

CITY OF OAKLAND
AGENDA REPORT

2010 JUL -8 PM 2: 58

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community & Economic Development Agency
DATE: July 20, 2010

RE: **A Public Hearing and Resolution Denying the Appeal and Upholding the Planning Commission Approval of a Major Conditional Use Permit at 1500 E. 12th Street to establish Self-Serve Laundromat (Consumer Service Commercial).**

SUMMARY

On May 5, 2010, the Planning Commission approved (by a vote of 6 to 0) a Major Conditional Use permit at 1500 E. 12th Street, to establish a self-serve Laundromat (Consumer Service Commercial) (CM10-065). A copy of the Transcript of that hearing is attached to this report (*Attachment F*)

On May 17, 2010, a group of neighboring business owners and operators including: Bill Phua, Bruce Vuong, Nancy Chung, Enoch Shin, Ramesh Patel, and Louis Lam filed an appeal of the Planning Commission's Approval of the Project to the City Council (*Attachment A*). After the filing of the Appeal and prior to the City Council hearing on the Appeal, three of the Appellants (namely, Bruce Vuong, Louis Lam and Nancy Chung) withdrew in writing from the Appeal (*Attachment A*). The neighbor's appeal essentially maintains that the Conditional Use Permit findings were not met.

The arguments raised by the appellant are summarized below in the Key Issues portion of this report along with staff's response to each argument. The arguments are also addressed in the attached May 5, 2010 Planning Commission Report (*Attachment C*). For the reasons stated in this report, and elsewhere in the record, staff recommends the City Council adopt the attached Resolution denying the appeals, thereby upholding the Planning Commission's approval of the project.

FISCAL IMPACT

The project involves the opening of a business, and does not request or require public funds. If allowed to operate, the project would provide a positive fiscal impact through sales taxes, property taxes, and business license taxes. As the site is not seeking a further physical expansion it would not require an increase in the level of municipal services that must be provided. Were the appeal to be upheld and the project overturned, it is likely that there would be a diminished amount of potential revenue from sales taxes, property taxes, and business license taxes.

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BACKGROUND

The following staff report addresses the proposal to establish a coin operated self-serve laundry facility (Consumer Service Commercial). The 4,951 square-foot building structure was originally approved July 29, 2009 by staff under Planning permit V09-096 and has not been constructed (see *Attachment E*), but needs no further design review or other discretionary approvals. The proposed CUP is for a 3,744.5 square-foot self-serve laundry facility. The remainder of the previously approved building would include an 816.5 square-foot full service salon (see *Attachment C*). A full service salon (Consumer Service Commercial) is a permitted activity and does not require a Conditional Use Permit. The site is located on the corner within a commercial and industrial district along E. 12th Street and 15th Avenue. The site is in the CIX-2 Commercial Industrial Mix 2 Zone. The General Plan designation for the site is Business Mix. The Major Conditional Use Permit is required for the Laundromat pursuant to Ordinance 12972 C.M.S. (approved by City Council on September 22, 2009), which solely provides for interim controls on Laundromat activities by means of requiring a Major Conditional Use Permit, and is not a moratorium on such use. (see *Attachment D*) Since the Ordinance was established this is the only Major Conditional Use Permit application that has been submitted for a Laundromat activity.

PROJECT DESCRIPTION

The proposal entails the request for a Major Conditional Use Permit to establish a coin operated self-serve laundry facility. A self-serve laundry facility, *Consumer Service Commercial* is a permitted activity in the CIX-2 Commercial Industrial Mix 2 Zone. The Business Mix general plan land use designation is silent on this activity. The project requires a major conditional use permit to establish the Consumer Service Commercial activity, specifically a self-serve Laundromat, based on the City of Oakland Emergency Ordinance Number 12972 C.M.S. (see *Attachment D*).

PROPERTY DESCRIPTION

The subject property is a corner parcel of approximately 14,000 square feet, with frontage on E. 12th Street, 15th Avenue and Solano Way. The subject property currently has 4 separate buildings and three of which, warehouse structures, will be demolished to build the self-serve laundry facility and full service salon. A two story building facing E. 12th Street will remain. There is a proposal for a 4,951 square-foot building structure, which was originally approved July 29, 2009 under Planning permit V09-096 and has not been constructed. The previously approved plan for the site also includes a parking lot with parking for 21 cars; two driveways with a one-way entry from E. 12th Street and a one-way exit on Solano Way; new pathways; and landscaping with street trees on E. 12th Street and 15th Avenue. The property was first developed

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in 1912 (based on Alameda County Assessor's Data). The property is located approximately one block from International Boulevard.

GENERAL PLAN ANALYSIS

The subject property is located within the Business Mix General Plan designation. The Business Mix land use classification is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments. The proposal to establish a coin operated self-serve laundry facility will not adversely affect or detract from the commercial and industrial characteristics of the surrounding area.

Policy I/C2.3: Providing Vacant or Buildable Sites.

Development in older industrial areas should be encouraged through the provision of an adequate number of vacant or buildable sites designated for future development.

Policy I/C1.1: Attracting New Business.

The City will strive to attract new businesses to Oakland which have potential economic benefits in terms of jobs and/or revenue generation. This effort will be coordinated through a citywide economic development strategy/marketing plan which identifies the City's existing economic base, the assets and constraints for future growth, target industries or activities for future attraction, and geographic areas appropriate for future use and development.

Policy I/C3.6: Expanding Private Business and Government in Oakland.

The City should encourage the expansion of private business services and government sectors within Oakland.

Policy T2.3: Promoting Neighborhood Services.

Promote neighborhood-serving commercial development within one-quarter to one-half mile of established transit routes and nodes.

Policy T6.2: Improving Streetscapes.

The City should make major efforts to improve the visual quality of streetscapes. Design of the streetscape, particularly in neighborhoods and commercial centers, should be pedestrian-oriented and include lighting, directional signs, trees, benches, and other support facilities.

ZONING ANALYSIS

The subject property is located within the CIX-2 Commercial Industrial Mix 2 Zone. The CIX-2 zone is intended to create, preserve, and enhance areas of the Central and Eastern portions of the City that are appropriate for a wide variety of heavy commercial and industrial establishments.

Uses with greater off-site impacts may be permitted provided they meet specific performance standards and are buffered from residential areas. The proposal to establish a coin operated self-serve laundry facility meets applicable CIX-2 zoning and City of Oakland general use permit regulations. Ordinance No. 12972 C.M.S. was adopted by Council establishing a one-year period during which Laundromats would require a Major Conditional Use Permit because of concerns about over concentration and the potential impact of such uses on commercial areas. Staff is currently working on draft regulations that will be presented to the Commission at an upcoming meeting. Staff is likely to propose a distance separation requirement for Laundromats that will control over concentration. Such regulations are only in concept form at this point and too early to factor into this subject application.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15301, alterations to existing facilities; Section 15303, new construction of small structures, Section 15332, In-fill development projects, and Section 15183, projects consistent with a community plan, general plan or zoning.

KEY ISSUES AND IMPACTS

Neighbor's Appeal

The neighbor's appeal is included as *Attachment A* (the original May 17, 2010 appeal) and summarized below. The basis for the appeal is shown in bold text and the staff response follows each point in regular type.

1. **The Planning Commission's findings do not support approval of the Conditional Use Permit**

The appellant states: "Written findings are required in order to support the decision of the hearing body to approve or deny a conditional use permit. (*Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 C.3d 506)".
The appellants go on to cite other case law.

Staff Response

The Planning Commission staff report dated May 5, 2010 included written findings for support of the Major Conditional Use Permit for the proposed Laundromat (*Attachment C*). Further, the

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appellants do not address how the General Use Permit Findings “do not support approval of the Conditional Use Permit;” rather they simply cite California case law without explaining how such case law supports their position. The Planning Commission adopted the staff report as a whole, which included additional factual bases to support staff’s finding and recommendations, upon approving this Major Conditional Use Permit. During the May 5, 2010 hearing, the appellants did not substantially challenge staff’s findings in support of a Major CUP, which were adopted by the Planning Commission in its resolution approving this Major Conditional Use Permit.

2. This approval is based on unsubstantiated and incorrect findings

The appellant states: “the Planning Commission’s approval of this Conditional Use Permit is based on unsubstantiated findings. In approving the application, the Commission did not consider the input and testimony of the most impacted neighboring businesses. The Neighborhood Appellants included the three nearest neighboring properties. (Pictures of nearest neighboring businesses, Exhibit 2; map of most impacted neighbors, Exhibit 1) These three neighbors expressed concern through written and oral testimony about the negative impact of this approval on their business, but their testimony and the future of their businesses were not considered in the approval of this Laundromat.”

Staff Response

Again the appellant does not address how the approval is “based on unsubstantiated and incorrect findings.” The appellant simply states that three neighbors spoke out against the project, which is not a required finding to approve or deny a project. In fact, there were multiple speakers that supported the project, including the neighbor that owns the restaurant directly across the street (also included in Appellant’s written appeal).

3. The approval of this application does not meet the requirements as set out in the General Use Permit Criteria (Section 17.134.050)

The appellant cites the required General Use Permit Finding A, then cites the Adopted Planning Commission Finding, and finally writes the Inadequacy of Finding A. The appellant states: “This finding is not supported by factual evidence in the administrative record. In fact, fifty-nine neighboring business owners submitted a petition stating that they were concerned about the over concentration of Laundromats in the area and that the operational characteristics of the proposal would adversely affect their business and the surrounding neighborhood.” The appellant goes on to state: “Only one neighboring business spoke in favor of the

application, her business is located across 15th Avenue.”

“The proposed development will use Solano Avenue as an egress for a twenty-one space parking lot. (Picture of Solano Avenue, Exhibit 4) Solano Avenue is essentially a twenty-foot alley way. A Laundromat the size of the one proposed by the applicants can have as many as twenty car trips per hour. Quality Tech uses this alley in the essential functioning of their operations. (See Declaration of Bruce Vuong page 7 of this report) Kenworth storage depends on large trucks being able to access its warehouse. If Solano Avenue becomes an egress point for a twenty-one space parking lot, then their large trucks will not be able to access the warehouse. (Declaration of Nancy Chung on page 8 of this report) The uses for the abutting neighbors, mechanic shops and storage facilities require using large trucks and heavy equipment and the addition of retail in such close proximity will create unsafe traffic conditions.”

Staff Response

The appellant discusses issues with the site plan and parking; however through planning permit V09-096 the design of the building structure, site plan, parking configuration, and landscaping are vested from the July 29, 2009 approval, which was not appealed. (*Attachment E*). Only the Conditional Use Permit for a Laundromat is under review pursuant to this appeal and the applicant could establish any permitted activity in the site and use the parking lot and egress as approved onto Solano Way. Also, the appellant again states that neighbors spoke out against the project, which is not a required finding to approve or deny a project. In fact there were multiple speakers that supported the project including the neighbor that owns the restaurant directly across the street (see testimony of Ms. Dam at pp. 27-28 of Planning Commission Hearing Transcript) which the appellants recognize in their written appeal.

The appellant discusses that two of the neighbors use the Solano Way alley for their own business operations. Solano Way is a public alley and is not a warehousing yard for loading and unloading large trucks, and it should not be used to repair or store vehicles. Not allowing the Laundromat to use the public alley for access would deprive the applicant of privileges enjoyed by owners of similar adjacent properties. No business has the right to long-term use of the alley.

The appellant states that “a Laundromat the size of the one proposed by the applicants can have as many as twenty car trips per hour”, however does not cite the source of Laundromat trip figures with any supporting documentation. Further, if the Laundromat will actually bring more people to the area it will increase the retail traffic to the area and will not displace retail activities or compromise the economic diversity of retail in the area, which is why the Emergency Ordinance 12972 was established to protect retail development. In fact the appellant states that “the addition of retail in such close proximity will create unsafe traffic conditions.” However,

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the intent of the Emergency Ordinance is to encourage, promote and protect retail uses, not to prohibit them. The site currently has three vacant warehouse buildings, which will be demolished for a new Laundromat facility and other commercial use, developed with required parking and site improvements.

