compactor enclosures; and
- e. Plumb the following discharges to the sanitary sewer system, subject to City approval:
- f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
- g. Dumpster drips from covered trash, food waste, and compactor enclosures;
- h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
- i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
- j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

24. Construction Days/Hours

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.

c. No construction is allowed on Sunday or federal holidays.

Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

25. Construction Noise

Requirement: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

- a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.
- b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c. Applicant shall use temporary power poles instead of generators where feasible.
- d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

26. Extreme Construction Noise**a. *Construction Noise Management Plan Required***

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. *Public Notification Required*

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

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

27. Construction Activity in the Public Right-of-Way**a. *Obstruction Permit Required***

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. *Traffic Control Plan Required*

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

c. ***Repair of City Streets***

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

28. Construction and Demolition Waste Reduction and Recycling

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

29. Underground Utilities

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

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

PROJECT SPECIFIC CONDITIONS

30. Semi-truck Delivery Management Plan (operating hours)

Within 90-days of final Zoning Approval for unpermitted improvements (i.e. this permit)

The applicant shall schedule appointments to unload big-rig (semi-truck) deliveries one at a time along the Lowell Street dock between 7 am and 5 pm. No big-rig trucks delivering to Suprema may arrive anywhere on Lowell Street or within the immediate area prior to 7:00 am. Additional or early-arrival trucks must be held in reserve outside the residential area until the dock is clear. Trucks that are not being unloaded must remain at a lawful off-site location such as designated truck stops near the Port or freeways. The applicant shall implement this delivery management plan with all delivery vendors.

When Required: Within 90 days of Approval of Zoning Permit (i.e. this permit) and Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Planning and/or Bureau of Building

31. Transportation Improvements

Requirement: The applicant shall submit a plan for a new sidewalk, curb and gutter and street trees on the west side of Lowell Street between 57th Street and Aileen Street adjacent to Suprema's building and shall install such improvements to City of Oakland standards pursuant to a public-improvements project, consistent with the following:

- a) 60 foot right of way, City improvements 2015-2017
- b) 42 foot right of way curb to curb; centerline to be adjusted by City
- c) 9-foot sidewalk to be installed with applicant assistance, including street trees
- d) Utility poles to be relocated at applicant cost, in concert with utilities and City Public Works, unless this condition (Condition 31d) is waived by Public Works
- e) Applicant to post signs, consistent with Condition 30, approved by City Public Works, regarding parking and unloading of trucks (time, place, manner) to minimize effects on neighbors; these signs are to be in the right-of-way on poles.

When Required: Plan submittal required prior to building permit issuance with completion of improvements within 90 days of building permit issuance;

Initial Approval: Bureau of Building; Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

32. Washing of Trucks

Ongoing

No washing of trucks shall occur on Suprema property including the property currently owned by Suprema located across Lowell Street from the warehouse. Truck washing shall occur at commercial truck washing facilities.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

33. Streetscape Landscaping***Prior to issuance of building permit (or other construction-related permit)***

The applicant shall coordinate with the Public Works Department as appropriate to determine suitable landscaping to be installed, such as street trees. As part of submittal of revised plans, the applicant shall also propose landscaping to be installed adjacent to the two-story portion of the building along Lowell Street.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

34. Gate Screening***Prior to issuance of building permit (or other construction-related permit)***

As part of submittal of permit plans, the applicant shall propose screening material such as slats or solid materials with sound attenuating characteristics, behind the gate and fence system on 57th Street, and shall install screening material upon approval and as part of this permit.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

35. Street Improvements and Loading System***Prior to issuance of building permit (or other construction-related permit) and ongoing***

Plans shall be revised within 30 days of approval of this permit to indicate a new dock facility for at least one delivery truck along Lowell Street (east elevation), and related public Right-of-Way improvements shall be made along the property's Lowell Street frontage (from 57th Street to Aileen Street) as needed to accommodate unloading of big rig trucks (semi-tractor trailer trucks). These public improvements shall be designed to City standards and shall include a sidewalk, curb, gutter, catch basins, pavement grade adjustments and any drainage improvements as needed per and to the satisfaction of the City Engineer (see COA #27). The construction of these improvements shall occur within 180 days of final zoning approval (or from the final decision under the City Appeal procedures, if applicable). Unloading of trucks on Lowell Street shall occur directly from the truck into the east side of the building. No unloading activity is allowed on 57th Street.

When Required: Ongoing

Initial Approval: Bureau of Planning and Bureau of Building

Monitoring/Inspection: Bureau of Building

36. Truck Loading***Ongoing***

The applicant shall not load/unload big rig trucks (semi-tractor trailer trucks) or any other trucks within the 57th Street right-of-way.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

37. Truck Parking***Ongoing***

No trucks owned or controlled by Suprema Meats Inc. shall park on 57th Street.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

38. Truck Delivery Management***Ongoing***

The applicant agrees to discontinue all delivery staging activities (i.e. movement of vehicles, equipment, and product into position for loading), vehicle loading and unloading activities, and vehicle & equipment maintenance activities at the 57th Street open loading facility between the hours of 8 pm and 7 am (daily). The foregoing sentence excludes the movement of pre-loaded vehicles leaving on delivery, which shall be limited as follows: Suprema shall limit all delivery activity noise generated from Suprema's 57th Street open loading facility between 8pm and 7 am (daily) to two 3-minute windows of time during which a maximum of 3 pre-loaded delivery trucks can be started and can exit the property during each of the said 3-minute windows (maximum of 6 delivery truck exits total). Said 3-minute windows shall not occur before 5:00 am.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

39. Modification of unpermitted portion of canopy structure within 5' setback area***Prior to issuance of building permits***

Plans shall be revised within 30 days of approval of this permit to indicate the removal of the five-foot (5') section of canopy roof and any supporting appurtenances along the west perimeter of the property. Removal of the 5' section shall occur within 90 days of approval of this permit. Canopy and vertical wall elements may be constructed outside the 5' side setback and at the original 9-10' height.

When Required: Ongoing

Initial Approval: Bureau of Planning and Bureau of Building

Monitoring/Inspection: Bureau of Building

40. Acoustical Buffering and Noise Prevention

The applicant shall install, with permits, acoustical buffering and baffling below metal shade structures to limit the extent of noise which bounces off the structure toward residential properties. The applicant shall follow the recommendations of the 2015 Wilson and Ihrig noise study on file with the Zoning Manager which are incorporated herein by reference, including but not limited to:

- a. Sound barrier walls around all existing rooftop refrigeration units
- b. Seal gaps between sound barrier walls and roofs
- c. Provide airfoil fan blades on condensers
- d. Install mufflers on compressors

When Required: Prior to final inspections of building permits and Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

41. Permit Binding on Successors

Suprema hereby agrees that the conditions stated herein will be incorporated as terms of any agreement to lease, or sell the real property, any agreement to sell purchase and sale or transfer the business operating at the site that may be entered into between them and all potential lessee/purchaser for the Property or the business. Suprema further agree that their successors in interest, assigns, heirs and transferees will be bound by obligations herein, and they likewise will attach and incorporate all conditions stated herein into any lease or purchase and sale agreement for the Property or the business.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

42. Enforcement

Within 90-days of final Zoning Approval for unpermitted improvements (i.e. this permit)

The project applicant shall install/maintain at least two (2) video cameras along Lowell Street and one (1) on 57th Street with specific locations to be approved by the Zoning Manager, to monitor truck movements as well as the other Conditions. The video tapes shall include date and time information and shall be made available to the Zoning Manager and Inspections Manager for review upon request. If the tapes disclose violations of this or other conditions, the Zoning Manager and/or Inspections Manager or designee shall require compliance and may begin revocation proceedings if more than three violations are verified in any 30-day period.

When Required: Within 90 days of Approval of Zoning Permit (i.e. this permit) and Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Planning and/or Bureau of Building

43. Compliance Plan

While this approval may address or supersede some measures within the Compliance Plan signed by the applicant on October 20, 2014, the Compliance Plan is a stand-alone document and compliance with the Plan shall still be required.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Planning and/or Bureau of Building

Applicant Statement

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

Name of Project Applicant

Signature of Project Applicant

Date

City of Oakland
Community and Economic Development Agency
Zoning Division
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

NOTICE OF EXEMPTION

TO: Alameda County Clerk
1106 Madison Street
Oakland, CA 94612

Project Title: Suprema Meats-

Case No. PLN14-303

Applicant: Craig Miers, Architect

Project Location: 955 57th Street, Oakland, CA 94610

Project Description: Minor Conditional Use permit, Minor Variance, and Regular Design Review to legalize an unpermitted canopy at the rear and side of the property, rear loading dock and entry sliding fence/gate on 57th Street; and to construct a loading dock with opening gates on Lowell Street, including making exterior building alterations to the existing transport and warehouse facility.

Exempt Status:

Statutory Exemptions

Categorical Exemptions

- | | |
|--|---|
| <input type="checkbox"/> Ministerial {Sec.15268} | <input checked="" type="checkbox"/> Existing Facilities {Sec.15301} |
| <input type="checkbox"/> Feasibility/Planning Study {Sec.15262} | <input type="checkbox"/> Replacement or Reconstruction {Sec.15302} |
| <input type="checkbox"/> Emergency Project {Sec.15269} | <input checked="" type="checkbox"/> Small Structures {Sec.15303} |
| <input type="checkbox"/> Other: {Sec._____} | <input type="checkbox"/> Minor Alterations {Sec.15304} |
| <input checked="" type="checkbox"/> Disapproved Projects {Sec.15270} | <input checked="" type="checkbox"/> Infill Projects {Sec. 15332} |
| | <input type="checkbox"/> General Rule {Sec.15061(b)(3)} |

Other

- Projects consistent with a community plan, general plan or zoning {Sec. 15183(f)}
- _____ (Sec. _____)

Reasons why project is exempt: Staff has denied the Minor Variance for the canopy in the side setback. This denial is exempt from environmental review per Statutory Exemption 15270 which notes that CEQA does not apply to projects that are disapproved. Staff has also determined that the project, including construction of the canopy outside the setback, is exempt from environmental review under Sections 15301, 15303 and 15183, each as a separate and independent basis, and when viewed collectively, as an overall basis for CEQA clearance.

Section 15301 of the CEQA Guidelines exempts from CEQA review those facilities which are existing. This exemption includes projects and minor alterations that involve negligible or no expansion of use beyond that existing. The project site already contains a food distribution facility with no restrictions. The changes to be legalized and those proposed will not result in an expansion of use, truck trips, noise with implementation of the Conditions of Approval. In addition, accessory (appurtenant) structures such as garages, carports, patios and fencing and the entry gate/fence, landscaping, windows and façade changes are specifically described in the exemption.

Section 15303 of the CEQA Guidelines exempts from CEQA review the construction and location of a small facilities including buildings in urbanized areas that do not exceed 10,000 sf of floor area where facilities which are existing, do not involve hazardous waste substances and are in areas that are not environmentally sensitive; utilities

and street improvements, and accessory (appurtenant) structures. The project includes a height increase to a 2,871-freezer area which would be under 10,000 sf floor area once constructed.

This project doesn't trigger any of the exceptions in CEQA Section 15300.2 that would disqualify it for an exemption. The project is not located in a particularly sensitive environment and would not result in a cumulative impact of successive projects of the same type and the same place being significant. The project site has been used as distribution facility since the 1940's per the Oakland Cultural Heritage Survey. Minor additions were approved in the 1950's prior to CEQA and other later improvements have been made over the years which were ministerial building permits not subject to CEQA. No expansion is anticipated and the improvements with the Conditions of Approval will restrict the operations. No successive projects are anticipated. The project will not result the reasonable possibility that activity and changes will have a significant effect due to unusual circumstances. Again, the facility is existing and not proposed to expand operations. The surrounding area has not changed substantially regarding the uses in the area and remains both industrial and residential. Furthermore, with implementation of the Conditions of Approval, the use will be further restricted to alleviate noise, air quality and traffic impacts on neighbors. The project is not located near a scenic highway or on a hazardous waste site. The property is not a historic resource.


Section 15332 of the CEQA Guidelines exempts from CEQA review infill projects that are consistent with the General Plan and Zoning, are within city limits, are less than 5 acres in an urban area, have no special studies species habitat, would not result in any significant traffic, air quality or noise impacts, and are served by utilities and services.

Finally, per Section 15183 of the CEQA Guidelines, the project is consistent with the City of Oakland's General Plan.

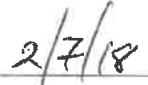
Lead Agency: City of Oakland, Community and Economic Development Agency, Zoning Division, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612

Department/Contact Person: Heather Klein, Planner IV

Phone: 510-238-3659



Signature (Robert Merkamp, Acting Zoning Manager)



Date:

Pursuant to Section 711.4(d)(1) of the Fish and Game Code, statutory and categorical exemptions are also exempt from Department of Fish and Game filing fees.



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

PROJECT INFORMATION

Case No. of Appealed Project: PLN 14-303
 Project Address of Appealed Project: 955 57th STREET, OAKLAND, CA
 Assigned Case Planner/City Staff: Heather Klein

APPELLANT INFORMATION:

Printed Name: STEVEN J HASSING for Phone Number (916) 677-1776 office
Suprema Mats, Inc
 Mailing Address: 955 57th LLC Alternate Contact Number: (916) 412-5847 cell
425 CALAGRIA COURT
 City/Zip Code Roseville, CA 95247 Representing: Suprema Mats, Inc
 Email: sjh@hassinglaw.com and 955 57th LLC
by STEVEN J. HASSING, Attorney

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) use permit / Design Review / Combinations

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 Sec. 17.152.150 &/or 17.156.160)
 - Other (please specify) use permit (see attached)
- SR #1162257 enclosed.

(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) _____

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. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.

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.)*


See pages 1-11 with exhibit "A-D" Attached

1622.57 enclosed by check # 6196

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.)*

(Continued on reverse)

(Continued)


Signature of Appellant or Representative of
Appealing Organization

Att. For appellants

Feb 19, 2018
Date

TO BE COMPLETED BY STAFF BASED ON APPEAL TYPE AND APPLICABLE FEE

APPEAL FEE: \$ _____

Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

Below For Staff Use Only

Date/Time Received Stamp Below:

Cashier's Receipt Stamp Below:

CONTINUATION OF PAGE 2
APPEAL FROM DECISIONS AND INTERPRETATIONS
OF CITY OF OAKLAND PLANNING DEPARTMENT

In approving and partially approving Appellant's applications with conditions City of Oakland Planning Department committed error and abuse of discretion and made decisions and determinations which are not supported by substantial evidence, and in many instances, not supported by any evidence.

Introduction

Although this introduction has no bearing on Appellant's assignment of error, abuse of discretion and failure to make findings supported by substantial evidence, it should clarify certain misconceptions held by City Planning.

Appellant is in the process of complying with that part of the Compliance Plan necessary to relieve it of further participation thereunder. There is also a separate law suit now pending in Alameda County Superior Court seeking determination of Appellant's and City's rights and responsibilities under the Compliance Plan aimed at having the Compliance Plan declared terminated.

Appellant entered into the Compliance Plan in good faith in October of 2014 but, to the prejudice of Appellant, City unreasonably and inexplicably delayed action on Appellant's applications until February 7, 2018. Further, City has unfairly used the Compliance Plan as weapon against Suprema in a wrongful attempt to aid and assist Kim Lucas in her quest to cause Appellant to move from City of Oakland. For example, in 2015, City cited Appellant for 22 instances of violation of the Compliance Plan via forklift movement and 11 instances of nuisance. After two and a half years of litigation, including review by the First District Court of Appeal which found partially in favor of Appellants, City has been shown to have improperly cited Appellant in 28 of those 33 instances. In short, appellant will likely not be constructing a loading dock along Lowell.

THE FOLLOWING ARE FINDINGS, WHICH, UNLESS
OTHERWISE NOTED, ARE APPEALED BECAUSE THEY
ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE, ARE
ERRONEOUS AND THEY CONSTITUTE ABUSE OF DISCRETION

1. The proposal to legalize an unpermitted loading dock requires a Minor Conditional Use Permit. (§ I.A of Findings).
2. The loading dock is an unenclosed facility and therefore considered an Open Non-Residential Facility. (§ I.A of Findings).
3. The loading dock does not meet the definition of an accessory facility in Planning Code Section 17.10.70. (§ I.A of Findings).

4. All but the west 5 feet of the canopy will constitute a new non-residential activity and open facility. (§ I.A of Findings).
5. The canopy does not meet the definition of an accessory facility in Planning Code Section 17.10.70. (§ I.A of Findings).
6. Construction of the loading dock is considered a new principal facility. (§ I.E of Findings). Please see Exhibit "A" attached consisting of two pictures of the unpermitted loading dock.
7. Construction of the loading dock is considered an expansion of the overall use and footprint. (§ I.E of Findings).
8. The canopy and loading [dock] is considered a Warehousing and Storage activity. (§ I.A. of Findings).

Evidence and Legal Argument No 1; Pertaining to 1-8 Above

"**Accessory Facility**" means a facility, other than a sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable conditions set forth in §17.10.070.

"**Accessory Structure**" means a building or facility, other than a sign, which is incidental to, and customarily associated with, a specified principal facility, and which meets the applicable regulations set forth in Title 17 of the Oakland Planning Code.

In addition to the principal facilities expressly included therein, each Nonresidential Facility type shall be deemed to include such facilities as are customarily associated with, and are appropriate, incidental, and subordinate to, such a principal facility; are located on the same lot as such principal facility; and meet the further conditions set forth hereinafter. Such accessory facilities shall be controlled in the same manner as the principal facilities within such type except as otherwise expressly provided in the zoning regulations. They include but are not limited to off-street parking and **loading facilities** if they are reserved for employees or other persons utilizing the principal facility. (OPC § 17.10.70A).

Unenclosed storage and service areas other than those listed elsewhere in this section, (i.e. OPC § 17.10.70A), qualify as accessory to a principal only if they do not exceed two hundred square feet each and are used for the temporary storage of trash; (OPC §17.10.070 C). Appellant's loading dock, canopy and staging area are not storage areas.

Warehousing, Storage and Distribution activities are classified as "Industrial Activities". (OPC §17.10.030D) (OPC §17.10.540). They include the warehousing and storage, primarily within enclosed buildings, of commercial goods and the associated distribution activities that occur on-site prior to delivery of goods to wholesale and retail outlets or direct shipment to customers. These activities may also include ancillary truck parking and dispatching; and accessory outdoor

storage areas where outdoor storage, not including parking and loading areas, does not occupy more than thirty percent (30%) of the total site area. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040. (OPC §17.10.583A). No storage takes place in Appellant's open parking and loading area.

Appellant's loading area, dock and canopy qualify as accessory facilities because they are facilities as are customarily associated with, and are appropriate, incidental, and subordinate to, such its principal facility.

A "Facility" is defined by the Planning Code as a structure, open area, or other physical contrivance or object. (OPC §17.09.040) (OPC §17.10.020).

A "Structure" is defined by the Planning Code as any facility which is constructed or erected, and which is located on the ground or is attached to something having location on the ground. (OPC §17.09.040).

A "Footprint" is defined by the Planning Code as the total land area covered by all structures on a lot, measured from outside of all exterior walls and supporting columns, including residences, garages, covered carports, and accessory structures. (OPC §17.09.040).

Any proposal which conforms to the General Plan and which is permitted or conditionally permitted by the Zoning and/or Subdivision Regulations shall be processed in accordance with such code and/or regulations. (OPC §17.01.100A). It is only if the proposal conforms with the General Plan but is not permitted by the Zoning Regulations that approval depends upon obtaining a conditional use permit pursuant to Chapter 17.134.

9. The canopy will result in more loading and unloading outside, potentially added noise, and visual intrusions. (§ I.A of Findings).
10. The loading dock will result in more loading and unloading outside, potentially added noise, and visual intrusions. (§ I.A of Findings).
11. Use of the canopy in a manner which creates minimal impact on neighbors requires that The Conditions of Approval now imposed be implemented to reduce nuisances. (§ II. #2 of Findings).
12. Use of the canopy (after the west five feet have been removed) in a manner which creates minimal impact on neighbors requires that The Conditions of Approval now imposed be implemented to reduce noise impacts. (§ II. #2 of Findings).
13. Use of the loading dock in a manner which creates minimal impact on neighbors requires that The Conditions of Approval now imposed be implemented to reduce traffic impacts. (§ II. #2 of Findings).

14. Use of the loading dock in a manner which creates minimal impact on neighbors requires that The Conditions of Approval now imposed be implemented to reduce nuisances. (§ II. #2 of Findings).
15. The specific operational conditions of approval the City is attempting to require, i.e., locating more deliveries to Lowell Street and inside, development and implementation of a delivery management plan, transportation improvements, truck loading and parking and noise measures will address the new and additional loading, unloading, added noise and visual intrusions caused by the loading dock and canopy. (§ I.A of Findings).
16. The development and implementation of a delivery management plan, transportation improvements, truck loading and parking and noise measures are necessary to minimize the potential impacts on residential neighbors associated with the unpermitted loading dock and canopy. (§ I.A of Findings).
17. The loading dock is creating nuisances not existing before the dock was created. (§ I.A of Findings).
18. The canopy (except for the west 5 feet thereof) is creating nuisances not existing before it was built. (§ I.A of Findings).
19. The proposal is to add truck, traffic and noise elements to a warehouse facility. (§ I.D of Findings).
20. City staff may impose Conditions of Approval related to the effects of the loading dock. (§ I.D of Findings).
21. The delivery management plan, transportation improvements, truck loading and parking and noise measures are necessary to minimize the potential impacts on residential neighbors associated with the loading dock and canopy. (§ I.D of Findings).
22. City found that its staff may impose Conditions of Approval related to the effects of the “these features” but failed to describe to what “feature” it was referring other than the loading dock. (§ I.D of Findings).
23. City found that its staff may impose Conditions of Approval related to the effects of the “these features” (loading dock and canopy?) but went on to find “and consistency with the intent (respect for environmental quality) and character (conditions to allow business and residential to co-exist)” which is unintelligible and makes no sense. (§ I.D of Findings).
24. Implementation of the Conditions of Approval reduces impacts on residents related to traffic. (§ I.D of Findings).
25. Implementation of the Conditions of Approval reduces impacts on residents related to noise. (§ I.D of Findings).

26. The delivery management plan, transportation improvements, truck loading and parking and noise measures are necessary to move loading activities to the more industrial façade along Lowell Street. (§ I.D of Findings).

27. The Conditions of Approval are essential to the coexistence of the business and adjacent residential. (§ I.D of Findings).

Evidence and Legal Argument No 2: Pertaining to 9-27 Above

There is absolutely no evidence that the unpermitted loading dock or canopy has increased loading or unloading, increased noise or that the dock increased visual intrusions. With respect to the loading dock the exact opposite is true. Before the dock was put in it took three men fifteen minutes to load one truck. With the dock it takes two men five minutes. Before the dock a pallet jack removed a pallet of product from the freezer, driving it to the back of the truck and then dropping it.

Next a forklift picked the pallet up and placed it into the truck. Once in the truck, a man in the truck, using a hand jack, turned the load around and walked it back towards the front of the truck. The hand jacks are only made with metal wheels that make unwelcome noise when rolled on the aluminum bed of a truck. But with the dock, the pallet jack that removes the product from the freezer moves right into the truck on its polyurethane wheels and puts the load in place. Using the dock is much faster and much quieter than loading trucks without the dock.

Further, Suprema would be loading exactly the same number of trucks with or without the unpermitted dock or canopy which, incidentally, serves to keep a certain amount of noise from reaching the street.

Moreover, use of the dock enables Suprema to load one truck at a time and then park it for the night. Before the dock was built Suprema backed two trucks in for loading and loaded four on 57th. Accordingly, without the dock there is far more truck noise and traffic impacts than with it.

Finally, the existing loading dock is exempt from design review pursuant to OPC 17.136.025 A 1-5 and B1g.

Any proposal which conforms to the General Plan and which is permitted or conditionally permitted by the Zoning and/or Subdivision Regulations shall be processed in accordance with such code and/or regulations. (OPC §17.01.100A). It is only if the proposal conforms with the General Plan but is not permitted by the Zoning Regulations that approval depends upon obtaining a conditional use permit pursuant to Chapter 17.134.

28. The development and implementation of a delivery management plan, transportation improvements, truck loading and parking and noise measures will address existing nuisances. (§ I.A of Findings).

29. Neighborhood nuisance complaints related to air quality will be reduced or resolved by the redesign of the facility and by implementation of the imposed Conditions of Approval. (§ I.B of Findings).

30. The delivery management plan, transportation improvements, truck loading and parking and noise measures are necessary to minimize existing nuisances. (§ I.D of Findings).

31. Implementation of the Conditions of Approval will reduce nuisances. (§ I.D of Findings).

32. Use of the canopy (after the west five feet have been removed) in a manner which creates minimal impact on neighbors requires that The Conditions of Approval now imposed be implemented to reduce nuisances. (§ II. #2 of Findings).

33. Use of the loading dock in a manner which creates minimal impact on neighbors requires that The Conditions of Approval now imposed be implemented to reduce nuisances. (Sec II. #2 of Findings).

Evidence and Legal Argument No 3; Pertaining to 28-33 Above

Appellant has never been found to have created a nuisance, private or public. In fact, the one time that City of Oakland cited Appellant for eleven separate instances of nuisance the City's own Hearing Examiner, on November 19, 2015, chided the City in his written findings and decision, writing;

The City of Oakland has a noise control ordinance. This ordinance should have been used for any alleged noise complaint violations. The fact that it was not used was clear error and/or abuse of discretion.

Even since, City has hired noise experts to try and catch Suprema violating noise ordinances. No noise nuisance citations or notices of violation have been issued. Accordingly, to cite to *nuisances* (instead of simply neighbor complaints) when there have been no finding of nuisance, is error and abuse of discretion. Moreover, the existing loading dock is exempt from design review pursuant to OPC 17.136.025 A 1-5 and B1g.

Any proposal which conforms to the General Plan and which is permitted or conditionally permitted by the Zoning and/or Subdivision Regulations shall be processed in accordance with such code and/or regulations. (OPC §17.01.100A). It is only if the proposal conforms with the General Plan but is not permitted by the Zoning Regulations that approval depends upon obtaining a conditional use permit pursuant to Chapter 17.134.

34. Implementation of the Conditions of Approval reduces impacts on residents related to air quality. (§ I.D of Findings).

35. Use of the canopy (after the west five feet have been removed) in a manner which creates minimal impact on neighbors requires that The Conditions of Approval now imposed be implemented to reduce air quality impacts. (§ II. #2 of Findings).

36. Use of the loading dock in a manner which creates minimal impact on neighbors requires that The Conditions of Approval now imposed be implemented to reduce air quality impacts § II. #2 of Findings).

Evidence and Legal Argument No 4: Pertaining to 34-36 Above

There is no evidence to support the contention that the loading dock and canopy have in anyway impacted air quality, making it worse than it was before the loading dock and canopy were installed. Moreover, the existing loading dock is exempt from design review pursuant to OPC 17.136.025 A1-5 and B1g.

The purpose of the provisions of the *conditional use permit procedure* is to prescribe the procedure for the accommodation of uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval. This procedure shall apply to all proposals for which a conditional use permit is *required* by the zoning regulations.

(OPC 17.134.010)

37. The Conditions of Approval related to truck traffic, unloading, parking, washing, and management, acoustic buffering and street improvements are necessary to insure that the freezer addition will operate with minimum overflow of noise and other effects onto adjacent buildings. (§ II. #1 of Findings).

Evidence and Legal Argument No 4: Pertaining to 37 Above

There is no evidence to support the contention that modifications made to the freezer impact or are impacted by truck traffic, unloading, parking, washing and management, or street improvements.

The provisions of this Chapter shall be known as the design review procedure. The purpose of these provisions is to prescribe the procedure for the review of proposals located in areas or on sites, or involving uses, which require special design treatment and consideration of relationships to the physical surroundings. This procedure shall apply to all proposals for which design review is required by the zoning regulations. **(OPC 17.136.010)**

38. If the canopy is retained as it has been constructed, open loading/unloading would occur closer to the property line. (§ III. #2 of Findings).

39. Removing the portion of the canopy that encroaches into the 5 foot setback area and the reduction of the screening wall to its original height (approximately 9 to 10 feet) will move open loading/unloading activities away from the neighbor. (§ III. #2 of Findings).

40. Retaining the canopy along the side property line would increase potential nuisance activities occurring closer to the property line. (§ III. #3 of Findings).

Evidence and Legal Argument No x; Pertaining to 38-40 Above

There is absolutely no evidence, in fact it is totally false, that if the canopy and the loading dock were both to be removed that loading activities would not take place as close to the west property line as they now do. In fact, with the loading dock, each truck is loaded 20 feet east of Appellant's western property line and neighbor to the west. If the dock is removed, Appellant will pull three trucks in instead of one and load all three. The third truck would be right at the property line between Appellant and his neighbor to the west.

CONDITIONS OF APPROVAL

II. Approval of a Minor Conditional Use permit for **Open Non-Residential Facilities** (unpermitted loading dock) under OMC Chapter 17.134, and partial approval for the unpermitted expansion of the canopy.

III. Approval of a Regular Design Review permit for the **unpermitted loading dock** and entry **sliding gate/fence** under OMC Chapter 17.136.

The requirements imposed by the Conditions are totally unrelated to the unpermitted loading dock, canopy, new refrigeration equipment or the gate. Accordingly, imposition of the Conditions of Approval as a condition precedent to allowing the previously unpermitted loading dock and the canopy (except for the west five feet thereof) to remain, constitutes error, abuse of discretion and are not supported by substantial evidence.

Conditions 30-32, 38 & 40

Suprema will not be construction a loading lock on the east side of its building facing Lowell. Conditions 30-32, 38 & 40 therefore bear no relationship to the unpermitted refrigeration equipment, the unpermitted loading dock, the sliding gate or the unpermitted canopy and their requirement is error, abuse of discretion and unsupported by substantial evidence.