4. **The appellant cites the required General Use Permit Finding B, then cites the Adopted Planning Commission Finding, and finally writes the Inadequacy of Finding B. The appellant writes: "Planning Commission Finding B merely restates the ordinance language without any substantiating evidence." Case law is cited and the appellant continues: "nine project opponents, including six nearby and impacted business owners, expressed concern that the proposed Laundromat will not provide a functional working environment and will negatively impact the quality of their neighborhood. Neighborhood appellants expressed concerns at the hearing that adding an egress for a parking lot with twenty-one spaces to an already crowded alley-way barely has the capacity for access to the nearby uses."**

Staff Response

Again, the appellant discusses issues with the site plan and parking; however, through planning permit V09-096 the design of the building structure, site plan, parking configuration, and landscaping are vested from the July 29, 2009 approval which is not subject to this appeal (*Attachment E*). Only the Conditional Use Permit for a Laundromat is under review and the applicant could establish any permitted activity in the site and use the parking lot and egress as approved onto Solano Way. The template form letter with a place to sign and give ones address submitted to the Planning Commission (Appellant's Exhibit 3) simply stated: "I am opposed to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood." The proposed building includes a full service salon which is a permitted activity in the CIX-2 zone and the signers of the form letter did not give locations of other similar business or how the proposed Laundromat would affect them. In fact one of the nine "Neighborhood Appellants" is owner of a shopping complex with a competitor laundry facility. Regarding use of the public alley, no business has right to long-term use of the alley.

5. **The appellant cites the required General Use Permit Finding C, then cites the Adopted Planning Commission Finding, and finally writes the Inadequacy of Finding C. The appellant writes: "Solano Avenue is already dangerously congested with large trucks, the addition of an egress for a parking lot for twenty-one cars will eliminate their ability to use Solano Avenue and access parts of their facilities."**

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Staff Response

Again, the appellant discusses issues with the site plan and parking; however through planning permit V09-096 the design of the building structure, site plan, parking configuration, and landscaping are vested from the July 29, 2009 approval (*Attachment E*). Only the Conditional Use Permit for a Laundromat is under review and the applicant could establish any permitted activity in the site and use the parking lot and egress as approved onto Solano Way. Further, Solano Way is a public alley and is not a warehousing yard for loading and unloading large trucks and it should not be used to repair or store vehicles. Not allowing the Laundromat to use the public street for access would deprive the applicant of privileges enjoyed by owners of similar adjacent properties. No business has right to long-term use of the alley.

6. **The appellant continues: “The application will not provide an essential service to the area, but rather add to the over concentration of Laundromats in the neighborhood. There are eight Laundromats within a one mile radius of this proposed site. Given the negative impacts to the pre-existing businesses in the area, given that the proposal will not be providing an essential service, the City cannot make Finding C as required by the Municipal Code.”**

Staff Response

The appellant provides no supporting documentation that there is an over concentration of Laundromats or that there are eight others in a one mile radius. There is currently no standard to determine what constitutes “over concentration” as directed by Council through Ordinance 12972 C.M.S. In fact, the Planning Commission questioned whether there was any such over concentration in the area of the site of this application (see Transcript, pp. 62-63; 68-69). Staff is currently working on regulations for Laundromats, but it would not be consistent with either Ordinance No. 12972 C.M.S., or City policy to further defer final action on this proposal pending consideration of a new, as yet unadopted ordinance. The current staff proposal recommends a 500-foot separation for Laundromats, as measured along the closest route of legal pedestrian travel along the public right-of-way. Although this Laundromat is not subject to a separation requirement at this time, it would satisfy this proposed regulation. In any event, the number of Laundromats within a one-mile radius is irrelevant and misleading, especially since no correlating density-of-population or capacity data were provided. The existence of competition among similar uses or businesses is not a finding for Conditional Use Permits and is not a factor in consideration of whether a new activity (of any type) is appropriate or not. Further, if there truly are several in the area, this shows a need for this type of facility by residents in the surrounding area thus this will provide an essential service.

In fact, if this type of activity can have “negative impacts” as mentioned by the appellant, then the one of the six “Neighborhood Appellants” with the competitor Laundromat would presumably also have those impacts. Also, several conditions of approval as proffered by the

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applicant and imposed by the Planning Commission will minimize any potential nuisance impacts that can sometimes be associated with unmanned Laundromats (See Conditions 56, 57, 58 of the original CM10-065 Staff Report, *Attachment B & C*). The conditional use permit procedure is not intended to limit the number of a particular type of business within a neighborhood but is instead intended to limit specific impacts such as odors and trash generation. Normal market forces typically foster variety in a district.

7. **The appellant cites the required General Use Permit Finding E, then cites the Adopted Planning Commission Finding, and finally writes the Inadequacy of Finding E. The appellant writes: “The Business Mix classification is an “economic development zone” encouraging a wide range of businesses. (General Plan, Land Use and Transportation Element, 152) Adding another Laundromat to an area that already has a significant over concentration contravenes the intent of this classification.” The appellant also states that the proposed use is not consistent with the Commercial Industrial Mix Zone 2 (CIX-2).**

Staff Response

As the appellant mentions, the Business Mix General Plan designation is intended to encourage a wide range of businesses. It allows for a mix of commercial and industrial uses and the Business Mix classification for Consumer Service (Laundromat) is silent, thus referring to the zoning, which is CIX-2 where Consumer Service is a Permitted Activity. The CIX-2 zone is intended to create, preserve, and enhance areas of the Central and Eastern portions of the City that are appropriate for a wide variety of heavy commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards and are buffered from residential areas. The proposal to establish a coin operated self-serve laundry facility meets applicable CIX-2 zoning and City of Oakland general use permit regulations. Ordinance 12972 C.M.S. was adopted by Council establishing a one-year period during which Laundromats would require a Major Conditional Use Permit (*Attachment D*). The conditional use permit procedure is not intended to limit the number of a particular type of business within a neighborhood but is instead intended to limit specific impacts such as odors and trash generation. Normal market forces typically foster variety in a district.

8. **Conclusion**

The Appellant writes: “As documented by evidence submitted to the Planning Commission and this Neighborhood Appellants’ Request for Appeal, the proposed use will be a source of public safety danger, and parking and traffic problems in the community. The proposed use will displace and negatively impact their surrounding businesses, for which the area is zoned. The closest neighboring businesses were not consulted in the approval of this use.”

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Staff Response

The project was publicly noticed to all property owners within a 300' radius of the subject site. All noticed parties were given a 17 day comment period to submit comments regarding the project and staff only received two comments, none of which were from the "Neighborhood Appellants". Further, the neighbors were given a chance to speak at the Planning Commission Meeting May 5, 2010, where there were neighbors both for and against the project. Of the six "Neighborhood Appellants," only Bill Phua and Nancy Chung spoke against the project at the May 5, 2010 meeting.

Also, the appellant discusses issues with the site plan and parking; however through planning permit V09-096 the design of the building structure, site plan, parking configuration, and landscaping are vested from the July 29, 2009 approval which, again, was not appealed (*Attachment E*). Only the Conditional Use Permit for a Laundromat is under review and the applicant could establish any permitted activity in the site and use the parking lot and egress as approved onto Solano Way. Solano Way is a public 20-foot wide alley and no business has right to long-term use of the alley.

RECOMMENDATION(S) AND RATIONALE

Staff recommends that the City Council adopt the attached Resolution denying the appeal, thereby upholding the Planning Commission's approval of the project. Staff recommendation is based on the following reasons: 1) The Project and the approval of the Project comply in all significant respects with applicable general plan policies, conditional use permit criteria and review procedures; and 2) the Project complies with CEQA, and 3) there was no error or abuse of discretion on the part of the Planning Commission in approving this Major Conditional Use Permit.

ALTERNATIVE RECOMMENDATION(S)

The City Council has the option of taking one of the following alternative actions instead of the recommended action above:

1. Uphold the neighbor's appeal and reverse the Planning Commission's decision thereby denying the project. This option would require the City Council to continue the item to a future hearing so that Staff can prepare and the Council has an opportunity to review the proposed findings and resolution for denial.
2. Uphold the Planning Commission's decision, but impose additional or revised conditions on the project and/or modify the project.
3. Continue the item to a future hearing for further information or clarification.

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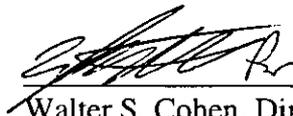
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4. Refer the matter back to the Planning Commission for further consideration on specific issues/concerns of the City Council. Under this option, the item would be forwarded back to the City Council with a recommendation after review by the Planning Commission.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the Council affirm the Planning Commission's environmental determination that the Project is exempt from CEQA review as detailed in this report, and that the Council adopt the attached Resolution denying the appeals, and thereby upholding the Planning Commission's approval of the Project.

Respectfully submitted,

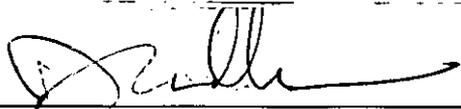


Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Scott Miller, Zoning Manager

Prepared by:
Michael Bradley, Planner I

FORWARDED TO THE CITY COUNCIL:



Office of the City Administrator

ATTACHMENTS:

- A. Neighbor's appeal submitted May 17, 2010.
- B. CM10-065 Approval Letter Dated May 6, 2010
- C. Planning Commission Staff Report of May 5, 2010 and Project Plans
- D. Oakland City Council Ordinance No. 12972
- E. Approval Letter Dated July 29, 2010 for Case File V09-096 (Building Structure Approval)
- F. Transcript of May 5, 2010 Planning Commission Hearing

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CITY OF OAKLAND
REQUEST FOR APPEAL OF DECISION TO
PLANNING COMMISSION OR CITY COUNCIL

(REVISED 8/14/02)

RECEIVED

MAY 17 2010

CITY PLANNING COMMISSION
ZONING DIVISION

PROJECT INFORMATION

Case No. of Appealed Project: CM 10-065
Project Address of Appealed Project: 1500 E. 12th St.

APPELLANT INFORMATION:

Printed Name: Bruce Vuong Phone Number: 510-453-6298
Mailing Address: 1235 16th Ave Alternate Contact Number: 510-532-2355
City/Zip Code Oakland CA 94606 Representing:

An appeal is hereby submitted on:

AN ADMINISTRATIVE DECISION (TO THE CITY PLANNING COMMISSION)

YOU MUST INDICATE ALL THAT APPLY:

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

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)
Hearing Officer's revocation/impose or amend conditions (OPC Secs. 15.152.150 & 15.156.160)
Other (please specify)

A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL)

Granting an application to: OR Denying an application to:

Approve major conditional use permit for self-service laundromat

(continued on reverse)

(Continued)

A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL)

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) _____

RECEIVED

MAY 17 2010

CITY PLANNING COMMISSION
ZONING DIVISION

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

You must raise each and every issue you wish to appeal on this Request for Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Request for Appeal Form (or attached additional sheets), and provide supporting documentation along with this Request for Appeal Form, may preclude you from raising such issues during your appeal and/or in court.

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

Please see attached

Supporting Evidence or Documents Attached. *(The appellant must submit all supporting evidence along with this Appeal Form.)*

Signature of Appellant or Representative of Appealing Organization

05-14-10

Date

Date/Time Received Stamp Below:

Below For Staff Use Only

Cashier's Receipt Stamp Below:

8/14/02

ATTACHMENT A

Bruce Vuong
Quality Tech
1235 16th Avenue
Oakland, CA 94606

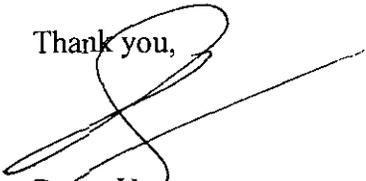
June 21, 2010

City of Oakland
Community & Economic Development Agency
Planning and Zoning Division
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612-2031

Dear Mr. Miller:

I, Bruce Vuong, Quality Tech, hereby withdraw my name from the list of appellants regarding Case File No. CM10-065, appeal of conditional use permit for 1500 E. 12th Street, Oakland, CA 94606.

Thank you,



Bruce Vuong
Quality Tech

Nancy Chung
Kenworth Storage & Transportation
1505 International Boulevard
Oakland, CA 94606

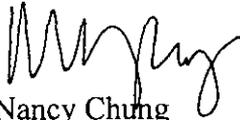
June 21, 2010

City of Oakland
Community & Economic Development Agency
Planning and Zoning Division
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612-2031

Dear Mr. Miller:

I, Nancy Chung, Kenworth Storage & Transportation, hereby withdraw my name from the list of appellants regarding Case File No. CM10-065, appeal of conditional use permit for 1500 E. 12th Street, Oakland, CA 94606.