DATE this 19th day of February, 2018

Steven J. Hassing
Attorney for Suprema Meats, Inc and 955 57 LLC

DECLARATION OF MIGUEL JARA, JR
IN SUPPORT OF FEBRUARY 19, 2018 APPEAL

I, Miguel Jara, Jr., declare;

1. I am over 18 years of age, am president of Suprema Meats, Inc., and managing member of 955 57th LLC, (“Appellants”), have personal knowledge of each fact stated below and can and will testify to same in court should it become necessary.
2. Suprema has been operating from 955 57th since June of 1996.
3. The area which now serves as the unpermitted loading dock and the surrounding open area contiguous with the loading dock is shown on Exhibits “A”, “B” and “C”, attached hereto. The unpermitted canopy can be seen behind the black truck.
4. The area which now serves as the loading dock has continuously been used by Suprema for loading trucks since June of 1996. The only difference is that trucks being loaded in that area now sit lower than they did before the grade was reduced.
5. On information and belief, meat trucks used that same area for years prior to Suprema opening its business at that location.
6. The dock and open area around it are used for loading and parking.
7. The dock and open area around it are not used for storage.
8. The dock and open area around it are appropriate, incidental, and subordinate to, Appellant’s principal adjoining facility.
9. The dock is a facility which is constructed on the ground at 955 57th.
10. The area which is now the dock is, and always has been, part of the footprint of the facility at 955 57th.
11. The canopy bears no relationship to the amount of loading and unloading and noise at Appellants’ facility.
12. The loading dock has not and will not result in more loading and unloading. Loading is a direct function of orders and unloading, takes place on Lowell and is an indirect function of loading.

13. The loading dock has not added noise. It has done the opposite. Before the dock was put in it took three men fifteen minutes to load one truck. With the dock it takes two men five minutes. Before the dock a pallet jack removed a pallet of product from the freezer, driving it to the back of the truck and then dropping it.

Next a forklift picked the pallet up and placed it into the truck. Once in the truck, a man in the truck, using a hand jack, turned the load around and walked it back towards the front of the truck. The hand jacks are only made with metal wheels that make unwelcome noise when rolled on the aluminum bed of a truck. But with the dock, the pallet jack that removes the product from the freezer moves right into the truck on its polyurethane wheels and puts the load in place. Using the dock is much faster and much quieter than loading trucks without the dock.

Suprema would be loading exactly the same number of trucks with or without the unpermitted dock or canopy which, incidentally, serves to keep a certain amount of noise from reaching the street.

Moreover, use of the dock enables Suprema to load one truck at a time and then park it for the night. Before the dock was built Suprema backed two trucks in for loading and loaded four on 57th or pulled the loaded trucks out so it could load more trucks in the accessory area after which all of the loaded trucks had to be brought back into that area for the night creating additional truck noise.

Accordingly, without the dock there is far more truck noise and traffic impacts than with it.

14. Other than its proximity to the neighbor to the west, the canopy has no relationship to noise, loading, traffic or any other neighborhood impact.

15. The development and implementation of a delivery management plan, transportation improvements, and dock along Lowell all related to unloading, do absolutely nothing with regard to Appellant's uses of the loading dock which is used only to load its own trucks for delivery.

16. To my knowledge there have never been complaints from the neighbors regarding air quality. Because the loading dock lessens the time it takes to load trucks and the number of times trucks must be moved, the dock serves to increase, not decrease, air quality.

17. Appellant has never been found to have created a nuisance, private or public. In fact, the one time that City of Oakland cited Appellant for eleven separate instances of nuisance the City's own Hearing Examiner, on November 19, 2015, chided the City in his written findings and decision, writing;

The City of Oakland has a noise control ordinance. This ordinance should have been used for any alleged noise complaint violations. The fact that it was not used was clear error and/or abuse of discretion.

(see Ex "D" attached)

Even since, City has hired noise experts to try and catch Suprema violating noise ordinances. No noise nuisance citations or notices of violation have been issued.

18. The canopy bears no relationship to open loading or unloading. Removal of any part of the canopy would have no impact on Appellants' operations at or near their west property line. The loading dock is approximately 20 feet east of Appellant's western property line and neighbor to the west. If the dock is removed, Appellant will pull two or three trucks in instead of one causing one truck to be loaded right at the property line between Appellant and his neighbor to the west.

19. Reduction of the screening wall to its original height would have absolutely no effect on Appellants' operations at or near their west property line.

20. The work performed in the freezer area and to the refrigeration equipment has no bearing on loading, noise or traffic which are strictly a function of orders and efficiency provided by the loading dock.

I swear under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I executed this declaration in Oakland on the date noted below.

DATED this 19th day of February, 2018

Miguel Jara, Jr.

EXHIBIT “A”



EXHIBIT “B”

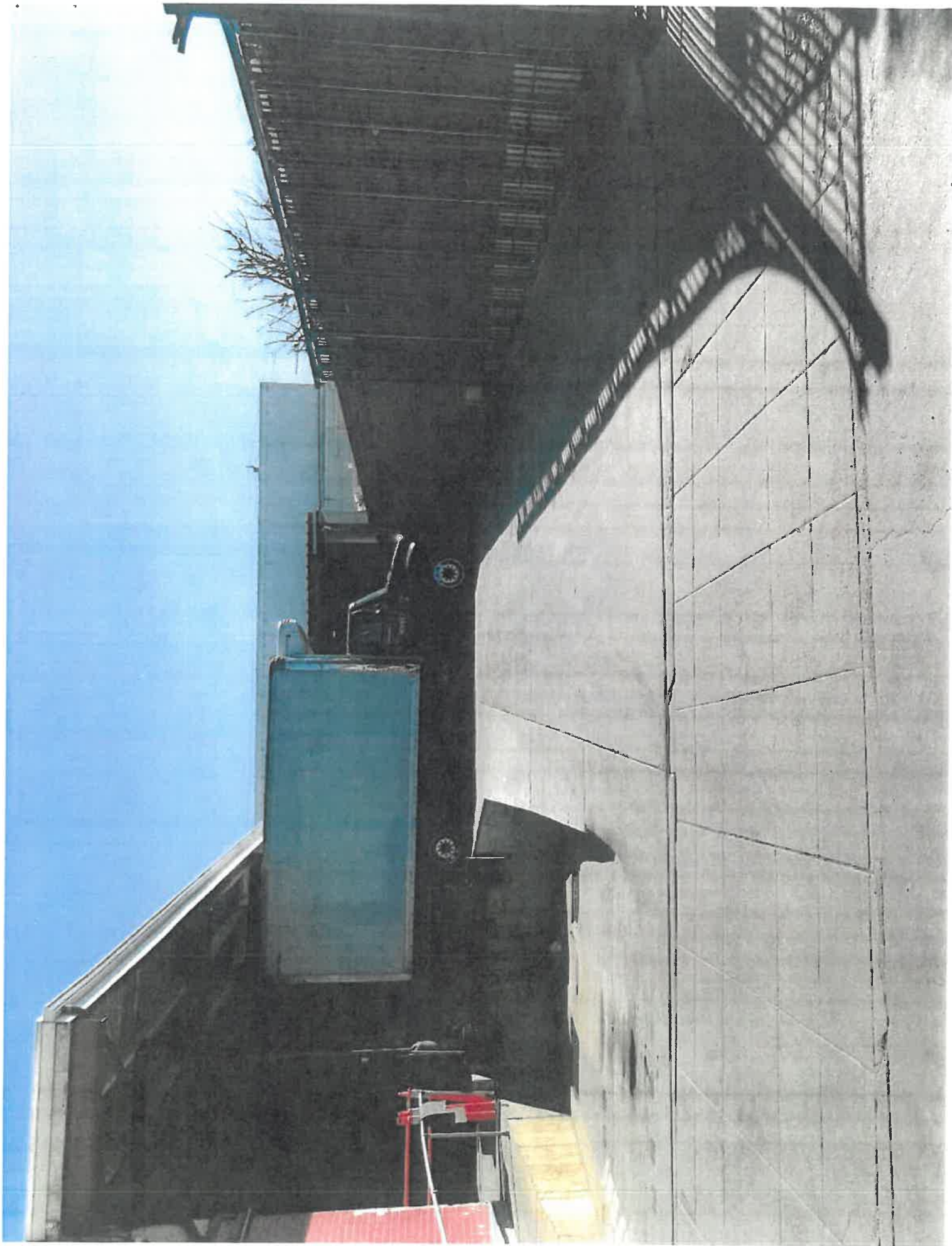


EXHIBIT “C”



EXHIBIT “D”

**Administrative Appeal Hearing,
City of Oakland**

City of Oakland,

vs.

Suprema Meats, Inc.
955 57th St.
Oakland, CA 94608

Building Services Complaint No.
1303769

APN: 015 – 1298 – 009 – 00

Trial Date: August 12, 2015

**Order and Fine for
Violation of Compliance Plan**

Findings of Fact

The City of Oakland requested exhibits A through J be entered into evidence. The defendant requested exhibits 1 through 12 be entered into evidence. These exhibits are documents, videotapes, and photographs which accurately reflected the conditions at Suprema Meats, Inc. All the exhibits were entered into evidence, although exhibits G 3–5 were entered for the limited purpose of supporting the city of Oakland's decision that there was probable cause to conclude that the defendant had violated the compliance plan.

Exhibit A is a Google map of 955 57th St., Oakland, CA 94608.

Exhibit B is a copy of the compliance plan entered into the defendant and the city of Oakland on or about October 20, 2014. Inter alia, it states:

“6. Not later than one month from the execution date of this compliance plan, Owner(s) agree to discontinue all delivery staging activities (i.e. movement of vehicles, equipment, and product it into position for loading), vehicle loading and unloading activities, and vehicle and equipment maintenance activities at Suprema's 57th Street open loading facility between the hours of 9 pm and 7 am (daily).

Exhibit C is a copy of a notice of compliance plan violation dated February 17, 2015. These alleged violations were not subject to the hearing because the defendant agreed to pay the \$8000.00 Fine, prior to the hearing.

Exhibit D is a copy of the notice of the compliance plan violation dated June 23, 2015. Parties stipulated that the \$500 fine for June 12 was no longer in issue. This letter assesses \$11,500.00 in penalties on various dates for “9 pm – 7 am Forklift Activity in violation of paragraph 6”

Exhibit E is a CD of videos "Suprema NOV, June 2015".

Exhibit F is the is a copy of the notice of the compliance plan violation dated July 23, 2015. This letter assesses \$11,500.00 in penalties on various dates for "9 pm – 7 am Forklift Activity in violation of paragraph 6 and O.M.C. 1.08".

Exhibit G1 is a CD of videos "Suprema NOV, July 2015"

Exhibit G2 are emails starting from Kim Lucas to Gregory Minor with the date of July 14, 2015

Exhibit G3 is a declaration of Mandip Dhillon

Exhibit G3 is a declaration of Mandeep Kaun

Exhibit G3 is a declaration of Gerald Herbert

Exhibit H are various emails from Gregory Minor to Michael Jara

Exhibit I is an email from Marcela Jara and Rachel Flynn

Exhibit 1 is defendant's copy of the compliance plan

Exhibit 2 is a August 25, 2014 email from the Quesada to Jara

Exhibit 3 is a letter from attorney Hassing to Quesada

Exhibit 4 is a September 16, 2014 email from the city to defendant

Exhibit 5 is an October 8, 2014 email from the city to defendant

Exhibit 6 is a copy of a May 10, 1955 application for permit

Exhibit 7 is a city account details report dated July 28, 2014 showing that defendant obtained its business license on or about June 1, 1996

Exhibit 8 are sound graphs prepared by defendant's sound expert

Exhibit 9 is the resume of defendant's sound expert

Exhibit 10 is a January 1, 2014 email from Gennino to Jamerson

Exhibit 11 is a January 17, 2014 email from Gennino to Jamerson

Exhibit 12 is an email from Candia to Jonsson

Witnesses called by the City:

Kim Lucas of 268 57th St., Oakland, CA testified that she was awoken almost every early morning by noises emanating from defendant's business. Her videotapes of forklift activity were helpful and entered into evidence. I found her to be a credible witness, although clearly not a disinterested one. She testified that she has owned her residence for a couple of years along with her husband. If defendant is forced to relocate; presumably, the Lucas property would go up in value.

Mandip Dhillon lives right next door to defendant's business. It cannot be over emphasized how close defendant's business and his residence are. He testified that he and his children have been awoken almost every early morning by noises emanating from defendant's business. He testified that along with his family, his brother and parents also live in the same house. I found him to be a credible witness, although clearly not a disinterested one. If defendant is forced to relocate; presumably, this property would go up in value.

Mandeep Kaun, Mandip Dhillon's wife, lives right next door to

defendant's business. She testified that she and her children have been awoken almost every early morning by noises emanating from defendant's business. She also testified that her young children may be experiencing significantly poorer health because of being awoken in the early morning hours. She testified that she had lived there since approximately 2011. I found her to be a credible witness, although clearly not a disinterested one. If defendant is forced to relocate; presumably, this property would go up in value.

Gerald Herbert lives right across the street from defendant's business. It cannot be over emphasized how close defendant's business and his residence are. He testified that he is awoken almost every early morning by noises emanating from defendant's business. He testified that he is considering moving because the noise after his one-year lease expires. I found him to be a credible witness, although clearly not a disinterested one. If defendant is forced to relocate; presumably, this property would be more desirable to rent.

Gregory Minor, is an assistant to the city administrator in charge of nuisance abatement. He testified, inter alia, regarding his decision to assess penalties against defendant for compliance plan violations along with violations of OMC 1.08. I found him to be a very credible witness.

Witnesses called by the defendant:

Miguel Jara Jr. testified on behalf of the defendant Corporation. He testified that he was the president and owner of the meat distributor and had been for some 20 years. (The business obtained a business license for the 9552 7th St. location on or about June 1, 1996.) He testified that he employed approximately 30 workers. He testified regarding his agreement to enter into the compliance plan. He also testified that on the dates cited, no product was moved.

I found him to be a credible witness, although clearly not a disinterested one. If defendant is forced to relocate; presumably, his business would suffer the expense of moving and possibly increased cost for the land used by the business.

Derek L. Watry testified as an expert witness on behalf of the defendant Corporation. He testified that he was the president and CEO of Wilson Ihrig and Associates, a firm of acoustic and vibration consultants. He testified that he tested the sound emitted by various activities of defendant. He further testified that at no time during his testing did defendant exceed the levels of noise prescribed by Oakland's noise code. I found him to be a credible expert witness, although clearly not a disinterested one. He was hired to testify for the defendant and it should be emphasized that he is not percipient witness on any of the dates the city wishes to enforce penalties for excessive noise.

Bradley Scott, B.A., M.A. testified as an expert witness on behalf of the defendant Corporation. He testified that he was professor of English for Golden Gate University for some 20 years. He testified as to how the compliance plan should be interpreted from the standpoint or normal use of the English language. I found him to be a credible expert witness, although clearly not a disinterested one. He was hired to testify for the defendant.

Chris Candell was called as a percipient witness by the defendant Corporation. He testified that he works for the city of Oakland in the area of noise readings. He testified that he tested the sound emitted by various activities of defendant, on August 27, 2014, April 21, 2015, and June 2, 2015 and at no time during his testing did defendant exceed the levels of noise prescribed by Oakland's noise code. On June 2, 2015 he recorded noise levels from 4:54 AM to 6:05 AM. During his testing, he recorded noise levels of 37 dB, 47.7 dB, 46 dB, and 48.2 dB. I found him to be a very credible percipient witness.

Bill Casada, zoning inspection supervisor for the city of Oakland was called as a witness by defendant Corporation. He testified that his understanding of the compliance agreement was that no forklift movement was to be allowed from 9 PM to 7 AM. He testified as to how the compliance plan had gone through through various drafts, until the final draft was agreed to. I found him to a very credible witness.

Findings of Fact

The defendant and the City of Oakland entered into a compliance plan on or about October 20, 2014 . Inter alia, it states:

“6. Not later than one month from the execution date of this compliance plan, Owner(s) agree to discontinue all delivery staging activities (i.e. movement of vehicles, equipment, and product it into position for loading), vehicle loading and unloading activities, and vehicle and equipment maintenance activities at Suprema's 57th Street open loading facility between the hours of 9 pm and 7 am (daily).” Suprema Meats, Inc. entered into a compliance plan with the City of Oakland to, inter alia, reduce the amount of noise created by the meat distributor.