Thank you,



Nancy Chung
Kenworth Storage & Transportation

Louis Lam
International Aquarium
1353 International Boulevard
Oakland, CA 94606

June 21, 2010

City of Oakland
Community & Economic Development Agency
Planning and Zoning Division
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612-2031

Dear Mr. Miller:

I, Louis Lam, International Aquarium, hereby withdraw my name from the list of appellants regarding Case File No. CM10-065, appeal of conditional use permit for 1500 E. 12th Street, Oakland, CA 94606.

Thank you,

A handwritten signature in cursive script that reads "Louis Lam".

Louis Lam
International Aquarium

Request for Appeal to the City Council
Case File No. CM10-065
Conditional Use Permit for 1500 East 12th Street

Nancy Chu, Enoch Shin, Bruce Vuong, Bill Phua, Ramesh Patel, and Louis Lam (collectively "Neighborhood Appellants") submit this appeal of a Conditional Use Permit ("CUP") that would allow a self-serve Laundromat at 1500 East 12th Street. (List of Neighborhood Appellants, page 9 of this appeal; map of most impacted neighbors, Exhibit 1) The Planning Commission committed numerous errors of law and fact in approving the CUP and relied on unsubstantiated findings contained in the staff report. In approving the application, the Planning Commission abused its discretion by making findings that had no supporting or evidentiary basis, failed to consider or incorporate the entirety of the administrative record, and failed to correctly apply and enforce the existing Oakland Planning Code and established policies of the City of Oakland. This request for appeal provides notice of the issues for appeal, which are evidenced by the attached documentation and information presented to the Planning Commission. Neighborhood Appellants intend to further describe the Planning Commission's violations of law in their written and oral arguments to the City Council.

I. The Planning Commission's findings do not support approval of the Conditional Use Permit

Written findings are required in order to support the decision of the hearing body to approve or deny a conditional use permit. (*Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 C.3d 506). These findings must be substantive, not merely recitations of the law. (*Carmel-by-the-Sea v. Board of Supervisors of Monterey County* (1977) 71 Cal.App.3d 84, 92.) Final decision-making bodies may reject the findings of their planning commissions. (*Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 906).

If the decision is challenged, a court will examine the evidence supporting the findings to determine whether the hearing body abused its discretion when acting on a conditional use permit. Such an abuse of discretion is to be found when: (1) the agency did not proceed in a manner prescribed by law; (2) the agency's decision is not supported by findings; and (3) the agency's findings are not supported by evidence in the administrative record. (*Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 C.3d 506).

II. This approval is based on unsubstantiated and incorrect findings

The Planning Commission's approval of this Conditional Use Permit is based on unsubstantiated findings. In approving the application, the Commission did not consider the input and testimony of the most impacted neighboring businesses. The Neighborhood Appellants include the three nearest neighboring properties. (Pictures of nearest neighboring businesses, Exhibit 2; map of most impacted neighbors, Exhibit 1) These three neighbors expressed concern through written and oral testimony about the negative impact of this approval on their businesses, but their testimony and the future of their businesses were not considered in the approval of this Laundromat.

III. The approval of this application does not meet the requirements as set out in the General Use Permit Criteria (Section 17.134.050)

Required Finding 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 development.

Adopted Planning Commission Finding: The location, size, design and operational characteristics of the proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. Consideration was given to the harmony in scale, bulk, and coverage; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The proposed self-serve laundry facility will be located in an area that is a mix of industrial and commercial activities. The proposed use will not displace retail activities and due to the location the use will not compromise economic diversity of retail corridors. East 12th Street at 15th Avenue is not a major transportation corridor, thus the proposal will not interfere with the City-wide strategy that focuses on encouraging pedestrian-oriented retail development on the City's major corridors. Further, there are very few retail establishments in the surrounding area, with the majority of businesses on the East 12th Street block being automotive related, the proposed self-serve laundry facility will not interrupt a pedestrian-oriented retail node, but will rather possibly bring more foot traffic to the area. Several conditions of approval as proffered by the applicant, will minimize any potential nuisance impacts that can sometimes be associated with unmanned Laundromats (see Conditions 56, 57 and 58).

Inadequacy of Finding A: This finding is not supported by factual evidence in the administrative record. In fact, fifty-nine neighboring business owners submitted a petition stating that they were concerned about the overconcentration of Laundromats in the area and that the operational characteristics of the proposal would adversely affect their businesses and the surrounding neighborhood. (Petitions, Exhibit 3) Nine neighboring business owners testified at the hearing that the proposed Laundromat, if approved, would adversely affect their businesses, inhibit their businesses' ability to function and was not compatible with the area. *Only one neighboring business* spoke in favor of the application, her business is located across 15th Avenue and her customers access her restaurant on East 12th. Her only testimony was that she supported the use; she did not provide any reasoning to support her position.

The proposed development will use Solano Avenue as an egress for a twenty-one space parking lot. (Picture of Solano Avenue, Exhibit 4) Solano Avenue is essentially a *twenty-foot* alley way. A Laundromat the size of the one proposed by the applicants can have as many as twenty car trips per hour. Quality Tech uses this alley in the essential functioning of their operations. (See Declaration of Bruce Vuong page 7 of this report) Kenworth Storage depends on large trucks being able to access its

warehouse. If Solano Avenue becomes an egress point for a twenty-one space parking lot, then their large trucks will not be able to access the warehouse. (Declaration of Nancy Chung at page 8 of this report) The uses for the abutting neighbors, mechanic shops and storage facilities require using large trucks and heavy equipment and the addition of retail in such close proximity will create unsafe traffic conditions. (Pictures of current traffic, Exhibit 5 and Declaration of Bruce Vuong at page 7 of this appeal). Given the negative impact that this proposed use will have on its immediate neighbors, the City cannot make this Finding as required by the Municipal Code.

Required Finding B: That the location, size, design, and site planning of the proposed development will be as attractive as the nature of the use and its location and setting warrant.

Adopted Planning Commission Finding B: The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, environment, and will attempt to preserve the attractive nature of the use and its location and setting warrant. The proposal will preserve a convenient and functional working and living environment; therefore it will not affect the general quality and character of the neighborhood.

Inadequacy of Finding B: Planning Commission Finding B merely restates the ordinance language without any substantiating evidence. Findings must be substantive, not merely recitations of the law. (*Carmel-by-the-Sea v. Board of Supervisors of Monterey County (1977) 71 Cal.App.3d 84, 92*). Nine project opponents, including six nearby and impacted business owners, expressed concern that the proposed Laundromat *will not* provide a functional working environment and *will* negatively impact the quality of their neighborhood. Neighborhood Appellants expressed concerns at the hearing that adding an egress for a parking lot with twenty-one spaces to an already crowded alley will impede on their ability to operate their businesses. Exhibit 6 shows that the twenty-foot alley-way barely has the capacity for access to the nearby uses. The Planning Commission's Finding B was not supported by any substantiated evidence in the staff report or the hearing. In fact, Neighborhood Appellants presented evidence that the Planning Commission would not be able to make this finding.

Required Finding 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.

Adopted Planning Commission Finding: The proposed development will enhance the successful operation of the surrounding area in its basic community function and the facility and will provide an essential service to the community or region. The proposed self-serve laundry facility will be approximately one block from International Boulevard and serve the residents in the area.

The proposed self-serve laundry facility will be located in an area that is a mix of industrial and commercial activities. The proposed use will not displace retail activities and due to the location the use will not compromise economic diversity of retail corridors. East 12th Street at 15th Avenue is not a major transportation corridor, thus the proposal will not interfere with the City-wide strategy that focuses on encouraging pedestrian-oriented retail development on the City's major corridors. Further, there are very few retail establishments in the surrounding area, with the majority of businesses on the

East 12th Street block being automotive related, the proposed self-serve laundry facility will not interrupt a pedestrian-oriented retail node, but will rather possibly bring more foot traffic to the area. Several conditions of approval as proffered by the applicant will minimize any potential nuisance impacts that can sometimes be associated with unmanned Laundromats (see Conditions 56, 57 and 58).

Inadequacy of Finding C: Neighborhood Appellants submitted oral and written evidence that the approval of this project would negatively impact their ability to continue to operate. Solano Avenue is already dangerously congested with large trucks, the addition of an egress for a parking lot for twenty-one cars will eliminate their ability to use Solano Avenue and access parts of their facilities.

The application *will not* provide an essential service to the area, but rather add to the overconcentration of Laundromats in the neighborhood. There are eight Laundromats within a one mile radius of this proposed site. Given the negative impacts to the pre-existing businesses in the area, given that the proposal will not be providing an essential service, the City cannot make Finding C as required by the Municipal Code.

Required Finding E: That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.

Adopted Planning Commission Finding: The proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or zoning maps adopted by the City of Oakland. The subject property is located within the Business Mix General Plan designation. The Business Mix land use classification is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments. The proposal to establish a coin operated self-serve laundry facility will not adversely affect or detract from the commercial and industrial characteristics of the surrounding area.

Inadequacy of Finding E: The Business Mix classification is an “economic development zone” encouraging a wide range of businesses. (General Plan, Land Use and Transportation Element, 152) Adding another Laundromat to an area that already has a significant overconcentration contravenes the intent of this classification. Further, the proposal contradicts the land use policies set out in the Land Use and Transportation Element of the General Plan:

- **Policy I/C1.2 Retaining Existing Businesses**
Existing businesses and jobs within Oakland which are consistent with the long-range objectives of this Plan should, whenever possible be retained.
- **Policy 1/C4.1 Protecting Existing Activities**
Existing industrial, residential, and commercial activities and areas which are consistent with long term land use plans for the City should be protected from the intrusion of potentially incompatible land uses.

The proposed Laundromat is not compatible with Neighborhood Appellants’ businesses, who include all of the abutting properties and all of those uses that currently depend on Solano Avenue for their

operations. These business owners are concerned that if this application is approved, they will not be able to function, and that their very existence is threatened. The proposed development is located in an industrial zone, *Commercial Industrial Mix Zone 2*. The City of Oakland industrial zoning districts, enacted by City Council in 2008, are “intended to create, preserve, and enhance areas for industrial uses, including manufacturing, scientific and product-related research and development, construction, transportation, warehousing/storage/distribution, recycling/waste-related activities, clean technology and similar uses.” (O.M.C. 17.73.010) The purpose of the CIX-2 Zone is “to create, preserve and enhance areas of the Central and Eastern portions of the City that are appropriate for a wide variety of heavy commercial and industrial establishments.” (O.M.C. 17.73.010) CIX-2 was created to preserve those uses that the approved project will displace. The project is being proposed in an industrial zone yet threatens to displace its industrial neighbors. The approval of this project contradicts the language and the spirit of the area’s General Plan designation and zoning.

On September 22, 2009, City Council approved an emergency ordinance requiring a Major Conditional Use Permit for all Laundromats in the City of Oakland. (Exhibit 7) Every council member in attendance supported passage of this ordinance. The staff report, the whereas clauses of the ordinance itself, and the comments of the council members at the meeting, all reflect concerns about the overconcentration and nuisance activity associated with Laundromats. (See staff report at Exhibit 8) It was reported at the Planning Commission meeting by staff that this will be the only application for a Laundromat to be approved since September, 2009. Staff was going to present to the Zoning Update Committee their research and recommendations for mitigations to these concerns expressed by City Council in no less than one month after this application’s approval. The Planning Commission declined to post-pone the hearing of this application until after they heard the staff report, even though written and oral testimony presented to the Commission expressed *the very same* concerns as City Council. The Applicant, their attorney, and the planning commissioners in making their final comments, all referred to concerns about carrying costs if this application was delayed. The detriment to the applicant in postponing the application one month is far less significant than the approving of an incompatible use, in perpetuity, would be to the neighboring businesses. Detriment to the applicant is not a required finding for approval of a Conditional Use Permit; but, detriment to the surrounding community is. The Planning Commission ignored the City’s General Plan and land use policies in approving this application. The Planning Commission's Finding is an abuse of discretion and not supported, but rather contradicted, by evidence in the record. Appellants will further describe failures in this finding in their written and oral arguments to the City Council.

IV. Conclusion

As documented by evidence submitted to the Planning Commission and this Neighborhood Appellants' Request for Appeal, the proposed use will be a source of public safety danger, and parking and traffic problems in the community. The proposed use will displace and negatively impact their surrounding businesses, for which the area is zoned. The closest neighboring businesses were not consulted in the approval of this use. The impact to their businesses was not considered. The City failed to study the effect of having a twenty-one space commercial parking lot exit into an industrial alley, whether the increased traffic volume will create safety concerns, and whether the buildings built up to the right-of-way line will prevent adequate lines-of-sight for safe turning. These problems are inadequately

addressed by the conditions. The Planning Commission violated the Oakland Planning Code by approving the CUP without findings of fact that are based on evidence and without conditions that will conform to the proposed development's use of the property to the requirements of the community. Neighborhood Appellants therefore request that the City Council investigate the traffic safety issues discussed above before making a final decision on this application. Appellants request that once a professional traffic analysis has been conducted, that the City Council review the decision to issue a CUP, conduct a hearing, and deny the CUP outright.

Thank you,



Laura Blair, Esq.
Law Office of Laura Blair

5/17/10

Date

Major CUP Appeal
Declaration of Bruce Vuong

I, Bruce Vuong, hereby declare as follows:

1. I am the business owner of Bruce Vuong, Quality Tech at 1235 16th Avenue.
2. My business is located across Solano Avenue from the proposed Laundromat.
3. If I am not able to use Solano Avenue, then I will be severely limited in the operation of my business.
4. I am also concerned about pedestrian safety. I have seen cars go forty miles per hour on Solano Avenue and nearly hit people walking down the street, including my own customers.
5. The immediate surrounding and abutting uses, like my own, rely heavily on automotive access by Solano Avenue. All of us rely on being able to use Solano Avenue for the success of our businesses. I am worried about the negative impact that approval of this project will have on all of us.
6. Please overturn the decision of the Planning Commission and deny this application.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.
Executed at Oakland, California on May 17, 2010.


Bruce Vuong

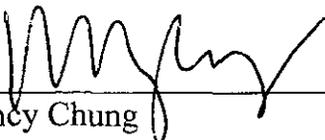
5-17-10

Major CUP Appeal
Declaration of Nancy Chung

I, Nancy Chung, hereby declare as follows:

1. I am the business owner of Kenworth Storage & Transportation at 1505 International Boulevard. My business is located immediately across Solano Avenue from the proposed Laundromat.
2. As a cold storage facility, my business depends on large trucks being able to access my warehouse.
3. I am concerned that the traffic coming from Solano Avenue will prevent my trucks from being able to access my site.
4. I am also concerned about the safety hazard of having so many smaller cars turning onto 15th Avenue while my trucks are backing up to the warehouse.
5. Solano Avenue is already very congested because it is only twenty-feet wide.
6. If this Laundromat is approved, Solano Avenue will become the egress point for all the cars that park in the proposed parking lot, which can hold twenty-one cars.
7. If the traffic from Solano Avenue is increased, then I will be severely limited in the operation of my business and lack of access will render parts of my facility unusable.
8. The immediate surrounding and abutting uses, like my own, rely heavily on automotive access by Solano Avenue.
9. Please overturn the decision of the Planning Commission and deny this application.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.
Executed at Oakland, California on May 17, 2010.



Nancy Chung

Neighborhood Appellants:

Bruce Vuong, Quality Tech, 1235 16th Avenue

Nancy Chu, Kenworth Storage & Transportation, 1505 International Boulevard

Enoch Shin, Turbo Auto Body, 1718 International Boulevard

Bill Phua, Washtime, Super Laundry, 1400 14th Avenue Suite B

Ramesh Patel, Continental Lodge, Continental Lodge, 1424 International Boulevard

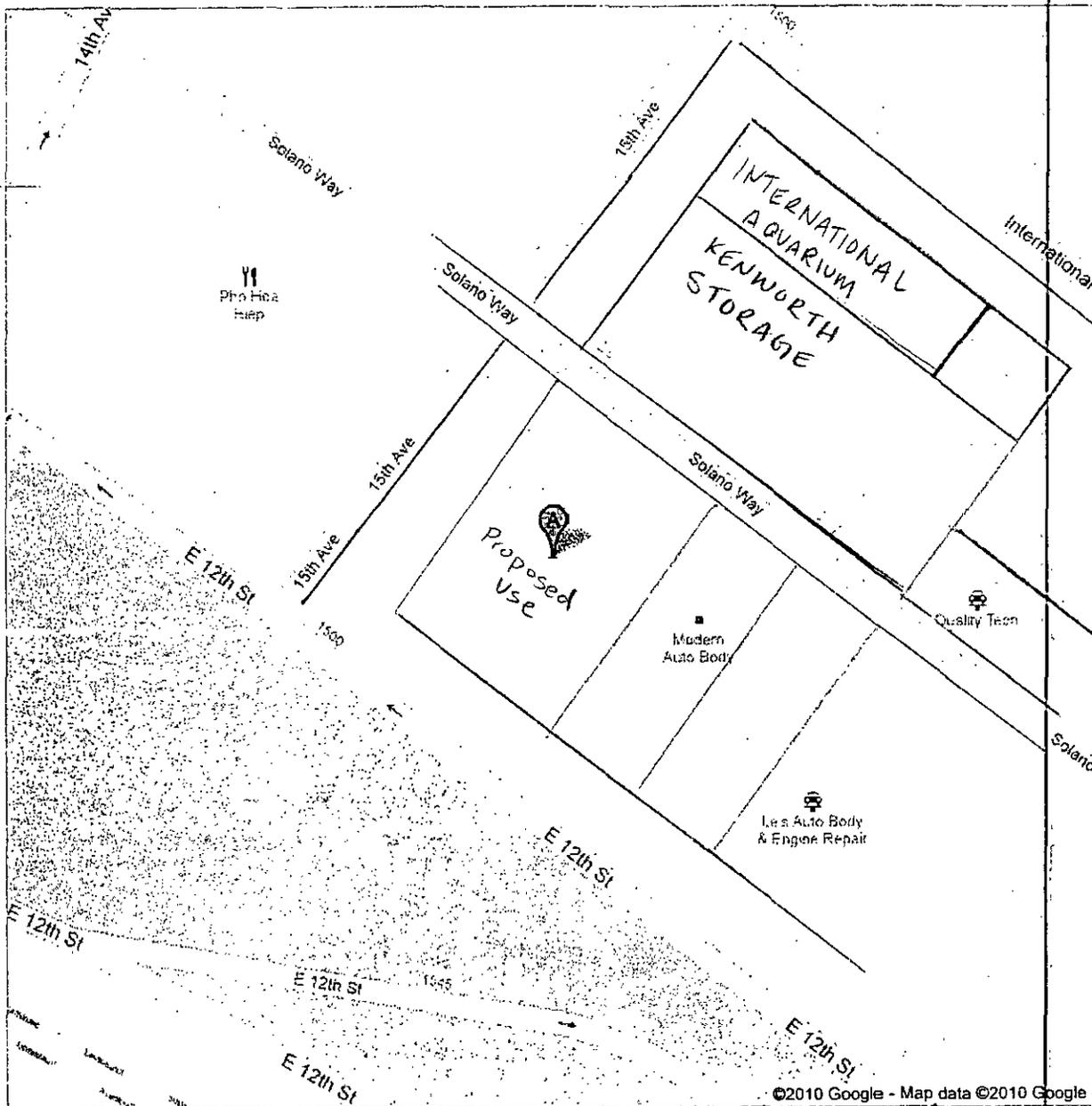
Louis Lam, International Aquarium, 1353 International Boulevard

Bruce Vuong, Quality Tech, 1235 16th Avenue

Google maps

Address 1500 E 12th St
Oakland, CA 94606

Get Google Maps on your phone
Text the word "GMAPS" to 466453



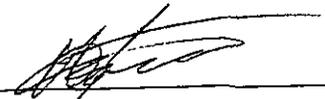
6. **Location:** 1500 E. 12th Street (APN: 020-0114-015-00)
Proposal: To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
Applicant: Phil Do
Contact Person/Phone Number: Phil Do (415)987-1780
Owner: Phil Do
Case File Number: CM10-065
Planning Permits Required: Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
General Plan: Business Mix
Zoning: CIX-2 Commercial Industrial Mix 2 Zone
Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures.
Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures.
Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project.
Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status: Potential Designated Historic Property; Survey Rating: C3
Service Delivery District: 3
City Council District: 2
Status: Pending
Action to be Taken: Decision of Application
Finality of Decision: Appealable to City Council within 10 days
For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.


_____ name

1326 E 12 st Oakland
_____ address

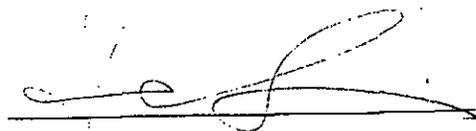
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Oakland, Ca 94607

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Thank you.



name

Superior Hardware

1201 14th Ave Oakland

address

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Thank you.

Jose Gonzalez

name

1828 11th ave oakland CA 94606

address

(510) 708-7788

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Oakland, Ca 94607

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Thank you.

Ding VO
name

1212 E 98th ST OAKland CA 94610 (510) 282-6344
address

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Dear Commissioners,

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Thank you.

Daniel Hoang
name

2127 13th Ave #A Oakland Ca 94606
address

(510) 213-7317

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Thank you.

Carmen Avila

name

- 1736 10th Ave 94606

address

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Thank you.

Asia F. Lindsay (510) 736-0556

name

1942 E 24 St Oakland CA 94609

address

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Thank you.

Bernice Hoang

name

2127 13th Ave #A Oakland Ca. 94606

address

(510) 213 - 4313

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For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Ahh TRAN CUANG TRAN
name

2041 14 AC 94606
address

534-4077

6. **Location:** 1500 E. 12th Street (APN: 020-0114-015-00)
Proposal: To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
Applicant: Phil Do
Contact Person/Phone Number: Phil Do (415)987-1780
Owner: Phil Do
Case File Number: CM10-065
Planning Permits Required: Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
General Plan: Business Mix
Zoning: CIX-2 Commercial Industrial Mix 2 Zone
Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures.
Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures.
Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project.
Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status: Potential Designated Historic Property; Survey Rating: C3
Service Delivery District: 3
City Council District: 2
Status: Pending
Action to be Taken: Decision of Application
Finality of Decision: *Appealable to City Council within 10 days*
For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

name

address

1517 E 12th ST. 207-3668

6.	Location:	1500 E. 12 th Street (APN: 020-0114-015-00)
	Proposal:	To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
	Applicant:	Phil Do
Contact Person/Phone Number:	Owner:	Phil Do (415)987-1780
	Case File Number:	Phil Do
Planning Permits Required:		CM10-065
	General Plan:	Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
	Zoning:	Business Mix
Environmental Determination:		CIX-2 Commercial Industrial Mix 2 Zone
	Historic Status:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures.
	Service Delivery District:	Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures.
	City Council District:	Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project.
	Status:	Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Action to be Taken:	Potential Designated Historic Property; Survey Rating: C3
	Finality of Decision:	3
For Further Information:		2
		Pending
		Decision of Application
		Appealable to City Council within 10 days
		Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Scott Menters

name

address

1811 3rd Ave Oakland
510 599-9632

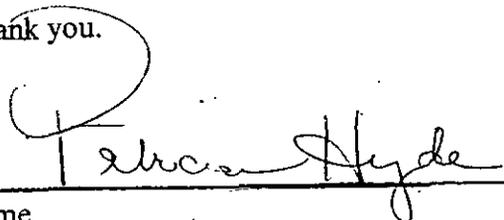
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Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures.
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Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status: Potential Designated Historic Property; Survey Rating: C3
Service Delivery District: 3
City Council District: 2
Status: Pending
Action to be Taken: Decision of Application
Finality of Decision: *Appealable to City Council within 10 days*
For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.



name

(510)

address

2018 13th Ave Oakland CA 94606 532-1245

94606

6.	Location: 1500 E. 12 th Street (APN: 020-0114-015-00) Proposal: To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities) Applicant: Phil Do Contact Person/Phone Number: Phil Do (415)987-1780 Owner: Phil Do Case File Number: CM10-065 Planning Permits Required: Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial). General Plan: Business Mix Zoning: CIX-2 Commercial Industrial Mix 2 Zone Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures. Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning. Historic Status: Potential Designated Historic Property; Survey Rating: C3 Service Delivery District: 3 City Council District: 2 Status: Pending Action to be Taken: Decision of Application Finality of Decision: <i>Appealable to City Council within 10 days</i> For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com
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Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Lin Ma