I find from the video-graphic and other evidence that there was equipment (a forklift) being moved to position product for loading, and/or there was movement (by hand) of product into position for loading on the following dates:

1. On June 19, 2015, boxes were being moved at approximately 4:15 AM,
2. On June 25, 2015, a man was moving a box at approximately 4:13 AM,
3. On July 2, 2015, boxes were being moved at approximately 4:15 AM,
4. On July 3, 2015, boxes were being moved at approximately 4:19 AM,
5. On July 9, 2015, boxes were being moved at approximately 4:15 AM,

6. On July 13, 2015, boxes were being moved at approximately 4:16 AM.

Any sound made relatively close to someone at 4 o'clock may awaken that person especially if that person has good hearing, such as a child, or is a light sleeper. It may interfere with the comfortable enjoyment of property; however, not every sound constitutes an actionable nuisance even at 4 o'clock in the morning. I could not determine from the evidence presented whether the sound generated was objectively offensive, on the various dates cited. However, on June 2, 2015, Chris Candell, an employee of the city, measured the noise levels from about 4:54 AM until about 6:05 AM. He found no noise code violation. Consequently I find that the defendant did not exceed reasonable noise levels on June 2, 2015, at least during the times tested.

Conclusions of Law

Suprema Meats, Inc. has violated the compliance plan on the foregoing six dates. The City of Oakland's assertions, that the operations of the defendant also violate Oakland municipal code section 1.08, were unproven. The City of Oakland should have used its noise ordinance to prosecute the defendant if there was probable cause that the noise exceeded legal limits.

Under the city of Oakland's interpretation, any noise at 4 o'clock in the

morning could be interpreted as being offensive to the senses so as to interfere with the comfortable enjoyment of life or property under Oakland Municipal Code § 1.08.

In fact, all of the complaining witnesses live extremely close to the defendant and some of them actually live right next door to the defendant. The City of Oakland has a noise control ordinance. This ordinance should have been used for any alleged noise complaint violations. The fact that it was not used was clear error and/or an abuse of discretion. The City of Oakland has adopted local noise regulation as O.M.C. §8.18.010.

On the one date, cited by the city that the City of Oakland had one of its sound technicians measure the noise produced by the defendant, the City of Oakland's sound technician determined that there was no noise code violation. This would appear to explain why the City of Oakland is attempting to prosecute defendant for noise under the general nuisance ordinance, O.M.C. §1.08, rather than the much more specific, local regulation, O.M.C. §8.18. They simply did not have evidence to go forward against the defendant under O.M.C. §8.18. The City of Oakland cites *City of Bakersfield v. Miller* (1966) 64 Cal. 2d 93, 100. Consequently they should be aware that where the municipal legislature has determined that a defined condition or activity is not a nuisance (e.g. under O.M.C. §8.18) it would be the usurpation of the legislative power for a court to

arbitrarily allow enforcement merely because in its independent judgment the noise caused by the violation was significant. In other words, Oakland has adopted O.M.C. §8.18. If there is no noise code violation under that ordinance, it would be a usurpation of the City of Oakland's legislative power to allow this tribunal or any individual, working on behalf of the city, to supplant his or her independent judgment of what constitutes sufficient noise to be a nuisance. Nothing in this opinion, prevents the city, in the future, from sending out a sound technician to determine whether the defendant is violating O.M.C. §8.18 and proceeding accordingly.

Since no nuisance was proven under O.M.C §1.08, There is no need to determine whether California Civil Code § 3482.6 is controlling. (See also *Mohilef v. Janovici* (1996) 51 Cal. App. 4th 267, 306-7; 58 Cal. Rptr, 2d. 721.)

In this particular case the City is requesting \$1000.00 per day as a civil penalty. The City, having proved the violation of the compliance plan, is entitled to charge a \$3500.00 nuisance case fee under Oakland Master fee schedule section B– 10.

Order

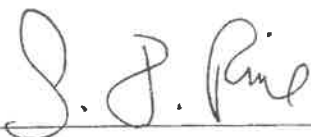
The appeal of defendant is hereby denied, in part.

For violations of the agreed compliance plan:

Suprema Meats Inc. is hereby ordered to pay a total fine of \$9500.00 to the City of Oakland. (\$3500.00 under Oakland Master fee schedule section B- 10. AND \$6000.00 for the six days it violated the compliance plan). Neither party is awarded attorney's fees or costs, other than the fine above. This order goes into effect 35 days after mailing of the order.

Dated: November 9, 2015

By:



S. D. Rine
City of Oakland Hearing Officer

**LAW OFFICE OF STEVEN J. HASSING
STEVEN J. HASSING**

916-677-1776
425 CALABRIA CT
ROSEVILLE, CA 95747-5023

6196

96-505/1232
50127

DATE 2-20-18

CHECK AMOUNT

PAY
TO THE
ORDER OF

City of Oakland

\$ 1622 57/100

Sixteen hundred twenty two + 57/100

DOLLARS



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Features
Create on
Back



UMPQUA
B-A-N-K

1-866-4UMPQUA
(1-866-486-7782)

FOR

PLN 14-303 Appeal - Supreme

Kimberly A. Hassing

MP

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20205043⑈



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA • SUITE 2340 • OAKLAND, CALIFORNIA 94612-2031

Planning & Building Department

(510) 238-3381

Bureau of Building

TDD:(510) 238-3254

Building Permits, Inspections and Code Enforcement Services

www.oaklandca.gov

Notice of Declaration of Public Nuisance

June 27, 2022

955 57TH LLC
955 B 57TH ST
OAKLAND CA, 94608

Property Address: 5655 LOWELL ST

Complaint Number: 1303769
Parcel Number: 015 129800900
Penalty Amount: \$1,000 per day
Deadline to Abate: 10 days from date of mailing

Dear Property Owner:

The City of Oakland Planning and Building Department, by this notice, informs the owner of the property located at 955 57TH STREET (AKA) 5655 LOWELL ST, Oakland (the "Property") of the City's assessment of penalties pursuant to Oakland Municipal Code ("O.M.C.") § 1.08. Failure to completely abate the violations as required by this notice within 10 days of mailing this notice will result in the assessment of \$1,000 each day the violations continue at the Property.

DECLARATION OF PUBLIC NUISANCE

The City of Oakland hereby declares the Property a Public Nuisance. O.M.C. § 1.08.020(A)(1) permits the declaration of public nuisance and the assessment of civil penalties to affect the abatement of violations of Chapter 15.08 and Title 17 of the O.M.C. The violations of O.M.C. Chapter 15.08 and Title 17 described herein have created a nuisance at the Property since at least July 25, 2013. The Property owner has failed to abate the violations despite numerous inspections, notices, and order to abate from the City...

NATURE AND DATES OF THE VIOLATIONS

An inspection conducted by the City of Oakland's Code Enforcement Services (CES) on July 25, 2013, documented violations of the City of Oakland's Municipal and Planning Codes at the Property. The violations documented by CES during the July 25, 2013 inspection are as follow:

1. Alteration without required permit, windows removed and opening reframed, interior walls removed and new wall framed in violation of O.M.C. §§ 15.08.050:15.08.120.
2. Exterior alterations, windows changed, without planning department approval in violation of O.M.C § 15.08.050.

On or about October 09, 2013, CES informed the Property owner of the above stated violations by sending it a Notice of Violation with reinspection scheduled for November 1, 2013.

An inspection conducted by the City of Oakland's Code Enforcement Services (CES) on November 26, 2013 and December 26, 2013 documented violations of the City of Oakland's Municipal and Planning Codes at the Property. The violations documented by CES during the November 26 and December 26, 2013 inspection are as follow:

1. Alteration without required permit, windows removed and opening reframed, interior walls removed and new wall framed in violation of O.M.C. §§ 15.08.050; 15.08.120.
2. Alteration/ construction of loading dock, dock door, and canopy, without required permits, inspections and approvals in violation of O.M.C §§ 15.08.050; 15.08.120
3. Installation of refrigeration equipment and associated electrical, mechanical, building and plumbing alteration without required permit, inspections and approvals in violation of O.M.C. §§ 15.08.050; 15.08.120, 15.08.340 A, C, E, F, G.
4. Installation of sump pump and drain at loading dock without required permit, inspections and approvals in violation of O.M.C. §§ 15.08.050; 15.08.120, 15.08.340F.

On or about January 2, 2014, CES sent the Property owner a Revised Notice of Violation stating the violations continued at the Property. Subsequent inspections by CES on April 8, 2013, January 20, 2015, February 19, 2020, April 10, 2020 and April 26, 2022 confirmed the violations remained unabated at the Property.

On or about October 4, 2021, CES sent the Property owner Order to Abated-Habitability Hazards inform it, among other things, that the violations continued at the Property. Subsequent inspections by CES on April 26, 2022 confirmed the violations remained unabated at the Property.

On or around October 28, 2021, the Property owner's appeal Order to Abated-Habitability Hazards was denied by the Bureau of Planning's Building Acting Building Official on May 31, 2022.

Further inspection on April 26, 2022 confirmed the violations of OMC §§ 15.08.050, 15.08.120, 15.08.340 A, C, E, F, G remain unabated at the property.

REMEDIAL ACTION REQUIRED

Pursuant to the above declaration of public nuisance, the Property owner is ordered to abate the violations of OMC §§ 15.08.050, 15.08.120, 15.08.340 A, C, E, F, G Restore/ Repair/Replace as identified in the prior notices and order, and must obtain permits inspection and approvals for unpermitted steel canopy structure, unpermitted cargo container break room, unpermitted refrigeration equipment, unpermitted loading dock no later than July 7, 2022.

ASSESSMENT OF CIVIL PENALTIES

Failure to completely and permanently abate the violations 10 days from the date this letter is mailed will result in the City imposing daily assessments of \$1,000 a day up to \$365,000 a year pursuant to OMC Chapter § 1.08. Pursuant to O.M.C. § 1.08.060(E) the assessment of \$1,000 per day is based on the duration and frequency of the violations; the detrimental effect on the neighborhood; the Property owner's failure to correct the violations despite multiple notices, orders, and failed appeals of the violations and the penalty is necessary to effect the abatement of the violations wholly and permanently. The City will cease assessing penalties upon notification by the Property owner that the violations have been abated and CES's confirmation of such abatement. If unpaid, civil penalties and related administrative expenses, may be recovered by all appropriate legal means, including but not limited to a nuisance abatement lien and special assessment/priority lien of the general tax levy, or by civil and small claims brought by the City, or both pursuant to O.M.C. § 1.08.040(G).

APPEAL

As prescribed in O.M.C. §§ 1.08.080 and 15.04.125, you have the right to appeal this determination. Pursuant to O.M.C. § 15.04.1.125 your appeal must be received within 21 days from the date of this notice. An appeal hearing, if required will be conducted before an independent administrative hearing examiner. In order to request an appeal, you must pay a \$137 non-refundable filing fee and submit in writing the details upon which you base your claim that the City has erred or abused its discretion in this action. You may be assessed fees for the actual costs incurred by the City for enforcement proceedings against your property.

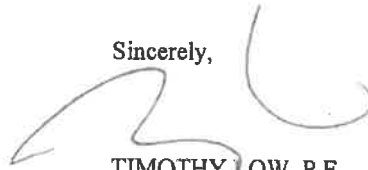
Please file your appeal by mail (address on page 1 of this notice), email at bbcode-inspect@oaklandca.gov or by personal or courier delivery (9:30 a.m. to 4:00 p.m. weekdays) at 250 Frank Ogawa Plaza, 2nd Floor, Attention: Cashiering. If we do not receive your written appeal with the filing fee before 4:00 p.m. (local time), July 18, 2022 you will waive your right for further administrative adjudication of this matter, and your only other method for redressing this matter will be judicial action.

Please note that incomplete appeals including, but not limited to, oral notification of your intention to appeal or receipt of a written appeal without the filing fee will be rejected. Please be advised that you will be assessed additional fees for processing the administrative hearings should your appeal be denied

OPTION TO MEET FOR COMPLIANCE PLAN

If you wish to completely and permanently abate the nuisances at the Property, but you cannot do so within the timeframe of this notice, you may request to meet with the Building and Planning Department and develop a compliance plan to abate the violations. In some cases, the City will require a performance bond be posted as a condition of a compliance plan. If you reach an agreement, the City may suspend the daily penalties while you meet the terms of the compliance plan. To request a meeting for a compliance plan, please email TLow@oaklandca.gov

Sincerely,



TIMOTHY LOW, P.E.
Acting Building Official

Encl.

cc:

List of Violations

Photos

Administrative Hearing Fees

Actual Cost to Conduct Appeals Hearing

\$931 Processing fee + \$150 per hour Hearing Officer fee

Costs include:

- ~~-Review of Evidence~~
- Conducting the Hearing
- Final Decision Preparation
- Parking and Postage costs

-Records Management and Technology Enhancement fee (14.75%)

Fees charged only if Appellant loses appeal



CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA • SUITE 2340 • OAKLAND, CALIFORNIA 94612-2031

Planning and Building Department

Bureau of Building

bbcode-inspect@oaklandca.gov

(510) 238-3381

TDD:(510) 238-3254

ADMINISTRATIVE APPEAL FORM

Submittal Date:

Property Address 955 57th STREET (AKA) 5655 LOWELL ST

Filing Fee \$137.00

Complaint No. 1303769

Parcel No. 015 129800900

Filing Deadline: 7/18/2022

Non-Refundable Fee

Appeal Type:

- Substandard Public Nuisance
- Order to Abate-Habitability
- Imminent Hazard
- Public Nuisance
- Administrative Penalty
- Civil Penalty

Property Owner: 955 57TH LLC

Appellant: 955 57th LLC

Mailing Address: 955 B 57TH ST

Mailing Address: 5655 Lowell Street

City/State: OAKLAND CA, 94608

City/State: OAKLAND, CA

Telephone: 916-677-1776

Telephone: 916-677-1776
clo Steven & HASSING, attorney

Email: sjh@hassinglaw.com

Email: sjh@hassinglaw.com

CONDITIONS FOR FILING AN ADMINISTRATIVE APPEAL

THE MUNICIPAL CODE PROVIDES FOR ADMINISTRATIVE ADJUDICATION BY AN INDEPENDENT HEARING EXAMINER OF THE ENFORCEMENT ACTIONS INDICATED ABOVE FOR APPELLANTS HAVING RECORD TITLE INTEREST IN THE PROPERTY. AN APPEAL MUST BE SUBMITTED IN WRITING WITH A FILING FEE. IF THE APPEAL AND FEE ARE NOT RECEIVED BY THE BUILDING DEPARTMENT WITHIN 21 CALENDAR DAYS OF THE MAILING DATE OF THE NOTIFICATION OF THE ENFORCEMENT ACTION, OR IF THE APPELLANT FAILS TO IDENTIFY FACTS WHICH SUPPORT A CONTENTION THAT THE CITY HAS ERRED OR ABUSED ITS DISCRETION, THE APPEAL WILL BE DENIED WITHOUT AN ADMINISTRATIVE HEARING. THE ONLY OTHER REDRESS AVAILABLE TO AN APPELLANT WILL BE JUDICIAL ACTION (CIVIL PROCEDURE 1094.6, etc.).