510 - 536 5227

name

2606 9TH AVE APT #3 OAKLAND CA 94606

address

6.	Location: 1500 E. 12 th Street (APN: 020-0114-015-00) Proposal: To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities) Applicant: Phil Do Contact Person/Phone Number: Phil Do (415)987-1780 Owner: Phil Do Case File Number: CM10-065 Planning Permits Required: Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial). General Plan: Business Mix Zoning: CIX-2 Commercial Industrial Mix 2 Zone Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures. Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning. Historic Status: Potential Designated Historic Property; Survey Rating: C3 Service Delivery District: 3 City Council District: 2 Status: Pending Action to be Taken: Decision of Application Finality of Decision: <i>Appealable to City Council within 10 days</i> For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com
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Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Juan Ramirez

name

address

1829 13 Ave (510) 904 7579

6.	Location:	1500 E. 12 th Street (APN: 020-0114-015-00)
	Proposal:	To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
	Applicant:	Phil Do
	Contact Person/Phone Number:	Phil Do (415)987-1780
	Owner:	Phil Do
	Case File Number:	CM10-065
	Planning Permits Required:	Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
	General Plan:	Business Mix
	Zoning:	CIX-2 Commercial Industrial Mix 2 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures. Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Potential Designated Historic Property; Survey Rating: C3
	Service Delivery District:	3
	City Council District:	2
	Status:	Pending
	Action to be Taken:	Decision of Application
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Linda Carolina Aguilar 510-7121087.
name

2008 12 th ave. Oakland CA 94606.
address

6.	Location:	1500 E. 12 th Street (APN: 020-0114-015-00)
	Proposal:	To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
	Applicant:	Phil Do
	Contact Person/Phone Number:	Phil Do (415)987-1780
	Owner:	Phil Do
	Case File Number:	CM10-065
	Planning Permits Required:	Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
	General Plan:	Business Mix
	Zoning:	CIX-2 Commercial Industrial Mix 2 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures. Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Potential Designated Historic Property; Survey Rating: C3
	Service Delivery District:	3
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	Status:	Pending
	Action to be Taken:	Decision of Application
	Finality of Decision:	<i>Appealable to City Council within 10 days</i>
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Loan Nguyen
name

1748 9th Ave, Apt F, Oakland, CA 94606
address

(510) 532-8138

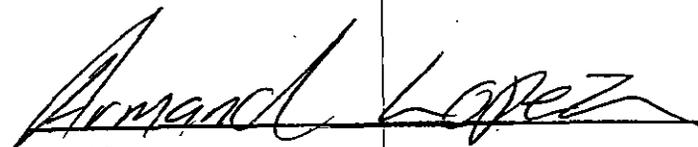
6. **Location:** 1500 E. 12th Street (APN: 020-0114-015-00)
Proposal: To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
Applicant: Phil Do
Contact Person/Phone Number: Phil Do (415)987-1780
Owner: Phil Do
Case File Number: CM10-065
Planning Permits Required: Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
General Plan: Business Mix
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Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures.
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Historic Status: Potential Designated Historic Property; Survey Rating: C3
Service Delivery District: 3
City Council District: 2
Status: Pending
Action to be Taken: Decision of Application
Finality of Decision: *Appealable to City Council within 10 days*
For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.


name

1901 14th AVE #1 (510) 830-8457
address

6.	Location: 1500 E. 12 th Street (APN: 020-0114-015-00) Proposal: To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities) Applicant: Phil Do Contact Person/Phone Number: Phil Do (415)987-1780 Owner: Phil Do Case File Number: CM10-065 Planning Permits Required: Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial). General Plan: Business Mix Zoning: CIX-2 Commercial Industrial Mix 2 Zone Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures. Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning. Historic Status: Potential Designated Historic Property; Survey Rating: C3 Service Delivery District: 3 City Council District: 2 Status: Pending Action to be Taken: Decision of Application Finality of Decision: <i>Appealable to City Council within 10 days</i> For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com
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Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Eric Wtierre Cz

name

4139 Brookdale Ave 94602 CA

address

(510) 709-7020

6.	Location:	1500 E. 12th Street (APN: 020-0114-015-00)
	Proposal:	To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
	Applicant:	Phil Do
	Contact Person/Phone Number:	Phil Do (415)987-1780
	Owner:	Phil Do
	Case File Number:	CM10-065
	Planning Permits Required:	Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
	General Plan:	Business Mix
	Zoning:	CIX-2 Commercial Industrial Mix 2 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures. Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Potential Designated Historic Property; Survey Rating: C3
	Service Delivery District:	3
	City Council District:	2
	Status:	Pending
	Action to be Taken:	Decision of Application
	Finality of Decision:	<i>Appealable to City Council within 10 days</i>
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Jonathan S. Norton

name

address

1736 10th Ave 94606

(760) 576-7895

6.	Location:	1500 E. 12 th Street (APN: 020-0114-015-00)
	Proposal:	To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
	Applicant:	Phil Do
	Contact Person/Phone Number:	Phil Do (415)987-1780
	Owner:	Phil Do
	Case File Number:	CM10-065
	Planning Permits Required:	Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
	General Plan:	Business Mix
	Zoning:	CIX-2 Commercial Industrial Mix 2 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures. Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
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	Service Delivery District:	3
	City Council District:	2
	Status:	Pending
	Action to be Taken:	Decision of Application
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Semhar-Beyene
name

1548, 13 Ave Apt #6 Oakland CA 94606
address

651-278-6578

6.	Location:	1500 E. 12 th Street (APN: 020-0114-015-00)
	Proposal:	To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
	Applicant:	Phil Do
	Contact Person/Phone Number:	Phil Do (415)987-1780
	Owner:	Phil Do
	Case File Number:	CM10-065
	Planning Permits Required:	Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
	General Plan:	Business Mix
	Zoning:	CIX-2 Commercial Industrial Mix 2 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures. Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Potential Designated Historic Property; Survey Rating: C3
	Service Delivery District:	3
	City Council District:	2
	Status:	Pending
	Action to be Taken:	Decision of Application
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Janeise D. Alexander
name

2209 14th Ave #2 Oakland CA 94607
address

510-512-3471

6.	Location:	1500 E. 12 th Street (APN: 020-0114-015-00)
	Proposal:	To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
	Applicant:	Phil Do
	Contact Person/Phone Number:	Phil Do (415)987-1780
	Owner:	Phil Do
	Case File Number:	CM10-065
	Planning Permits Required:	Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
	General Plan:	Business Mix
	Zoning:	CDX-2 Commercial Industrial Mix 2 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures. Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
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	City Council District:	2
	Status:	Pending
	Action to be Taken:	Decision of Application
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.



name

address

1815 13th Ave 261-1328
OAKLAND

6.	Location:	1500 E. 12 th Street (APN: 020-0114-015-00)
	Proposal:	To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
	Applicant:	Phil Do
	Contact Person/Phone Number:	Phil Do (415)987-1780
	Owner:	Phil Do
	Case File Number:	CM10-065
	Planning Permits Required:	Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
	General Plan:	Business Mix
	Zoning:	CIX-2 Commercial Industrial Mix 2 Zone
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	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Rita Jones (510) 436-6846

name

7241 East 18th St #1 (AK CA)

address

6.	Location:	1500 E. 12 th Street (APN: 020-0114-015-00)
	Proposal:	To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
	Applicant:	Phil Do
	Contact Person/Phone Number:	Phil Do (415)987-1780
	Owner:	Phil Do
	Case File Number:	CM10-065
	Planning Permits Required:	Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
	General Plan:	Business Mix
	Zoning:	CIX-2 Commercial Industrial Mix 2 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures. Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Potential Designated Historic Property; Survey Rating: C3
	Service Delivery District:	3
	City Council District:	2
	Status:	Pending
	Action to be Taken:	Decision of Application
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Fan Huay
name

1624 15th Ave Oakland CA 94606
address

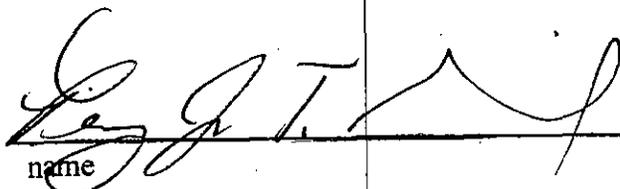
6.	Location:	1500 E. 12 th Street (APN: 020-0114-015-00)
	Proposal:	To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
	Applicant:	Phil Do
Contact Person/Phone Number:	Owner:	Phil Do (415)987-1780
	Case File Number:	Phil Do
Planning Permits Required:	CM10-065	
	General Plan:	Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
	Zoning:	Business Mix
Environmental Determination:		CIX-2 Commercial Industrial Mix 2 Zone
	Historic Status:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures.
	Service Delivery District:	Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures.
	City Council District:	Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project.
	Status:	Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Action to be Taken:	Potential Designated Historic Property; Survey Rating: C3
	Finality of Decision:	3
For Further Information:		2
		Pending
		Decision of Application
		<i>Appealable to City Council within 10 days</i>
		Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.



name

1931 16th Ave. Oakland, CA 94606

address (510) 213-2058

6.	Location: 1500 E. 12 th Street (APN: 020-0114-015-00) Proposal: To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities) Applicant: Phil Do Contact Person/Phone Number: Phil Do (415)987-1780 Owner: Phil Do Case File Number: CM10-065 Planning Permits Required: Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial). General Plan: Business Mix Zoning: CIX-2 Commercial Industrial Mix 2 Zone Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures. Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning. Historic Status: Potential Designated Historic Property; Survey Rating: C3 Service Delivery District: 3 City Council District: 2 Status: Pending Action to be Taken: Decision of Application Finality of Decision: <i>Appealable to City Council within 10 days</i> For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com
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Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

TRANG
name

1241 518TH (510) 541-5620
address OAKLAND 94606

6.	Location: 1500 E. 12 th Street (APN: 020-0114-015-00) Proposal: To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities) Applicant: Phil Do Contact Person/Phone Number: Phil Do (415)987-1780 Owner: Phil Do Case File Number: CM10-065 Planning Permits Required: Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial). General Plan: Business Mix Zoning: CIX-2 Commercial Industrial Mix 2 Zone Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures. Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning. Historic Status: Potential Designated Historic Property; Survey Rating: C3 Service Delivery District: 3 City Council District: 2 Status: Pending Action to be Taken: Decision of Application Finality of Decision: <i>Appealable to City Council within 10 days</i> For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com
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Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Yan Guang Zhang, (510) 206-1438
name

2035 11th St. OAK CA 94606
address

6.	Location:	1500 E. 12 th Street (APN: 020-0114-015-00)
	Proposal:	To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
	Applicant:	Phil Do
	Contact Person/Phone Number:	Phil Do (415)987-1780
	Owner:	Phil Do
	Case File Number:	CM10-065
	Planning Permits Required:	Major Conditional Use Permit to establish a coin-operated laundry facility (Consumer Service Commercial).
	General Plan:	Business Mix
	Zoning:	CIX-2 Commercial Industrial Mix 2 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Exempt, Section 15303 of the State CEQA Guidelines; construction of small structures. Exempt, Section 15332 of the State CEQA Guidelines, In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Potential Designated Historic Property; Survey Rating: C3
	Service Delivery District:	3
	City Council District:	2
	Status:	Pending
	Action to be Taken:	Decision of Application
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Larry Pasley
name

1836 . 13TH AVE . OAKLAND, CA . 94606
address

(510) 677-3779

6.	Location:	1500 E. 12th Street (APN: 020-0114-015-00)
	Proposal:	To establish a coin operated laundry facility and full service salon (Consumer Service Commercial Activities)
	Applicant:	Phil Do
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Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Raymond Hoang
name

1705 114th Ave Oakland, Ca 94606
address
(510) 394-8152

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Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We already have plenty of these business in my neighborhood.

Thank you.

Corey G.

name

- 1730 10th Ave 94606

address

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Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

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Thank you.

Alexandra Cruse

name

address

- 1736 10th Ave 94606

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Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

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Josh England

name

-1736 10th Ave 94606

address

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Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

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Thank you.

LIM HMM
name

1803 13 AVE 414.4346434
address

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email: mbradley@oaklandnet.com

Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

Dear Commissioners,

I am oppose to the issuance of a major use permit for the coin laundry and nail salon. We
already have plenty of these business in my neighborhood.

Thank you.

Susan Lim
name

2127 13th Ave Apt A
address Oakland Ca. 94606

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Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

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ANH TRAN
name

2041 14 AVE
address

oakend CA 94606

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Oakland City Planning Commission,
250 Frank Ogawa Plaza,
Oakland, Ca 94607

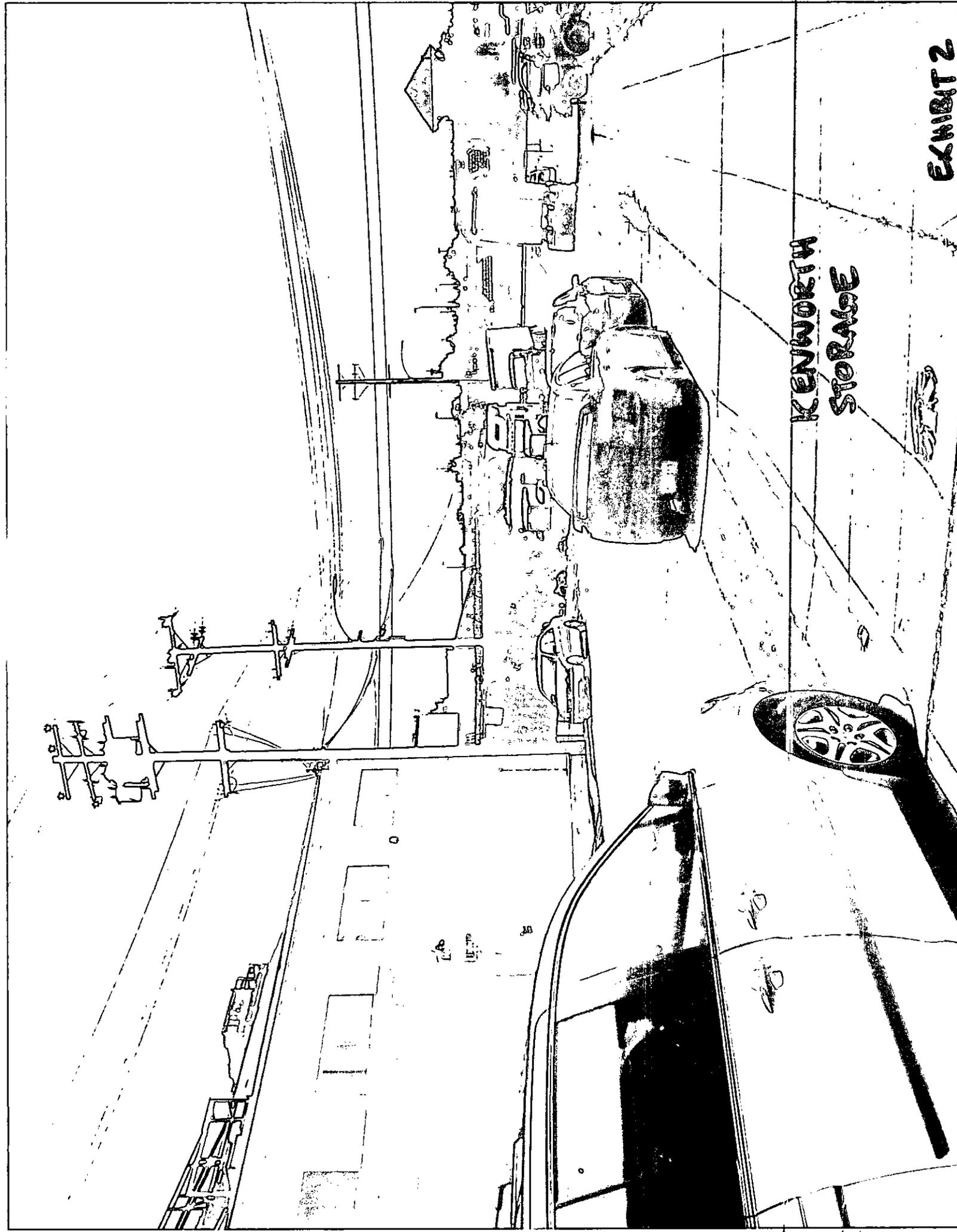
Dear Commissioners,

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Thank you.

Shirley Chu
name

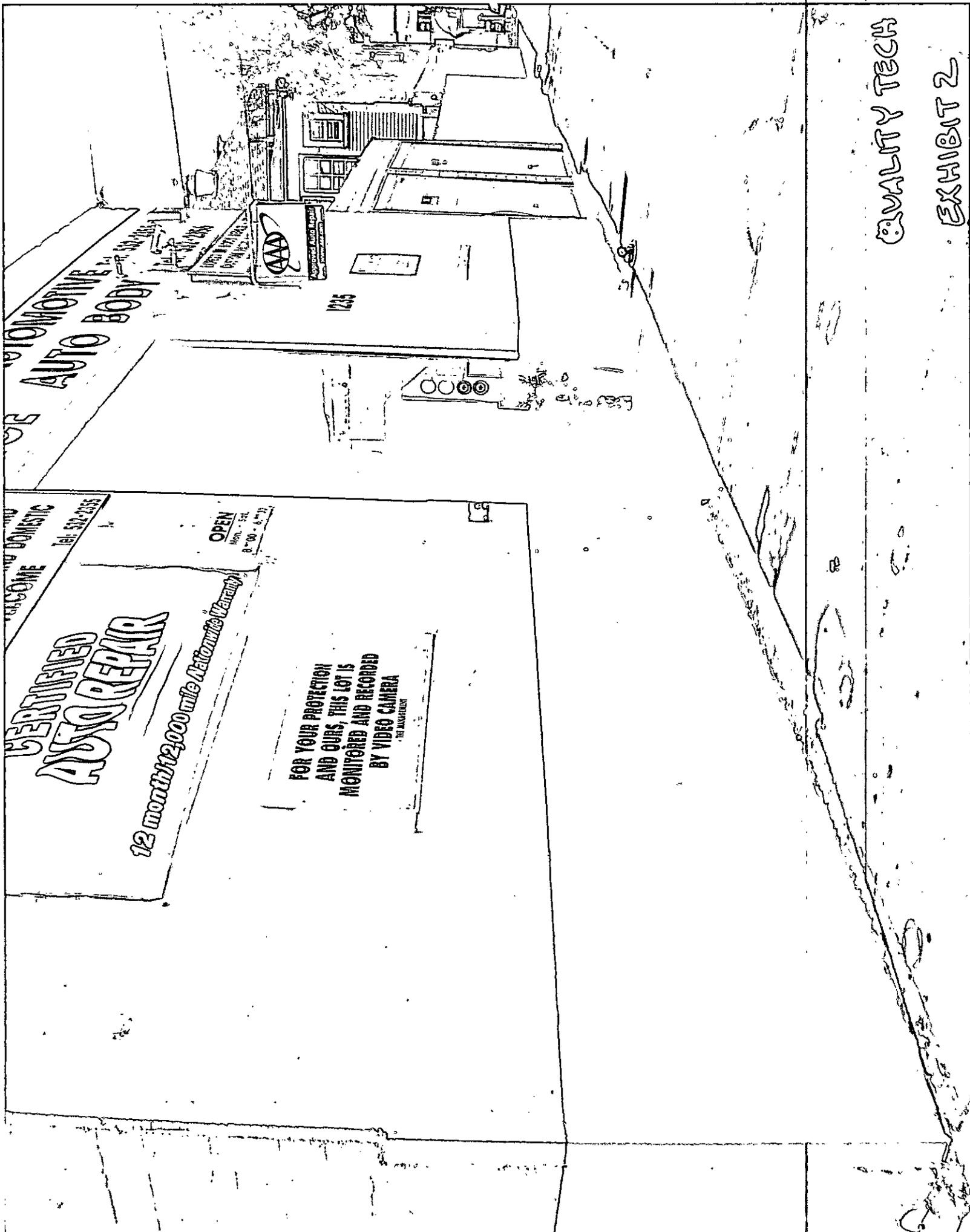
918 E 18th St Oakland CA 94606
address



KENWORTH
STORAGE

EXHIBIT 2

026
INTER
INT
EX



QUALITY TECH

EXHIBIT 2

Neighborhood and Community Petitions Submitted to
the Planning Commission 5/5/10

Exhibit 3

Planning Commission
City of Oakland
250 Frank Ogawa Plaza
Oakland, CA 94612

April 29, 2010

**Re: 1500 E. 12th Street (APN: 020-0114-015-00)
Item # 6 on the May 5, 2010 Planning Commission Agenda
Case File Number: CM10-065**

Dear Commissioners:

We are writing as local business owners in the East 14th retail corridor. There is an application before you for a self-serve Laundromat which is less than 400 feet from another Laundromat on our street, as measured from building to building, and less than 290 feet as measured from property line to property line. In fact, there are seven self-serve laundromats within one mile of this proposed location.

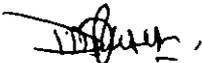
The Oakland City Council has passed an emergency ordinance restricting applicants' ability to open these types of operations because they recognized that this use could have a detrimental impact to surrounding retail. Council found that self-serve Laundromats can "displace retail activities and compromise the economic diversity of retail corridors" such as ours. They also found that this use can interrupt "pedestrian-oriented retail nodes" and will "detract from the success of these nodes." Our corridor is already saturated with self-serve laundromats.

We are working to establish a diversity of enterprises that will support— not compete—with the surrounding businesses in the lower San Antonio. Our customers tell us that they would like to be able to get more services from their local neighborhood. In fact, many of us also live in this neighborhood and would also like to be able to buy more of our household goods and services in this corridor. Having a broader retail mix would bring in more customers, support our residential neighbors, reduce the need for extended car trips and encourage pedestrian access to our businesses.

At the next Zoning Update Committee, two weeks after this hearing on May 22, 2010, the city will review a permanent ordinance regarding self-serve laundromats. We are aware that one of the proposed restrictions to be discussed is the distance between Laundromats in the city. We were informed that there is a proposal that is to come before you on this date that Laundromats should be, at least, 600 feet from each other. We think this is a worthy discussion to have. Rather than approving a disfavored use in our community haphazardly on May 5th, we ask that you wait until the issue has been heard by your committee just several weeks later. This will allow you to make this decision within the context of staff recommendations on how to deal with the negative impacts identified by the city council in the "Whereas" section of the emergency ordinance.

EXHIBIT 3

As business owners we know that waiting two weeks for approval will not adversely impact the applicant, however, if the application is approved, this use will be authorized in our retail corridor, permanently. Because of the potential significant and adverse impacts on our businesses, we ask that the Planning Commission postpone the hearing of this application just a few weeks longer until you can have a fruitful discussion about how to mitigate the negative impacts as identified by the Oakland City Council.


Sincerely,

DINESH D. Patel, Continental Lodge, 1424 E. International Blvd, Oakland, CA 94606.
Name Business Name Address

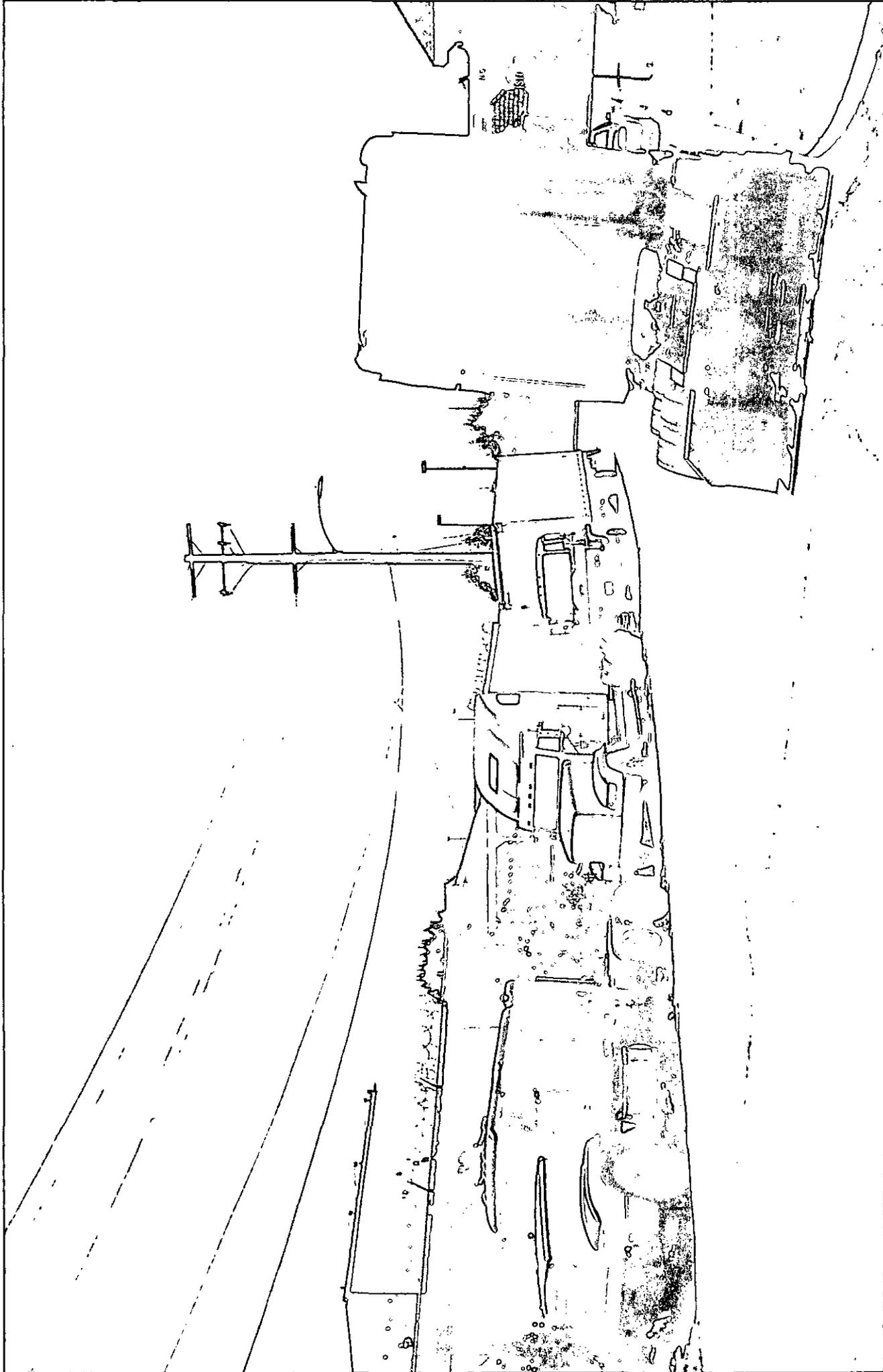
Turbo
no Body
Resident
Limo
Furniture
Auto Body
Burger
Shop