- Briefly identify your legal interest in the building or property. OWNER
 - Briefly identify which of the enforcement actions by the City you are appealing. Declaration of Public Nuisance
 - Briefly identify how the City has erred or abused its discretion in bringing this action. Denial of 10/25/21 Appeal
 - Briefly identify how you want the City to resolve your appeal. (See attached) Assessment of Penalties
- (A separate sheet of paper is attached for your convenience)*

I Declare Under Penalty of Perjury that the information given herewith is in all respects true and accurate to the best of my knowledge and belief.

APPELLANT'S SIGNATURE
AGENT MUST PROVIDE NOTARIZED AUTHORIZATION
Office Use Only

DATE
7/18/22

Receive Date: _____ Administrative Reviewer: _____

Administrative Determination: Approved Refund required: Yes No If yes, \$ _____

Administrative Determination: Denied Hearing to be scheduled within 60 days

Hearing Officer Decision: Approved Partial Approval - Refund required: Yes No If yes, \$ _____

Hearing Officer Decision: Denied Date of Final Decision: _____

Inspector _____

Jan 2022

Scan to: Code Enforcement-Notice-SS/PN Pending Declaration (H7)

EX SM 005

CITY ERRED AND ABUSED ITS DISCRETION IN ISSUING THIS NOTICE

The term alteration without required permit is vague and ambiguous and in violation of due process.

Permits for window removal and reframing of window opening were applied for and obtained. Permits for interior walls and exterior alterations were either unnecessary or were applied for unreasonably denied or unacted upon.

In the alternative, a reasonable and good faith attempt to apply for such permits was made and city has wrongfully withheld same in a discriminatory, retaliatory, and vindictive effort to harass 955 57 LLC and its tenant, Suprema Meats, Inc. This discriminatory action by City of Oakland has been conducted by City employees in concert and conspiracy with a group of neighbors who moved across from and next to the property which is located in the HBX-1 warehouse zone to garner votes for affected city officials.

A conditional use permit has been applied for and granted but with unreasonable and overburdensome conditions which Appellant appealed to the Planning Commission and later Petitioned the Alameda County Superior Court for writ of mandate which action is now on appeal at the First District Court of Appeal in San Francisco.

Appellant entered into a compliance plan which bars city from filing the subject notice which is one of the issues now on appeal at the FDCA. City is therefore barred from, and lacks jurisdiction to, issue the notice herein appealed.


There are no habitable conditions on the premises which endanger the health, safety, and welfare of occupants or potential occupants and the public is not therefore jeopardized by hazards. There does not exist any condition at the property that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof. The property is not a substandard building. The property does not constitute a public nuisance.

The civil penalties are excessive and punitive and therefore a violation of city ordinance and California and Federal law and therefore unenforceable.

APPELLANT REQUESTS THAT THE CITY RESOLVE THE APPEAL BY WITHDRAWING ITS NOTICE OF DECLARATION OF PUBLIC NUISANCE

In the alternative, in the event of an Administrative Hearing, Appellant asks that the independent hearing officer find that the City erred and abused its discretion in issuing the Notice of Declaration of Public Nuisance and has denied Appellant its right to due process.

DATED this 18th day of July 2022



Miguel E. Jara, Jr.
Manager
955 57th LLC-Owner

Steve Hassing

From: Jonsson, Ulla-Britt <UJonsson@oaklandnet.com>
Sent: Wednesday, January 28, 2015 2:21 PM
To: cmiers@mierscottarchitects.com
Cc: Marvin, Betty
Subject: FW: Suprema Meats 012415

Hi Craig,

Here are our historic planner's comments. I think you will find them helpful. Please respond to Betty's questions.

Ulla - Britt

Ulla-Britt Jonsson, Planner
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Oakland, CA 94612
Direct: | (510) 238-3322 | Fax: (510) 238-4730
ujonsson@oaklandnet.com | www.oaklandnet.com/planning

From: Marvin, Betty
Sent: Wednesday, January 28, 2015 1:55 PM
To: Jonsson, Ulla-Britt
Subject: RE: Suprema Meats 012415

Hi, Ulla –
My 2 cents worth:

The original part of this building has a 1944 permit date for a "brick and tile warehouse" 60x180x16' designed by Alben Froberg. Additions at the Aileen Street end date from 1945-46, and the "second floor office area" was added in 1955. The upper story probably looked just as it does now: the Sanborn map shows the office wing as brick below and "Frame 2nd."

The Dc3 rating makes it at least minimally a PDHP (largely because of Froberg, a notable designer of industrial buildings in the mid-20th century).

The totally authentic treatment for the upper story would probably be to patch and paint the stucco or otherwise maintain its appearance as a woodframe addition, but I don't see that a contrasting brick (or paint, or siding, or any other treatment) would be outright wrong. (In fact, if one wanted to get deep into preservation theology, *exactly matching* brick could arguably be "wrong" as False Historic Appearance.) The finding of equal or better design quality is pretty much what Craig is saying in #3, and the drawings look to me as if they meet that.

Here are my questions: Comparing drawings and photos, it appears that they are reshaping and relocating most of the upstairs windows, which isn't explicitly called out on the plans or in any of the discussion (it looks fine, but it ought to be noted, since it's a bigger change and a bigger construction job than just swapping sash). The plans say "replace 2nd flr steel sash windows ... to match ... first floor." It would be good to know what product or manufacturer they are using. Will the roof need reinforcing to support the weight of the brick veneer? And what about the paint on the existing bricks?

OK, I see some of my questions answered in a different email chain:

"The same brick veneer was used to cover the wall next to the driveway. It looks very similar to the brick that is on the building. It's a wire cut brick. This brick has been re-introduced to the market because of the high demand it has experience. texture, size and color is almost the same, if the old brick looks to faded next to the new brick we can stain it to match it. [I think a slight contrast would be good thing, as showing how the building has evolved.]

Plaster was not in the original building and it was clearly a mistake using it on the second floor. I have gone out of my way to find matching second floor windows [would like to know specs/supplier, since the need to replace factory sash comes up frequently] and I have ask permission to re-iline them to match the first floor windows.

The brick is the only thing needed to tie-in the whole building. Even if the brick has a slight color difference, the building will look TEN times better if the second floor is finish with veneer brick.

Thanks
MJ

Betty Marvin, Historic Preservation Planner | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-6879 | Fax: (510) 238-6538 | Email: bm Marvin@oaklandnet.com | Website: www.oaklandnet.com/planning

Miracle-Gro People's Choice Community Garden Grant - Thank You for Voting!

You can vote once every 24 hours until February 9, so check back tomorrow to cast another vote!

<http://gro1000vote.com/#>

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Wednesday, January 28, 2015 11:28 AM
To: Jonsson, Ulla-Britt; Marvin, Betty; Brenyah-Addow, Maurice
Cc: mmjara@comcast.net; sjh@hassinglaw.com; Quesada, Bill; Miller, Scott
Subject: RE: Suprema Meats 012415

Ulla-Britt

1. This is not a Historical Building, and the original date of the first story brick is unknown to us. The second floor addition was constructed approximately in 1955. The plaster vertical face of the second floor is stepped back from the brick course of the first floor. This can be seen on our detail 1/A8.1 on the submittal package you currently have ('the windows only permit').
2. Given the age of the existing brick, if we even found a match, the age would prevent a visible match. Quite frankly I think it could be a different color and be quite acceptable. But Miguel, is looking for one in a close appearance.
3. In either case the addition of a brick veneer to the second floor will greatly enhance the Building and the immediate neighborhood.

Craig

Thank you.

If you have any questions or comments please contact us
Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: Craig Miers [<mailto:cmiers@mierscottarchitects.com>]
Sent: Saturday, January 24, 2015 2:23 PM
To: Jonsson, Ulla-Britt; Quesada, Bill

Cc: mmjara@comcast.net; sjh@hassinglaw.com

Subject: Suprema Meats 012415

Hi Ulla,

The permit for 'window replacement only' has been approved by the Building Department. We still would like to obtain a permit for the inclusion of plaster repair and thin brick veneer as originally submitted (and ultimately held up by the red-tag) in 2013. Our documents supersedes those submitted in 2013, but I have included a copy of those for your information attached to this email. The upper portion will still be unsightly as the plaster still needs to be repaired and we would like to do that prior to the installation of the brick veneer.

Bill,

Per our discussions over this past summer in when you inquired about timing of Construction of the various proposed work for Suprema. our responses were based on two separate planning packages. From what I understand during this past week both of our planning packages are being considered as one submittal. Again, from what I understand, in this planning review direction, approved items can still be subject to 'appeal' by the neighbors. Thereby eliminating our ability to submit and possible construct the work along Lowell Street sooner.

Our responses during this summer's resolution process will need to be amended and our timing for submittal of documents for review by the Building Department and ultimate Construction will need to be extended. We had submitted two succinct packages, one for the 'conditional use permit' which can be appealed, and one for a straight design review, (The Lowell Street proposed work), which would not be subject to neighborhood appeal and allow us to submit Building Documents sooner and possibly start construction sooner.

Thanks for all your help.

Craig.

Thank you.

If you have any questions or comments please contact us.

Craig Miers, AIA

Craig Miers + George Scott Architects, llp

1624 Santa Clara Drive, Suite 230

Roseville, CA 95661

(916) 780-0100

Steve Hassing

From: Jonsson, Ulla-Britt <UJonsson@oaklandnet.com>
Sent: Monday, February 2, 2015 9:20 AM
To: mmjara@comcast.net
Cc: craig; Marvin, Betty; Brenyah-Addow, Maurice; sjh@hassinglaw.com; Quesada, Bill; Miller, Scott
Subject: RE: Suprema Meats 012415

The "Old English Brick"?

Ulla - Britt

Ulla-Britt Jonsson, Planner
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Oakland, CA 94612
Direct | (510) 238-3322 | Fax: (510) 238-4730
ujonsson@oaklandnet.com | www.oaklandnet.com/planning

From: mmjara@comcast.net [mailto:mmjara@comcast.net]
Sent: Thursday, January 29, 2015 6:12 PM
To: Jonsson, Ulla-Britt
Cc: craig; Marvin, Betty; Brenyah-Addow, Maurice; sjh@hassinglaw.com; Quesada, Bill; Miller, Scott
Subject: Re: Suprema Meats 012415

This is the stain I was panning to use to match the veneer brick with the old brick :<http://www.dyebrick.com/>

From: "Ulla-Britt Jonsson" <UJonsson@oaklandnet.com>
To: "craig" <cmiers@mierscottarchitects.com>, "Betty Marvin" <BMarvin@oaklandnet.com>, mbrenyah@oaklandnet.com
Cc: mmjara@comcast.net, sjh@hassinglaw.com, "Bill Quesada" <BQuesada@oaklandnet.com>, "Scott Miller" <SMiller@oaklandnet.com>
Sent: Monday, January 26, 2015 8:53:12 AM
Subject: RE: Suprema Meats 012415

Hi Craig,

We have a concern about the brick veneer. It will be placed on the same elevations and above the original brick, which is not a veneer as far as I can tell. It will be difficult to match the color and texture and may therefore detract from rather than enhance the brick facade.

I would like our historic planner, Betty Marvin, to weigh in on this.

At the very least the two brick surfaces need to be separated with a distinct "bellyband".

Betty?

Ulla-Britt Jonsson, Planner
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Oakland, CA 94612
Direct | (510) 238-3322 | Fax: (510) 238-4730
ujonsson@oaklandnet.com | www.oaklandnet.com/planning

From: Craig Miers [mailto:cmiers@mierscottarchitects.com]
Sent: Saturday, January 24, 2015 2:23 PM
To: Jonsson, Ulla-Britt; Quesada, Bill
Cc: mmjara@comcast.net; sjh@hassinglaw.com
Subject: Suprema Meats 012415

Hi Ulla,

The permit for 'window replacement only' has been approved by the Building Department. We still would like to obtain a permit for the inclusion of plaster repair and thin brick veneer as originally submitted (and ultimately held up by the red-tag) in 2013. Our documents supersedes those submitted in 2013, but I have included a copy of those for your information attached to this email. The upper portion will still be unsightly as the plaster still needs to be repaired and we would like to do that prior to the installation of the brick veneer.

Bill,

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Thanks for all your help.

Craig.

Thank you.

If you have any questions or comments please contact us.

Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

Steve Hassing

From: Jonsson, Ulla-Britt <UJonsson@oaklandnet.com>
Sent: Thursday, October 30, 2014 2:37 PM
To: Craig Miers
Cc: mmjara@comcast.net; sjh@hassinglaw.com
Subject: RE: Suprema Meats

Good afternoon Craig,
I was simply trying to familiarize myself with the project. But that's OK.
No decisions are being made and you don't have to respond my request for information at this time.
You will receive the incomplete letter before the 30 day completeness period is over.
Ulla-Britt

Ulla-Britt Jonsson, Planner
City of Oakland Bureau of Planning
250 Frank H. Ogawa Plaza, Oakland, CA 94612
Direct: | (510) 238-3322 | Fax: (510) 238-4730
ujonsson@oaklandnet.com | www.oaklandnet.com/planning

From: Craig Miers [mailto:cmiers@mierscottarchitects.com]
Sent: Thursday, October 30, 2014 2:07 PM
To: Jonsson, Ulla-Britt
Cc: mmjara@comcast.net; sjh@hassinglaw.com
Subject: Suprema Meats

Good Afternoon Ulla-Britt,

My name is Craig Miers, and we are the architects working with Miguel on this Design-Review submittal. All the SF (square footage) listed on the application is existing, and we are not planning on any additional enclosed square footage space. This SF of the Facility has existed pre-1970's, pre-current zoning criteria and therefore an existing condition. If no additional SF is added we are not understanding the criteria to meet current parking standards.

Thank you for your attention to this matter.

Craig.

Thank you.
If you have any questions or comments please contact us.
Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: mmjara@comcast.net [mailto:mmjara@comcast.net]
Sent: Thursday, October 30, 2014 12:55 PM
To: craig
Subject: Fwd: page 3 of application

Hi Craig



CITY OF OAKLAND
BASIC APPLICATION FOR DEVELOPMENT REVIEW
250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031
Zoning Information: 510-238-3911
www.oaklandnet.com/planning

CERTAIN APPLICATIONS ARE ACCEPTED BY APPOINTMENT ONLY!

Please call (510) 238-3940 to schedule an appointment if your project involves any of the following:

- Conditional Use Permit
- Variance
- Regular Design Review
- Parcel Map Waiver
- Tentative Parcel/Tract Map
- New dwelling unit(s)
- 1,000 sq. ft. or more of new floor area/footprint
- Additions ≥ 100% of existing floor area/footprint
- Creek Protection Permit (Category 3 or 4)

Applicants must cancel at least 24 hours in advance of appointment or pay a cancellation fee.

All other projects may be submitted to the zoning counter without an appointment.

Submit applications for Small Project Design Review to station #13 at the zoning counter by signing the sign-up sheet.