Name	Business Name	Address
ENOCH SHIN		1722 INTERNATIONAL BLVD OAKLAND, CA
Joyce SHIN		1718 International BLVD Oakland
JOHANA M.		2454 E 20TH ST. OAK CA 94601
SEAN TRUOG		1700 INTERNATIONAL BLVD. 94606
Ken Smith		1639 International BLVD OAK CA 94601
LOWE DAVIS		1610 INTERNATIONAL BLVD OAK CA 94606



SOLANO AVE

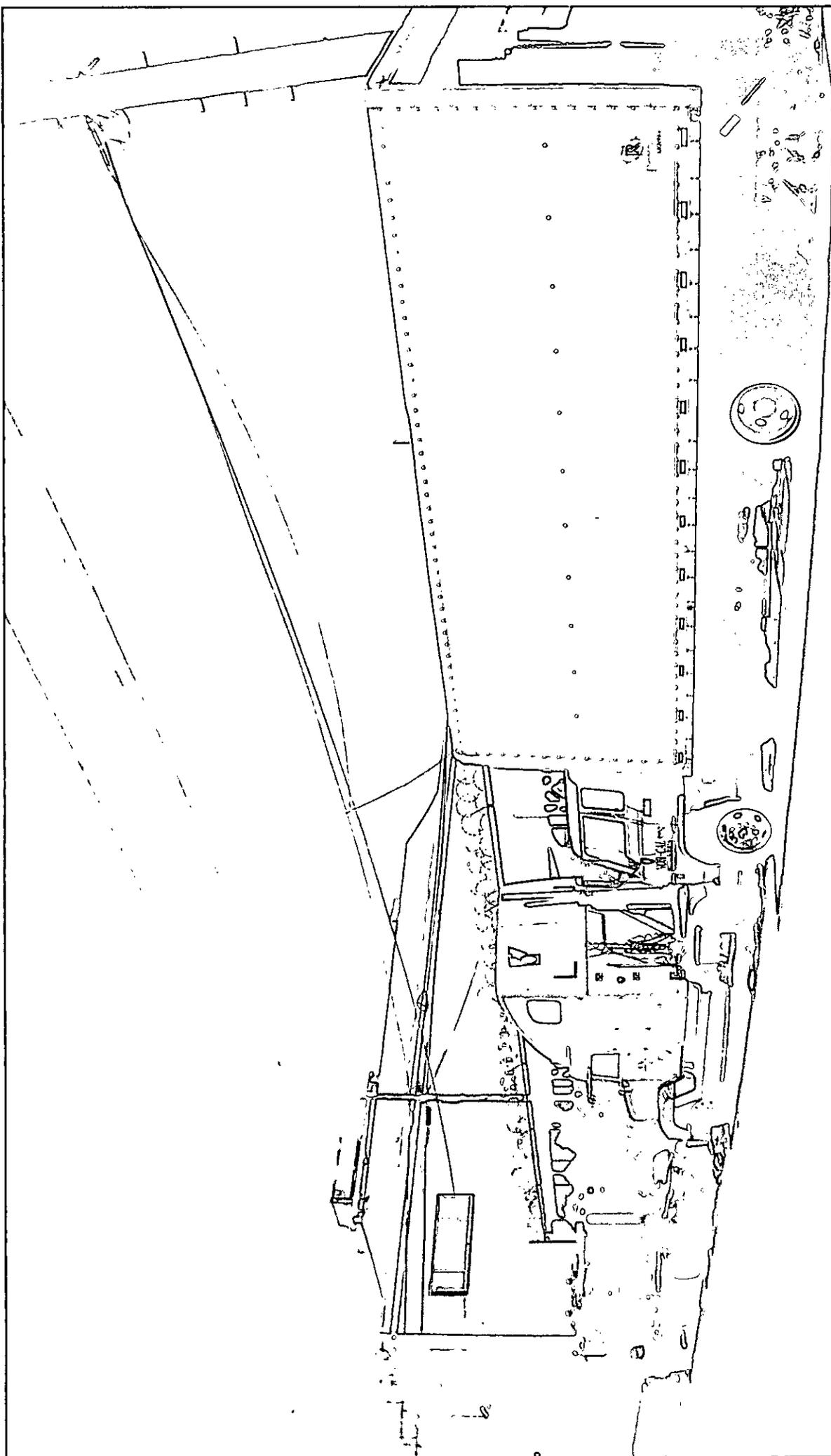
EXHIBIT 4



CURRENT TRAFFIC:

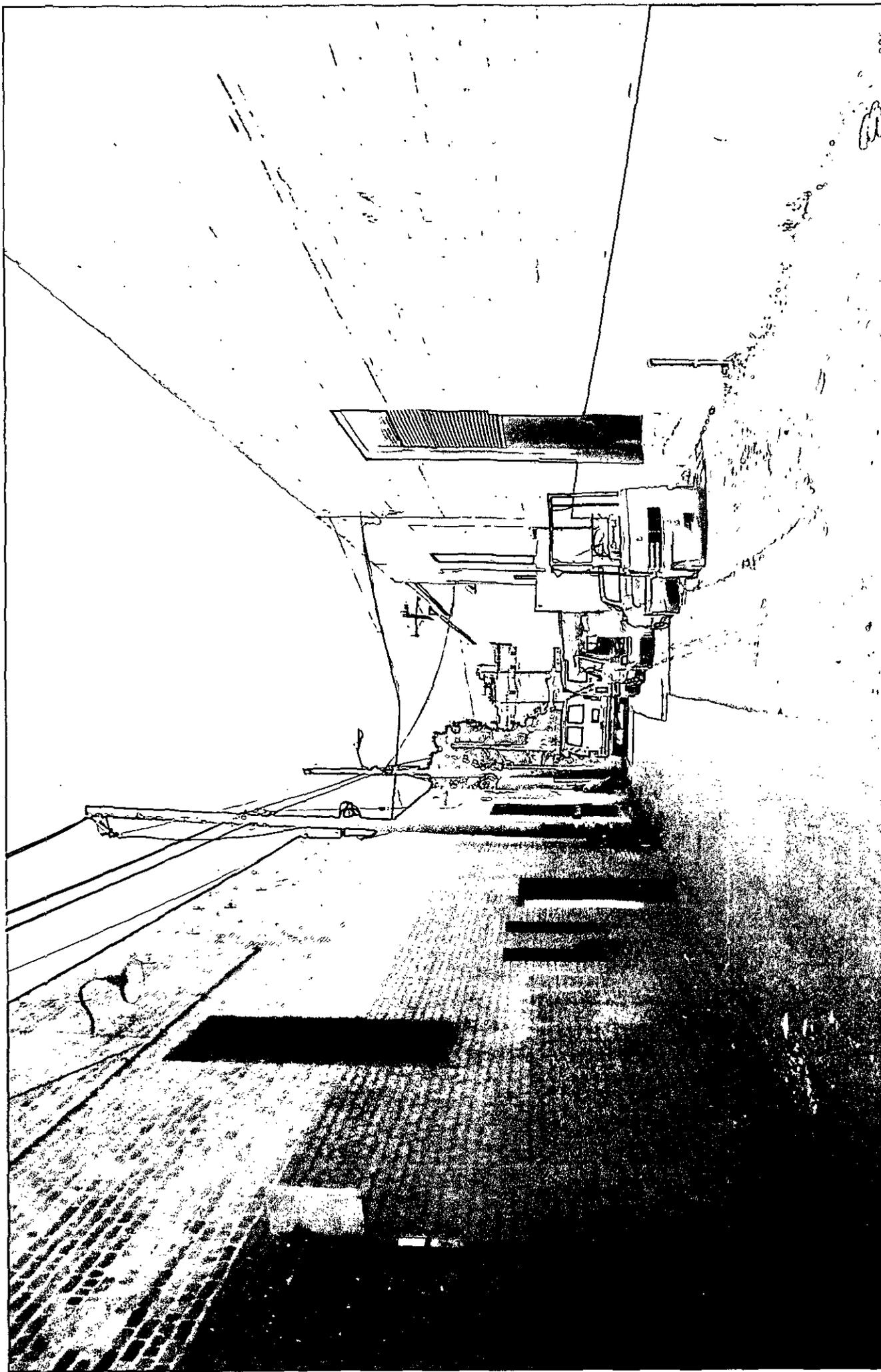
HEAVY TRUCKS

EXHIBIT 5



CURRENT TRAFFIC:
HEAVY TRUCKS

EXHIBIT 5



SOLANO AVE:
TWENTY-FOOT ALLEY

EXHIBIT 6

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

2009 SEP 25 PM 1:40
INTRODUCED BY COUNCIL MEMBER

Neeter B...
City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. 12972 C.M.S.

AN EMERGENCY ORDINANCE, PURSUANT TO CHARTER SECTION 213, ESTABLISHING INTERIM CONTROLS REQUIRING A MAJOR CONDITIONAL USE PERMIT FOR SELF-SERVE LAUNDROMATS IN THE CITY OF OAKLAND, TO TAKE EFFECT IMMEDIATELY UPON INTRODUCTION AND ADOPTION.

WHEREAS, the Oakland Municipal Code and the Oakland Planning Code ("OPC") regulate the distribution of uses; and urban design in the City of Oakland; and

WHEREAS, among other activities, the City permits outright, without any discretionary planning review, self-serve Laundromats; and

WHEREAS, ~~this use can displace retail activities and compromise the economic diversity of retail corridors; and~~

WHEREAS, the City is developing a City-wide retail strategy that focuses on encouraging pedestrian-oriented retail development on the major transportation corridors; and

WHEREAS, ~~interrupting pedestrian-oriented retail nodes with this activity can detract from the success of these nodes; and~~

WHEREAS, the this use does not require discretionary approval; and

WHEREAS, ~~the Land Use and Transportation Element of the Oakland General Plan places priority on the successful and attractive development of the transportation corridors; and~~

EXHIBIT 7

WHEREAS, requiring a major conditional use permit from the City for establishing or expanding a self-serve laundromat provides the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare, while permanent controls are being developed; and

~~WHEREAS, there is insufficient time to develop permanent controls regulating this activity and present them to the City Planning Commission and City Council for review, recommendation, and adoption; and~~

WHEREAS, the provisions of the California Environmental Quality Act (CEQA) have been satisfied and the proposal relies on the following environmental document to satisfy any requirements under the California Environmental Quality Act (CEQA): the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the General Plan, adopted in 1998 (General Plan EIR); and

WHEREAS, as a separate and independent basis, the proposal is also exempt from CEQA under several CEQA Guidelines: section 15061(b)(3), known as the "General Rule," that states a project is exempt from CEQA if there is no possibility that the activity in question will have a significant effect on the environment; and

WHEREAS, for the reasons set forth above, pursuant to City Charter section 213, the Council declares that this ordinance is necessary to preserve the public peace, health, welfare or safety and to avoid a direct threat to the health, safety, and welfare of the community, and the "Whereas" clauses above taken together constitute the City Council's statement of the reasons constituting such necessity and emergency; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The recitals above are true and correct and are an integral part of this Ordinance.