1. TYPE OF APPLICATION

(Check all that apply)

Development Permits

- Conditional Use Permit (CUP) (Major or Minor)
- Variance (Major or Minor)
- Regular Design Review (DR)
- Small Project Design Review (DS) (Type 1, 2, 3)
- Special Project Design Review (SP) (West Oakland)
- Design Review Exemption (DRX)
- Tree Preservation or Removal Permit (T)
- Determination (DET)
- Planned Unit Development/Mini-Lot Development

Subdivision Applications

- Parcel Map Waiver (PMW) (Lot Line Adjustment/Merger)
- Tentative Parcel Map (TPM) (subdivision for 1- 4 lots)
- Tentative Tract Map (TTM) (subdivision 5 or more lots)

Other Applications

- Request for Environmental Review
- General Plan Amendment Rezoning
- Creek Protection Permit (separate application required)
- State Bill 35 Streamlining
- Other: _____

****FOR AFFORDABLE HOUSING PROJECTS WITH FUNDING DEADLINES, PLEASE INDICATE DATE:**

2. GENERAL INFORMATION

APPLICANT'S NAME/COMPANY: Craig Miers, AIA

PROPERTY ADDRESS: 955 57th Street

ASSESSOR'S PARCEL NUMBER(S): 15-1298-9

EXISTING USE OF PROPERTY: Office/Warehouse

DESCRIPTION OF PROPOSAL (including type of use, hours of operation, number of employees, etc., on additional sheets if needed.):

Replacement of existing second floor windows and replacement of second exterior level finishes. No change to building SF, operation hours or number of employees

TO BE COMPLETED BY STAFF

GENERAL PLAN LAND USE CLASS.: _____

ZONING: _____

SPECIFIC PLAN: Broadway Valdez District Central Estuary Coliseum Area Lake Merritt Station West Oakland

FEES¹:

APPLICATION FEE: \$ _____

POSTER DEPOSIT²: \$ _____

TREE PERMIT FEE: \$ _____

CREEK PERMIT FEE: \$ _____

TOTAL FEES DUE: \$ _____

EXPECTED PROCESSING TIME³:

¹Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

²For permit applications requiring public notice, a refundable security deposit is required for the on-site poster containing the public notice. Posters MUST be returned within 180 days and in good condition to claim a refund of the deposit.

³Expected processing time is only an estimate and is subject to change without notice due to staff workload, public hearing availability, and the completeness or complexity of the application.

3. PROPERTY OWNER AND APPLICANT INFORMATION

Original signatures or clear & legible copies are required.

Owner: 955 57th LLC Suprema Meats occupant, c/o Miguel Jara
Owner Mailing Address: 955 57th Street
City/State: Oakland, CA Zip: 94608
Phone No.: 510-654-9282 Fax No.: _____ E-mail: mmjara18@gmail.com

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

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


Signature of Property Owner

Applicant (Authorized Agent), if different from Owner: Craig Miers, AIA
Applicant Mailing Address: 1624 Santa Clara Drive, Suite 230
City/State: Roseville, CA Zip: 95661
Phone No.: 916-780-0100 Fax No.: 9167-780-0105 E-mail: cmiers@mierscottarchitects.com

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

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

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

I understand that the proposed project and/or property may be subject to other laws, codes, regulations, guidelines, restrictions, agreements, or other requirements of other public agencies within or outside of the City of Oakland, and that the project and/or property may also be subject to requirements enforced by private parties, including but not limited to private easements/agreements and Covenants, Conditions and Restrictions (CC&Rs) of a homeowners association. I am aware that the City recommends that I become fully aware of any other potential requirements before I submit this application and that I comply with all other requirements prior to commencing the proposed project.

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


Signature of Owner or Authorized Agent

05/14/20
Date

4. PROJECT & LOT INFORMATION

CALCULATIONS	Existing Pre-Project	Demolition	New Proposed	Total Post-Project	% Change (Existing / Total)
Type/Size of Dwelling Units (Please fill in the number of each type)					
Rooming Units					
Efficiency Units					
1-Bedroom Units					
2-Bedroom Units					
3-Bedroom Units					
≥ 4-Bedroom Units					
Total Number of Dwelling Units					
Are Any of the Project Units Affordable? If Yes, Please Fill Out the Section Below (include number of each type)					
Market-Rate/Unrestricted Dwelling Units (DU)					
Moderate-Income Restricted DU (80%-120% AMI)					
Low-Income Restricted DU (50%-80% AMI)					
Very Low-Income Restricted DU (30%-50% AMI)					
Extremely Low-Income Restricted DU (<30% AMI)					
Total Affordable Units					
Total Affordable Units located Onsite:					
Other Types of Units/Rooms (if applicable) (not counted towards density) - include number of each type					
Secondary Units					
Live/Work Units					
Work/Live Units					
Mobile Homes					
Hotel Rooms					
Floor Area					
Office Floor Area (square feet)	3,080		0		3,080
Retail Floor Area (square feet)					
Industrial Floor Area (square feet) Warehouse	18,565		0		18,565
Other Non-Residential Floor Area (sq. ft.)					
Total Non-Residential Floor Area (sq. ft.)	21,645				21,645
Residential Floor Area (sq. ft.)					
Total Res. & Non-Res. Floor Area (sq. ft.)					
Other Project Information					
Total Building Footprint Area (square feet)	15,328		0		15,328
Building Height (feet)	22'-4"				22'-4"
Building Stories (number)	2				2
Total Lot Area (square feet)	23,014				23,014
Number of Lots	1				1
Parking Spaces (number)					
Bicycle Parking Spaces (number)	0				0
New Landscape Square Footage (WELO see pg. 13)		n/a		n/a	n/a
Setback Slope (for hillside properties only)				n/a	n/a
Structure Slope (for hillside properties only)				n/a	n/a

Definitions For Table 4 on Page 3

“**Building Height**” means the vertical distance measured from any point on top of the facility to a line directly below which meets finished grade on the outside perimeter of the facility, or intersects with a perpendicular plane connecting opposite points of finished grade at the outside perimeter of the facility.

“**Floor Area**” for all projects with **one or two dwelling units on a lot** means the total square footage of all levels of all buildings on the lot, measured horizontally from the outside surface of exterior walls and supporting columns, but excluding: (a) unenclosed living areas such as balconies, decks, and porches; (b) carports that are unenclosed on two or more sides; (c) 440 square feet within an attached or detached garage or carport that is enclosed on three sides or more; (d) non-habitable accessory structures of less than 120 square feet; (e) unfinished understories, attics and basements; and (f) finished basements if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50% of the perimeter and does not exceed twelve (12) feet above grade at any point. For new floor area, only include new floor area located outside of the existing building envelope.

“**Floor Area**” for all projects **except those with one or two dwelling units on a lot** means the total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surfaces of the main walls of principal or accessory buildings, or the center line of party walls separating such buildings, but excluding: (a) areas used for off-street parking spaces, loading berths, driveways, and maneuvering aisles; (b) areas which qualify as usable open space in Chapter 17.126; and (c) arcades, porticoes, and similar open areas which are located at or near street level of Nonresidential Facilities, are accessible to the general public, and are not designed or used as sales, display, storage, or production areas. For new floor area, only include new floor area located outside of the existing building envelope.

“**Footprint**” means the total land area covered by all structures on a lot, measured from outside of all exterior walls and supporting columns, including residences, garages, covered carports, and accessory structures, except that the following shall not be considered in determining footprint:

1. The portions of any uncovered and unenclosed decks, porches, landings, or patios, not including railings, which are less than thirty (30) inches above finished grade;
2. The portions of any uncovered and unenclosed balconies and stairways, including railings, which are less than six (6) feet above finished grade;
3. Eaves and roof overhangs; and
4. Trellises and similar structures which do not have solid roofs and which would not otherwise be included in this definition.

“**Market-Rate/Unrestricted Dwelling Units**” are residential units for which the rent/price is set by the real estate market and not limited to certain household incomes.

“**Restricted Dwelling Units**” are residential units for which the rent/price is legally restricted to households earning a certain income expressed as a percentage of the Area Median Income or AMI. For more information, visit the Housing and Community Development Department’s website at <https://www.oaklandca.gov/services/housing/index-a-2/housing-policies-plans-and-data/rent-and-income-limits-for-affordable-housing>

“**Setback Slope**” means the slope between edge of pavement and the front setback line, at the midpoint and perpendicular to the front property line.

“**Structure Slope**” means the steepest slope across building footprint measured from one side of the building to another.

5. IMPERVIOUS SURFACE INFORMATION

PROJECT CHARACTERISTICS: (check one)

- (1) The project will create or replace **10,000 square feet or more** of new or existing impervious surface area* (not including projects involving one single-family dwelling).
- (2) The project will create or replace **5,000 square feet or more but less than 10,000 square feet** of new or existing impervious surface area* AND involves the following:
- Auto servicing, auto repair, or gas station;
 - Restaurant (full service, limited service, or fast-food); or
 - Uncovered parking (stand-alone parking lot or parking serving an activity; including uncovered parking garages).
- If you checked (1) or (2) the project is considered a “Regulated Project” and must comply with NPDES C.3 stormwater requirements. You must submit a completed Stormwater Supplemental Form and a Preliminary Post-Construction Stormwater Management Plan with your application (see page 14).
- (3) The project will create or replace **2,500 square feet or more but less than 5,000 square feet** of new or existing impervious surface (including projects involving one single-family dwelling), unless the project meets the definition of (1) or (2) above.
- If you checked (3) site design measures to retain stormwater on-site are required. Refer to the City’s “Overview of Provision C.3” for more information. <https://www.oaklandca.gov/documents/overview-of-provision-c-3-requirements-for-stormwater-management>
- (4) None of the above.

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

6. TREE PRESERVATION ORDINANCE

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

The following are Protected Trees:

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

I ATTEST THAT: (check one)

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

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

DESCRIPTION OF TREES (Identification numbers and letters must be consistent with the Tree Survey, see submittal requirements in Section 8)

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

Reason for removal/impacting of trees: _____

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

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

7. CREEK PROTECTION ORDINANCE

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

WHAT IS A CREEK?

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

A creek must include the following two components:

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

I ATTEST THAT: (check one)

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

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

8. HAZARDOUS WASTE AND SUBSTANCES STATEMENT

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

Please refer to the following State-maintained websites:

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

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

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

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

Name of applicant: _____

Applicant's address: _____

Phone number: _____

Address of site on list: _____

Local agency (city/county): _____

Specify any list pursuant to Section 65962.5 of the Government Code: _____

Regulatory identification number: _____

Date of list: _____

Status of regulatory action: _____

Signature of Owner or Authorized Agent

Date

9. RECYCLING SPACE REQUIREMENTS

Applicants are required to provide sufficient space for the storage and collection of recyclable materials to comply with Ordinance No. 11807 – Recycling Space Allocation Requirements. This space should be in addition to that provided for garbage service.

Affected projects:

1. New multifamily buildings in excess of five (5) units
2. New commercial and industrial projects that require a building permit
3. New public facilities
4. Additions and alternations for a single or multiple permits that add 30% or more to the gross floor area

Requirements:

For residential projects, two (2) cubic feet of storage per unit, with a minimum requirement of not less than ten (10) cubic feet. Additionally, Oakland Municipal Code Section 8.28.140 requires the provision of 32 gallons or 4.3 cubic feet of storage per unit for garbage. For affected commercial, industrial and public facility project, two (2) cubic feet of storage and collection space per each one thousand (1,000) square feet of the total gross building footage, with a minimum requirement not less than ten (10) cubic feet. For these projects, the space for storage and collection of garbage varies based on the type and operation of the facility. Space for storage of recyclables should be separated into the following categories: paper and cardboard (mixed together); plastic bottles, glass bottles and metal cans (mixed together); and organics/plant material.

10. GREEN BUILDING ORDINANCE

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

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

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

A. PROPERTY ADDRESS: _____

B. PROJECT TYPE OF DEVELOPMENT (check one):

<input type="checkbox"/> New Construction	<input type="checkbox"/> New Construction-Mixed Use	<input type="checkbox"/> Addition
<input checked="" type="checkbox"/> Existing Building	<input type="checkbox"/> Tenant Improvement	<input type="checkbox"/> Remodel
<input type="checkbox"/> Historic	<input type="checkbox"/> Landscape Project	

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

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

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

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

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

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

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

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

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

X

 Signature of the GreenPoint Rater or LEED Accredited Professional Date

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

TO BE COMPLETED BY CITY STAFF:
 CASE NUMBER(S): _____ CASE PLANNER'S NAME: _____
 Note to Case Planner: Please route a copy of this form to the green building coordinator in the Planning and Zoning Division.

11. PUBLIC ART FOR PRIVATE DEVELOPMENT REQUIREMENTS

Effective February 9, 2015, Ordinance No. 13275 requires a public art allocation for private developments. (OMC Chapter 15.78). The following reflects the Ordinance updated through Ordinance No. 13491, which was adopted by the City Council on June 15, 2018.

Applicant information

Name: _____
Phone: _____
Email: _____

Project information

Address: _____
Number of dwelling units: _____
Floor area of nonresidential: _____
Floor area of residential: _____

Not Applicable.

Applicability

The public art for private development requirement applies to:

- 1) Private non-residential developments of 2,000 square feet or more of new floor area that are subject to Regular Design Review approval; and
- 2) Private residential developments of 20 or more new dwelling units that are subject to Regular Design Review approval.

The public art requirements do not apply to affordable housing if the developer demonstrates that they would cause the project to be economically infeasible.

Contribution Requirements

- 1) For non-residential developments, at least 1.0% of "building development costs."
- 2) For residential developments, at least 0.5% of "building development costs."

The "building development cost" is the construction cost declared on the building permit application and accepted by the Building Official.

CHECK ONE OF THE FOLLOWING COMPLIANCE METHODS:

- On-site art Art in the public right of way within .25 miles from the site In-lieu contribution Combination of in-lieu payment and on-site cultural space and/or art gallery Contribution to City-owned art facility within 0.5 miles from site

Compliance Methods

Compliance with art requirement shall be demonstrated when filing the Building Permit application through one of the following:

- 1) An approved public art plan and contractual agreement to install the artwork at the site or in the public right of way within .25 miles from the site. Note that development in the public right of way requires additional permits and approval from the City's Public Art Advisory Committee. The installation of the artwork must be complete prior to issuance of certificate of occupancy; or
- 2) Full payment of an in-lieu contribution; or
- 3) Provide up to 75% of the contribution as follows, with the remaining to be fulfilled through an in-lieu payment*:
 - a. Space within the development project that is generally open to the public during regular business hours for use as a rotating art gallery can satisfy up to 25% of total contribution; and/or
 - b. A minimum of 500 square feet of arts and cultural programming space within the development that is made available to the public can satisfy up to 50% of the total contribution; or
- 4) Capital improvements to a City-owned arts facility(s) within 0.5 miles of the development.

*All proposals must be approved by the City in advance. Please contact Kristen Zaremba, the Public Art Coordinator, at kzaremba@oaklandca.gov or (510)238-2155 for more information regarding approval of a public art plan or compliance requirements.

I, hereby certify under the penalty of perjury that I have reviewed the project and appropriate checklist and attest that to the best of my knowledge the proposed project would likely comply with the City of Oakland's Public Art Requirements Ordinance.

not applicable

X _____
Signature of Applicant

Date

12. RESIDENTIAL TENANT PROTECTIONS

The City of Oakland has laws to protect residential tenants, including the Rent Adjustment Ordinance (OMC Chap. 8.22, Article I), Just Cause Eviction Ordinance (OMC Chap. 8.22, Articles II & III), Tenant Protection Ordinance (OMC Chap. 8.22, Article V) and Code Compliance Relocation Ordinance (OMC Chap. 15.60). These laws may apply to development projects under certain circumstances.

	Yes	No
<p>A. Will the project affect existing residential units on the site, including Live/Work Units, Work/Live Units, Joint Living and Working Quarters, or unpermitted units?</p> <p>➤ If "Yes," go to Question B.</p> <p>➤ If "No," you do not need to complete the remainder of this section.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>B. Are there existing residential tenants in the affected residential units, including Live/Work Units, Work/Live Units, Joint Living and Working Quarters, or unpermitted units; or did residential tenants occupy the affected residential units within the past 12 months?</p> <p>➤ If "Yes," go to Question C.</p> <p>➤ If "No," you do not need to complete the remainder of this section.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>C. Will existing residential tenants in the affected residential units, including Live/Work Units, Work/Live Units, Joint Living and Working Quarters, or unpermitted units, be temporarily or permanently evicted or relocated due to the project, or were residential tenants previously occupying the affected units within the past 12 months temporarily or permanently evicted or relocated due to the project?</p> <p>➤ If "Yes," provide the information below about these units and complete the remainder of this section.</p> <p>1) Number of Affected Units: _____</p> <p>2) Number of Affected Tenants: _____</p> <p>➤ If "No," you do not need to complete the remainder of this section.</p>	<input type="checkbox"/>	<input type="checkbox"/>

D. Project Information (to be completed if Questions A-C above are marked "Yes"):

- 1) Property Address: _____
- 2) Assessor's Parcel Number: _____
- 3) Applicant's Name: _____
- 4) Applicant's Address: _____
- 5) Applicant's Phone: _____ 6) Applicant's Email: _____

Existing and former tenants on the site may be entitled to protections and benefits, including relocation payments and the right to return to previous units. The property owner may be required to submit evidence of compliance with applicable tenant protection laws upon the request of the City. For more information, please contact the Oakland Housing Assistance Center: 250 Frank H. Ogawa Plaza, 6th Floor, Oakland, California, 94612; (510) 238-6182.

To be completed by staff:

Case Number(s): _____ Case Planner's Name: _____ Date: _____

Note to Case Planner: If Questions A, B, or C are marked "Yes," please route a copy of this page to the Housing and Community Development Department.

13. COMMUNITY ENGAGEMENT

Although community engagement is important for all development projects requiring discretionary approval, it is especially important for larger projects, controversial projects, and projects with the potential to cause substantial community impacts. Applicants proposing the following project types will be required to submit a written statement to the City describing the community engagement efforts undertaken to date:

	Yes	No
<p>A. Does the application involve any of the following?</p> <ul style="list-style-type: none"> • New residential project with 100 or more dwelling units; • New nonresidential project with 100,000 square feet or more of floor area; • New Planned Unit Development (PUD); • New subdivision of 25 or more lots; • Proposed regulatory change (Development Agreement, Rezoning, and/or General Plan Amendment); or • Any other new project requiring discretionary approval that the Planning Bureau has determined may potentially cause substantial community impacts. <p>➤ If "Yes," complete Section B below.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

B. Community Engagement Efforts. Please summarize community engagement efforts undertaken to date concerning the project, community input received concerning the project, and how the project has or has not been modified in response to community input (attach additional sheets if necessary):

~~For approximately the past six years the community has pressed the owner to take action to improve the exterior appearance of the 57th street side of the building, legalize modifications to the height of the freezer area and provide for other interior improvements construction without permits. On October 18, 2014 the owner and Suprema Meats, Inc. entered into a compliance plan with the City of Oakland in which Owner agreed to apply for permits to perform exterior improvements to the exterior of the front of the building to enhance its appearance. However, the City refused to issue the necessary permits pending a hearing on application for a Conditional Use Permit to maintain a loading dock and canopy. That hearing did not take place until December 2019. When the application was rejected Owner and Suprema Petitioned the Superior Court for a writ of Mandate. Following the December, 2019 hearing the City informed Owner that new permits would be required to legalize the improvements reflected in the present application. No further contact has been made with the community. Base on prior input from neighbors owner assumes that they are in favor of aesthetic improvements to the front of the building, are opposed to the increase in height of the freezer area and likely don't care about the interior improvements.~~

The loading dock on 57th and the canopy (except the west five feet) are being addressed in the pending petition and are not implicated by this application.

14. SUBMITTAL REQUIREMENTS: WHAT TO SUBMIT

The following information and drawings must be included in the submittal package for your application. Planning staff reserves the right to require additional plans and information as needed for certain development proposals.

**The following items are required for ALL applications unless otherwise noted.
Each and every item is required at the time of application submittal.
APPLICATIONS WITH MISSING ITEMS WILL NOT BE ACCEPTED.
All fees are due at the time of application submittal.**

- (1) **Basic Application for Development Review**
This application form signed and completed (including impervious surface, protected tree, creek information, the Hazardous Waste and Substances Statement, and green building sections). Original signatures or clear & legible copies are required.
- (2) **Supplemental Forms and Findings**
Explanation describing how the proposal complies with City requirements (forms provided by staff).
- DRX, DS, DR, or SP supplemental findings.
 - CUP and/or Variance supplemental findings.
 - TPM/TTM supplemental findings.
 - Other extra CUP or DR findings, such as alcohol, ground floor use, extra units, telecom (mini, micro, macro), etc.
 - Specific Plans Design Guidelines Checklist (Broadway Valdez District, Central Estuary, Lake Merritt Station, or West Oakland).
 - Affordable Housing Density Bonus Requirements and Checklist.
- (3) **Assessor's Parcel Map**
Available at the City of Oakland Engineering Services or Zoning counters, the County Assessor's Office, 1221 Oak St. or the County Assessor's website at <http://ac.aov.org/MS/prop/index.aspx>
- (4) **Photographs** (Photographs placed in a secure envelope or mounted on a board folded to a size no larger than 9" x 12")
- Color photographs showing the existing structure or lot as seen from across the street and from the front, side and rear property lines. Label each photograph with the view pictured (e.g., front, side, rear, across the street).
 - Color photographs showing the 20 nearest neighbors from the street (5 nearest lots on either side, 10 nearest lots across the street). Label each photograph with the address pictured.
- (5) **Plans** (see supplemental requirements for all Tentative Parcel Map (TPM), Tentative Tract Map (TTM), Parcel Map Waiver (PMW) applications).
- Two (2) stapled and folded sets of full-sized plans and Two (2) additional sets of reduced plans (11" x 17") are required for all applications. For Major Permits, a color 11"x17" rendering **MUST** be submitted.
 - For all projects that will require a presentation before a Board or Commission you will be required to provide **fifteen (15) color sets** of your final plans sized at 11"x17" at least **three weeks** before your scheduled hearing date or as directed by Planning staff.
 - Fold plans to 9" x 12" maximum size. Plans must be on sheets no greater than 24" x 36".
 - Include north arrow, date prepared and scale.
 - Acceptable drawing scales are: 1/4" = 1', 3/16" = 1', 1/8" = 1', and 1" = 10'. Other scales may be appropriate, but should be discussed with Planning staff before filing. Also, please limit the range of scales used, so Planning staff can more easily analyze your project in relation to adjacent properties.
 - Include the name and phone number of person preparing the plan(s). As appropriate or required, include the stamp and "wet signature" of any licensed architect, landscape architect, surveyor and/or civil engineer preparing final plans.
 - Show all encroachments over the public Right-of-Way.
 - All submittals are required to provide an electronic submission of the all required submittal items at time of intake. Plan sets will have two copies submitted, one (1) low resolution and one (1) high resolution in .PDF format. Each item will be scanned separately and clearly identified. For each revision of the project, the applicant will be required to submit both a paper and electronic submittal of all the material being revised as directed by Planning staff.
- (a) **Survey** (required only for the following project types listed below)
- Must be no more than 3 years old from the time of submittal – date of survey must be included.
 - Must be prepared by a California State licensed Land Surveyor or by a Civil Engineer with a license number below 33966 (licensed prior to January 1, 1982).
 - **Include the wet stamp and signature** of the Land Surveyor or Civil Engineer who prepared the survey.
 - Include the applicable surveyor's statement in accordance with the Professional Land Surveyors Act.
 - In addition to paper copies, the survey must also be submitted on a CD.

Required for all new buildings, including Secondary Units Type 2 and >100% footprint additions to existing buildings (except small non-habitable buildings):

- Full boundary & topographic survey with field-verifiable monuments set or found by the surveyor.
- Location, dimensions, and dimensions to property lines of all existing buildings and similar structures.

Required for any building or addition within any required setback:

- Applicable line survey with field-verifiable monuments set or found by the surveyor.
- Location, dimensions, & dimensions to property line of existing buildings & similar structures adjacent to relevant property line.

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

- Site topography for all areas of proposed work and for all existing driveways, buildings, and similar structures.
- Location and dimensions for all existing driveways, buildings, and similar structures.

(b) **Site Plan**

- Location and dimensions of all property boundaries.
- Location and dimensions of all existing and proposed buildings, decks, stairs, and patios. see A2.1
- Dimensions of all existing and proposed building setbacks from property lines.
- Location of building footprints and approximate height of buildings on adjacent lots.
- Location, dimensions, and paving materials of all adjacent sidewalks, curbs, curb-cuts (including curb-cuts on adjacent neighbor's lots), and streets.
- Location and dimension of all existing and proposed driveways, garages, carports, vehicle parking spaces, bicycle parking spaces, maneuvering aisles, wheel-stops, pavement striping/markings, and directional signage. Indicate existing and proposed paving materials.

Location, height, and building materials of all existing and proposed fencing and walls.

Location, height (including top and bottom elevation measurements), and building materials of all existing and proposed retaining walls.

Location and size (dbh) of all existing trees and indication of any trees to be removed, include trees on neighboring properties that are within 10 feet of construction.

Location of drainage ways, creeks, and wetlands (check with the Engineering Services Division for this information)

Roof plan showing roof slope and direction, and location of mechanical equipment, ducts, and vents.

For projects located on a lot with a slope of 20% or more: Show existing and proposed topographic contours overlaid with proposed roof plan and indicating roof ridge spot elevations.

For multi-family residential projects: Show the location, dimension, slope, and site area of all existing and proposed Group Usable Open Space and Private Usable Open Space, including a summary table of site area.

For projects in all Residential, Commercial, and Industrial Zones, including the CIX-1A Zone, show any building to be demolished both historic and non-historic.

Location and size of storage area for recycling containers (see page 7 for more information).

(c) **Landscape Plan** (required for new buildings, new dwellings, and residential additions of more than 500 sq. ft.)

- Indicate any existing landscaping and new landscaping.
- Indicate the size, species, location, and method of irrigation for all plantings.
- Include the square footage of new landscaping, if over 500 square feet or over 2,500 square feet of new landscaping please provide all requirements per the Water Efficiency Landscape Ordinance (WELO), visit <https://water.ca.gov/Legacy/files/wateruseefficiency/docs/MWEL09-19-09.pdf>
- Include all existing and proposed groundcovers, driveways, walkways, patios, and other surface treatments.

(d) **Floor Plan**

- Include complete floor plan of all floors of entire building, including existing and proposed work
- Label all rooms (c.g., bedroom, kitchen, bathroom), and include dimensions of room sizes.
- Show the location of all existing and proposed doors, windows, and walls.
- Location of and distance to all adjacent property boundaries.
- For non-residential projects: show all existing and proposed seating areas, mechanical/kitchen equipment, and/or other major functional components of the proposed project.

(e) **Elevations** (required only for new construction, additions, or exterior alterations)

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

(f) **Cross Sections** (required only for buildings or additions located on a lot with a slope of 20% or more)

- Include all critical cross sections, including at least one passing through the tallest portion of the building.
- Include floor plate and roof plate elevation heights.
- Location of and distance to all adjacent property boundaries.

- Label the location of the cross-sections on the site plan.
- (g) **Tree Survey** (required only for projects which involve a Tree Preservation/Removal Permit [see page 5])
 - **Three (3)** folded full-sized plans are required (in addition to the plans required under No. 5 above).
 - Fold plans to 9" x 12" maximum size. Plans must be on sheets no greater than 24" x 36".
 - Include north arrow, date prepared and scale (Tree Survey should be drawn to the same scale as the Site Plan).
 - Include the name & phone number of person preparing the plan(s). As appropriate or required, include the stamp & "wet signature" of any licensed architect, landscape architect, surveyor and/or civil engineer preparing final plans.
 - For new construction on an undeveloped lot: include the stamp and "wet signature" of the licensed architect, landscape architect and/or civil engineer preparing the survey.
 - Indicate the size (dbh), species, and location of all protected trees within 30 feet of development activity on the subject lot, regardless of whether or not the protected trees are included on any tree preservation/removal permit application.
 - Label all protected trees that are located within 10 feet of construction (including trees located on neighbor's properties or the adjacent public right-of-way) with the matching number or letter from the Tree Preservation/Removal Permit application (see section 6 of this application).
- (h) **Shadow Study (for DS-III projects and other two-story DR projects for one- and two-units)**
 - Include a roof plan of proposed house/addition with adjacent homes and show the shadows at different times of the day as shown in the Design Review Manual for One- and Two-Unit Residences on page 2.1 and 2.2.
- (i) **Grading Plan** (required only if the project proposes any site grading)
 - Show proposed grading plan and/or map showing existing and proposed topographic contours (this may be combined with the Site Plan for small projects with only minor grading).
 - Include an erosion & sedimentation control plan.
 - Include a summary table of all proposed excavation, fill, and off-haul volumes.

The following are required only for non-residential, mixed-use, and/or multi-family residential projects.

- (j) **Sign Plan** (required only for non-residential and mixed-use projects)
 - Include fully dimensioned color elevations for all proposed signs.
 - Indicate proposed sign location(s) on site plan
 - Indicate proposed material(s) and method of lighting for all proposed signs.
- (k) **Lighting Plan** (required only for non-residential, multi-family residential, and mixed-use projects)
 - Show the type and location of all proposed exterior lighting fixtures (this may be combined with the Site Plan for small projects).
- (l) **Materials & Color Board** (required only for non-residential, multi-family residential, and mixed-use projects involving new construction or an addition/alteration that does not match existing materials and colors).
 - Limit board(s) to a maximum size of 9" x 12". Large projects (generally more than 25 dwelling units or 50,000 square feet of floor area) should also submit a large sized materials & color board (24" x 36") for use at public hearings.
 - Include samples of proposed exterior building materials and paint colors.
 - Include manufacturer's brochures as appropriate.
- (m) **Three-dimensional Exhibits** (required only for large projects with more than 25 dwelling units or 50,000 square feet of floor area).
 - Provide color perspective drawings showing the project from all major public vantage points, or provide a scale model of the proposed project.
- (6) **Preliminary Post-Construction Stormwater Management Plan*** (required only for "Regulated Projects" subject to NPDES C.3 stormwater requirements [see page 4 for more information])
 - Show location and size of new and replaced impervious surface.
 - Show directional surface flow of stormwater runoff.
 - Show location of proposed on-site storm drain lines.
 - Show preliminary type and location of proposed site design measures, source control measures, and stormwater treatment measures.
 - Show preliminary type and location of proposed hydromodification management measures (if applicable).

* Please refer to the Stormwater Supplemental Form for more information concerning NPDES C.3 requirements. The Stormwater Supplemental Form must also be submitted with the application.
- (7) **Preliminary Title Report or deed not more than 60 days old** (required for all Tentative Parcel Map (TPM), Tentative Tract Map (TTM), Parcel Map Waiver (PMW), Rezoning, and General Plan Amendment applications, and any application where the owner information does not match the current Alameda County Assessor's records)

- (8) **Fees** (all fees are due at the time of application submittal)
 - Additional fees may be required if the project changes or based on staff's environmental determination.
- (9) **Additional Telecom Information Required** (See full requirements in Chapter 17.128 in the Oakland Planning Code)
 - For the whole parcel, indicate the total number of existing and proposed antennas and equipment cabinets, their location, and the carriers they serve (please include all wireless carriers). Also indicate area, height, and width of all equipment cabinets and antennas (existing and proposed).
 - Additional Telecom CUP & DR findings for either: Mini, Micro, Macro, Monopole, or Tower (See definitions in 17.10.860).
 - Include Radio Frequency emissions report (RF), see Section 17.128.130 for requirements.
 - If a revision, please include previous approved case number if applicable and can be obtained.
 - If swapping out & replacing existing antennas, include existing & proposed heights of antennas (per Federal Section 6409).

For any questions regarding this application, visit the Zoning Counter or call the Zoning Information Line:

Zoning Counter:

250 Frank H. Ogawa Plaza, 2nd Floor Oakland CA 94612
Mon, Tues, Thurs & Friday: 9am-Noon & 2pm-4pm
Wednesday 9:30am-Noon & 2pm-4pm

Zoning Information Line:

(510) 238-3911
Mon, Tues, Thurs & Friday: 9am-Noon & 2pm-4pm
Wednesday 9:30am-Noon & 2pm-4pm

To obtain an electronic PDF fillable copy of this form please visit
<https://www.oaklandca.gov/documents/development-review-basic-application>



TAHOE BLUE
SRI: 33 • LRV: 14

**HORIZONTAL
METAL TRIM
ASC BUILDING
PRODUCTS
'TAHOE BLUE'**



ZINCALUME® Plus⁴
SRI: 64 • LRV: 67

**VERTICAL METAL
SIDING
ASC BUILDING
PRODUCTS
'ZINCALUME'**



**EXISTING
BRICK**

29 APRIL 2020

SUPREMA MEAT COMPANY

955 57TH STREET
OAKLAND, CALIFORNIA

COLOR BOARD



ARCH
1234 5678 9101 1112 1213
1314 1415 1516 1617 1718
1819 1920 2021 2122 2223
2324 2425 2526 2627 2728
2829 2930 3031 3132 3233

Steve Hassing

From: Lei, Jasmin <JLei@oaklandca.gov>
Sent: Friday, August 21, 2020 10:11 AM
To: Craig Miers
Cc: August, Karen
Subject: 955 57th St (B2002151)- Application Status

Hi Craig,

Hope you're doing well. My apologies for long wait and thank you for being patient with us.

Your plans are currently under review with the plan checker. I will contact you later today to let you know of the status.

We had some difficulties figuring out the project address. DRX200655 was under 5655 Lowell St but the plans submitted to Building was under 955 57th St.

Karen- I've created the record under 955 57th St per what's written on the permit application. I believe that is where the work is being done and referenced DRX200655 on the record. Hopefully that works!

Thank you,

Jasmin Lei
Permit Technician I
City of Oakland Planning and Building Department
250 Frank Ogawa Plaza, 2nd Floor, Oakland, CA 94612
(510) 238-2316

**** COVID-19 Update:** Conditions and information relating to Planning and Building Department's operations are changing rapidly. Please check our [priority services during shelter-in-place webpage](#) for regular updates."

The website has our most updated information.

DRX200655 - DRX @ 5655 LOWELL ST (aka 955 57th St)

Menu Save Reset Update View Log Reports Help

The Record updated successfully

Record #
DRX200655 **Opened Date**
05/21/2020

Status
Approved

Type
Planning/Applications/Counter/DR Exemption

Application Name
DRX @ 5655 LOWELL ST (aka 955 57th St)

Assigned to Department Current Department **Assigned to Staff** Current User
Zoning Review  Karen August 

Description
DRX @ 5655 LOWELL ST (aka 955 57th St)

Repair, replacement of siding and windows as shown in plans.

Used address: 955 57th St
Legal address:

Parcel Number: 015 129800900
Address: 5655 LOWELL ST
Building Area Sq. Ft.: 16,016
Lot Size Sq. Ft.: 23,014.00
LandUse Discription: Light industrial

[check spelling](#)

Total Invoiced	Total Paid	Balance
84.92	84.92	0.00

System ID
20CAP-00000-11873

From: Lei, Jasmin <JLei@oaklandca.gov>
Sent: Friday, September 4, 2020 12:33 PM
To: Craig Miers <cmiers@mierscottarchitects.com>
Cc: M Jara <mmjara18@gmail.com>
Subject: Re: 090420 Suprema 955 57h Street B2002151

Hi Craig,

Please let Miguel know so I can enter that information into our records.

For the time, please have him sign and return the attached Contractor's Declaration and 1-page County Acknowledgment form (stating that you have read over the Health Officer Order).

Thank you,

Jasmin Lei
Permit Technician I
City of Oakland Planning and Building Department
250 Frank Ogawa Plaza, 2nd Floor, Oakland, CA 94612
(510) 238-2316

**** COVID-19 Update:** Conditions and information relating to Planning and Building Department's operations are changing rapidly. Please check our [priority services during shelter-in-place webpage](#) for regular updates."

The website has our most updated information.

From: Craig Miers <cmiers@mierscottarchitects.com>
Sent: Friday, September 4, 2020 12:22 PM
To: Lei, Jasmin <JLei@oaklandca.gov>
Cc: M Jara <mmjara18@gmail.com>
Subject: 090420 Suprema 955 57h Street B2002151

Good Afternoon Jasmin
The address is 955 57th Street, (B2002151).
(I let Miguel know that you still needed Contractor's Name and License Number.

Thanks, be safe.
Craig.

Thank you.
If you have any questions or comments please contact us.
Craig Miers, AIA

Craig Miers + George Scott Architects, llp
1624 Santa Clara Drive, Suite 230
Roseville, CA 95661
(916) 780-0100

From: Lei, Jasmin <JLei@oaklandca.gov>
Sent: Friday, September 4, 2020 12:01 PM

To: M Jara <mmjara18@gmail.com>
Cc: Craig Miers <cmiers@mierscottarchitects.com>
Subject: Re: Suprema

Hi Miguel,

Can you let me know what address this is for? I can check on the status.

Thank you,

Jasmin Lei
Permit Technician I
City of Oakland Planning and Building Department
250 Frank Ogawa Plaza, 2nd Floor, Oakland, CA 94612
(510) 238-2316

**** COVID-19 Update:** Conditions and information relating to Planning and Building Department's operations are changing rapidly. Please check our [priority services during shelter-in-place webpage](#) for regular updates."

The website has our most updated information.

From: M Jara <mmjara18@gmail.com>
Sent: Thursday, September 3, 2020 3:20 PM
To: Lei, Jasmin <JLei@oaklandca.gov>
Cc: Craig <cmiers@mierscottarchitects.com>
Subject: Suprema

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi Jasmin

When can I pick up my stamped plans. Do I have to do anything else ???

Thanks

Miguel jara
Suprema Meat

Steve Hassing

From: PermitInfo <PermitInfo@oaklandca.gov>
Sent: Thursday, October 21, 2021 12:01 PM
To: Craig Miers
Subject: Re: Planning submittal 955 57th Street, 102121

Craig,

OK with zoning, with this email -- no zoning permit / fee required for this project at this time -- apply for building permit when ready, with this email included, at:

permitinfo@oaklandca.gov

Aubrey Rose AICP
Planner III

*

Zoning OK
5655 Lowell St aka 955 57th St
Roof screen
ABR 10-21-2021

*****Please note that these emails are not reviewed in conversation format nor is it reviewed by the same person, so please include all required attachments in all new emails or replies if you are trying to provide additional supporting documentation. Thank you.*****

From: Craig Miers <cmiers@mierscottarchitects.com>
Sent: Thursday, October 21, 2021 10:48 AM
To: PermitInfo <PermitInfo@oaklandca.gov>
Subject: Planning submittal 955 57th Street, 102121

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Good Morning.

Attached is our submittal for the Planning Department to add a roof screen along Lowell for the Building located at 955 57th Street.

1. Planning Application
2. Planning Documents
3. Illustration of proposed deck material
4. We did not include a photo of the deck material, per the request not to send any photographs.

Please let us know if there are any other documents you need for this submittal.

Thank you.



SM-075

EX SM 018





SM-077



SM-079



SM-080



SM-081





SM-083



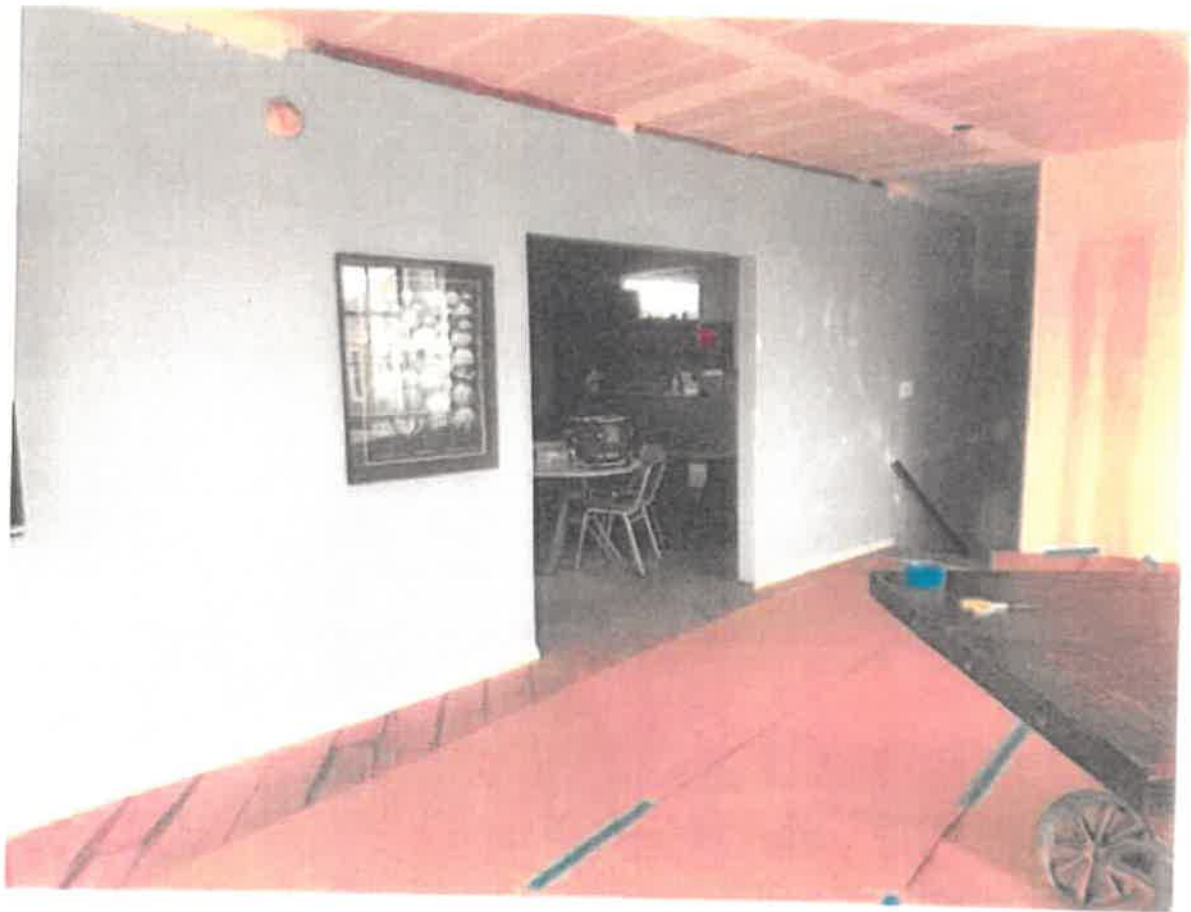
SM-084



SM-086



SM-093



SM-078

EX SM 019



SM-089

EX SM 022



SM-090



SM-091



SM-092



SM-094



SM-096



Inspection History

Permit #: **B2002151**

Permit Type: **(B) - Building Alteration - 3+ Residential...**

Address: **955 57TH ST, OAKLAND, CA, 94608**

Replace (e) windows and exterior finishes/ siding on second floor of warehouse. drx200655

Date: 11/16/2021

Building Approvals 11-16-21, virtual inspection conducted
1. Insulation ok in walls and ceilings.

Inspection: **Frame**

Status: **Partial**

Inspector Name: **Gene Martinelli**

03

Aug

2021

Date: 8/3/2021

Building Approval 8/3/21
1. Rough framing okay.

Inspection: **Pre-Construction**

Status: **Correction Notice**

Inspector Name: **Gene Martinelli**

16

Apr

2021

Date: 4/16/2021

Correction Notice 4/16/21 Pre-construction meeting



Inspection History

Permit #: **B2002151**

Permit Type: **(B) - Building Alteration - 3+ Residential...**

Address: **955 57TH ST, OAKLAND, CA, 94608**

Replace (e) windows and exterior finishes/ siding on second floor of warehouse. drx200655

~~prior to obtaining wallboard approval. Note. Once electrical rough is obtained please call in City for another wallboard inspection.~~

Inspection:	Frame	30
Status:	Not Pass	Nov
Inspector Name:	Gene Martinelli	2021

Date: 11/30/2021

Building Correction Notice 11/30/21, virtual inspection conducted

1. Needs to complete wallboard on ceilings.

Inspection:	Frame	16
Status:	Partial	Nov
Inspector Name:	Gene Martinelli	2021



Inspection History

Permit #: **B2002151**

Permit Type: **(B) - Building Alteration - 3+ Residential...**

Address: **955 57TH ST, OAKLAND, CA, 94608**

Replace (e) windows and exterior finishes/ siding on second floor of warehouse. drx200655

Inspection: Frame **12**
Status: Partial **Jan**
Inspector Name: David Carrillo **2023**

Date: 1/12/2023
 Drywall ok. Front wall of bigger office exterior wall fiber board ok to finish. Electrical rough done 1/9/23. DC

Inspection: Frame **08**
Status: Not Pass **Dec**
Inspector Name: Gene Martinelli **2021**

Date: 12/8/2021
 Building Correction Notice 12/8/21, virtual inspection conducted
 1. Needs electrical permit and rough electrical approval



Inspection History

Permit #: **B2002151**

Permit Type: **(B) - Building Alteration - 3+ Residential...**

Address: **955 57TH ST, OAKLAND, CA, 94608**

Replace (e) windows and exterior finishes/ siding on second floor of warehouse. drx200655

Inspection: **Final Building**

Status: **Pass**

Inspector Name: **David Carrillo**

Date: **4/6/2023**

Final of scope ok. DC

**06
Apr
2023**

COURT OF APPEAL, FIRST APPELLATE DISTRICT
350 MCALLISTER STREET
SAN FRANCISCO, CA 94102
DIVISION 4

Office of the County Clerk
Alameda County Superior Court - Main
1225 Fallon Street, Room G4
Oakland, CA 94612

SUPREMA MEATS, INC.,
Plaintiff and Appellant,
v.
CITY OF OAKLAND,
Defendant and Respondent.

A163448
Alameda County Super. Ct. No. RG20058895

* * REMITTITUR * *

I, Charles D. Johnson, Clerk of the Court of Appeal of the State of California, for the First Appellate District, do hereby certify that the attached is a true and correct copy of the original opinion or decision entered in the above-entitled cause on December 28, 2022 and that this opinion has now become final.

Costs are awarded to respondent.

Witness my hand and the Seal of the Court affixed at my office this March 8, 2023

Very truly yours,
Charles D. Johnson
Clerk of the Court

M. Garcia
Deputy Clerk