Section 2. This Ordinance complies with the California Environmental Quality Act.

Section 3. That self-serve Laundromats shall only be permitted upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 of the Planning Code.

Section 4. No building, zoning or other permit that has been issued for any building or structure for which rights to proceed with said building or structure have not vested pursuant to the provisions of State law shall proceed without complying with this ordinance. Further, no building, zoning or other permit for any building or structure shall be issued by any department, agency, employee or agent of the City of Oakland to allow for any building or structure, without complying with the requirements of Sections 3 above. No use which has not vested prior to the date of this Ordinance shall commence in violation of the provisions of this Ordinance.

Section 5. The controls imposed by this ordinance shall remain in place and be effective for a continuous one year from the effective date of this ordinance, or until the City Council adopts permanent controls for self-serve Laundromats, whichever comes first.

Section 6. The Community and Economic Development Agency is directed, over the next one year, to conduct a study and develop a draft set of permanent amendments to the Planning Code and/or Municipal Code regarding the subject matter of this ordinance.

Section 7. For the term of this ordinance, as set for the in Section 5 above, the provisions of this ordinance shall govern, and to the extent there is any conflict between the provisions of this ordinance and the provisions of any other City code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

Section 8. This ordinance shall be effective immediately upon its adoption by the City Council, subject to the provisions of Section 213 of the Charter of the City of Oakland.

Section 9. This Ordinance is enacted pursuant to the City of Oakland's general police powers, Sections 106 and 213 of the Charter of the City of Oakland, and Article XI of the California Constitution.

Section 10. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 22 2009, 20

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and ~~PRESIDENT DE LA FUENTE~~ - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused- De La Fuente - 1

ATTEST


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

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2009 SEP -3 PM 5: 07

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: September 15, 2009

RE: **Public Hearing On An Emergency Ordinance, Pursuant to Charter Section 213, Establishing Interim Controls Requiring A Major Conditional Use Permit for all Nail Salons and Laundromats in The City of Oakland, to Take Effect Immediately Upon Introduction and Adoption**

SUMMARY

Vice Mayor De La Fuente has requested that staff research and make recommendations on establishing an over concentration ordinance or other appropriate actions regarding nail salons and self-serve Laundromats in the City of Oakland. In order to allow time for staff to propose a permanent ordinance on this issue, an interim set of controls is proposed to provide discretionary controls over these uses until the final ordinance can be adopted.

Staff proposes that the interim controls sunset after one year. This period allows the Planning Division to study more comprehensive solutions to the issues outlined above.

FISCAL IMPACT

This emergency ordinance has the potential to generate a relatively small increase in permit applications. Any increase in permit application revenue would be deposited into the Development Service Fund (2415). Any increased revenue generated would be small relative to permit application revenue currently budgeted. No new fees would need to be established.

Existing staffing and appropriation levels should be sufficient to process any increase in permit applications; therefore no additional costs are expected to be incurred by the Development Service Fund.

ENVIRONMENTAL DETERMINATION

The proposal relies on the following environmental document to satisfy requirements under the California Environmental Quality Act (CEQA): the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the Oakland General Plan (General Plan EIR), adopted 1998 (General Plan EIR). Furthermore, the proposal is exempt under CEQA Guidelines section 15061(b)(3), known as the "General Rule," which states a

Item:
CED Committee
September 15, 2009

EXHIBIT 8

project is exempt from CEQA if there is no possibility that the activity in question will have a significant effect on the environment. Staff finds the "General Rule" applies, because the proposed regulations would have no change in the development intensity of the area, as the proposal does not address residential density or floor area ratio, and the proposal contains no change in regulations regarding height, setback, open space or other regulations that have an effect on the environment. The proposed regulations are more stringent, with regards to permitted activities, than the current zoning and regulatory controls.

KEY ISSUES AND IMPACTS

The proliferation of nail salons and self-serve Laundromats along major retail corridors has become an increasing concern to Councilmembers, retail store owners and merchant associations. These groups are worried that an over concentration of these uses could drive away retail businesses in commercial nodes and along commercial corridors. Staff has been tasked with researching and proposing an ordinance to establish appropriate levels of these uses and propose discretionary controls to regulate locations for these types of activities. In order to allow sufficient time to hold public hearings on this issue, staff is proposing a set of interim discretionary controls.

SUSTAINABLE OPPORTUNITIES

Staff foresees no economic, environmental or social equity opportunities, as a result of the enactment of interim controls.

DISABILITY AND SENIOR CITIZEN ACCESS

Staff does not anticipate any particular barriers or benefits resulting from the ordinance, regarding access issues for the disabled or for senior citizens.

RECOMMENDATION(S) AND RATIONALE

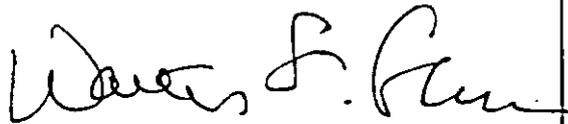
Staff recommends that the City Council approve the emergency ordinance, pursuant to Section 213¹ of the Oakland City Charter, which will provide the City an opportunity to propose a permanent ordinance to regulate these activities. During that time, the Strategic Planning Division will undertake a study of the concentration of nail salons and self-serve Laundromats and return to the Planning Commission and the City Council with recommendations for permanent controls.

¹ Section 213. Emergency Ordinances. Any ordinance declared by the Council to be necessary for preserving the public peace, health, or safety in an emergency, and containing a statement of the reasons constituting such necessity, may be introduced and adopted at the same meeting if passed by the affirmative vote of at least six members. Appropriations to meet an urgent need for public expenditure, to protect the public health, safety, or welfare may be made as an emergency ordinance.

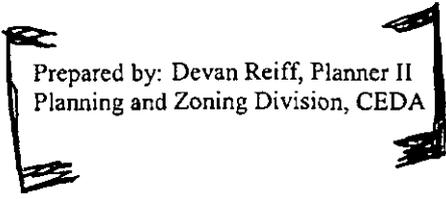
ACTION REQUESTED OF THE CITY-COUNCIL

Staff recommends that the City Council adopt the Emergency Ordinance requiring, for the next year, a Major Conditional Use Permit for nail salons and self-serve Laundromats.

Respectfully submitted,

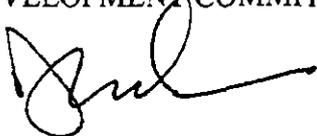


Walter S. Cohen, Director
Community and Economic Development Agency



Prepared by: Devan Reiff, Planner II
Planning and Zoning Division, CEDA

APPROVED AND FORWARDED TO
THE COMMUNITY AND ECONOMIC
DEVELOPMENT COMMITTEE:



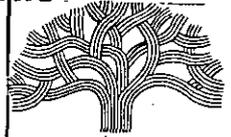
Office of the City Administrator

Item:

CED Committee

September 15, 2009

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3911
FAX (510) 238-4730
TDD (510) 238-3254

May 6, 2010

Phil Do
2021 Fruitvale Avenue
Oakland, CA 94601

RE: **CASE FILE NO. CM10-065; 1500 E. 12th Street (020-0114-015-00)**
Major Conditional Use Permit for a Laundromat

Dear Applicant,

Your application as noted above was **approved** at the City Planning Commission meeting on: **May 5, 2010**, subject to the attached conditions of approval

Commission action is indicated below.

(X) Granted with required conditions. - (Vote: +6, -0)

An Appeal to the City Council of this decision may be submitted within ten (10) calendar days after the date of this letter by 4:00 p.m. (May 17 at 4:00PM). An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Michael Bradley, Planner I**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment of \$1,181.93 in accordance with the City of Oakland Master Fee Schedule. 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 from raising such issues during your appeal and/or in court. If you challenge a Commission decision in court, you may be limited to issues raised at the hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the Appeal hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the

Case File No. CM10-065

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May 5, 2010

City Council must do so within ninety (90) days of the date of the announcement of the Commission's final decision.

If you have any questions please contact the case planner **Michael Bradley** at (510) 238-6935 or by email at **mbradley@oaklandnet.com**.

Very truly yours,

A handwritten signature in cursive script that reads "Scott Miller". The signature is written in black ink and is positioned above the printed name.

SCOTT MILLER,
Zoning Manager

cc: Wendel Rosen
c/o David L. Preiss
1111 Broadway, 24th Floor
Oakland, CA 94607

May 5, 2010

I certify that on May 7, 2010, 2010 this decision letter was placed in the U.S. mail system, postage prepaid for first class mail, and sent to

Phil Do
2021 Fruitvale Avenue
Oakland, CA 94601


NAME & SIGNATURE OF PERSON PLACING IN MAIL)

May 7, 2010
(DATE)

Conditions of Approval

CONDITIONS OF APPROVAL CM10-065

STANDARD CONDITIONS:

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **CMD10-065**, and the plans dated **January 27, 2010** and submitted on **March 9, 2010** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **The establishment of a self-serve Laundromat at 1500 E. 12th Street (APN: 020-0114-015-00), under Oakland Municipal Code 17.134.**

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

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

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

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these conditions if it is found that there is violation of any of the conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

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

7. Indemnification

- a) *Ongoing* The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter

collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul this Approval, or any related approval by the City. The City shall promptly notify the project applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.

- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

8. Compliance with Conditions of Approval

Ongoing

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plancheck review, or construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions

of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee.

12. Dust Control

Prior to issuance of a demolition, grading or building permit

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- Water all 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 possible.
- 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).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- Limit the amount of the disturbed area at any one time, where feasible.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as feasible.
- Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

13. Construction Emissions

Prior to issuance of a demolition, grading or building permit

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps,

compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.

- b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.

14. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving 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. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) 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.

15. Noise Control

Ongoing throughout demolition, grading, and/or construction

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

May 5, 2010

- 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) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible 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 where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.
- d) If feasible, the noisiest phases of construction shall be limited to less than 10 days at a time.

16. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

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

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

17. Interior Noise

Prior to issuance of a building permit

If necessary to comply with the interior noise requirements of the City of Oakland's *General Plan Noise Element* and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

18. Construction Traffic and Parking

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

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

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

19. Erosion and Sedimentation Control

Ongoing throughout demolition grading, and/or construction activities

Pursuant to Chapter 13.16 of the Oakland Municipal Code, 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.

20. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize

the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building. The applicant is responsible to avoid, eliminate delays with the unexpected discovery of contaminated soils with hazardous materials.

21. Waste Reduction and Recycling

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

Prior to issuance of demolition, grading, or building permit

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

Ongoing

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

22. Lighting Plan

Prior to the issuance of an electrical or building permit

A lighting plan shall be submitted with the building plans sets for review and approval by the Zoning Manager. The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.

23. **Erosion and Sedimentation Control**

Ongoing throughout demolition grading, and/or construction activities

Pursuant to Chapter 13.16 of the Oakland Municipal Code, 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.

24. **Site Design Measures for Post-Construction Stormwater Pollution Management**

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

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

- a) Minimize impervious surfaces, especially directly connected impervious surfaces;
- b) Utilize permeable paving in place of impervious paving where appropriate;
- c) Cluster buildings;
- d) Preserve quality open space; and
- e) Establish vegetated buffer areas.

Ongoing

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

25. **Source Control Measures to Limit Stormwater Pollution**

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

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

Ongoing

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

26. **Fire Services**

Prior to issuance of any new water supply connection

The applicant shall submit approved building plans for project-specific needs related to fire protection including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

27. Underground Utilities

Prior to issuance of a building permit

The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.

28. Improvements in the Public Right-of-Way (General)

Approved prior to the issuance of a P-job or building permit

- a) The project applicant shall submit Public Improvement Plans for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Oakland Fire Department will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

29. Improvements in the Public Right-of Way (Specific)

Approved prior to the issuance of a grading or building permit

Final building and improvement plans shall include the following components:

- a) Install additional standard City of Oakland streetlights
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facility to current City standard.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.

- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.
- g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

30. Payment for Public Improvements

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

The project applicant shall pay for and install public improvements made necessary by the project.

a. Compliance Plan

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

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

b. Reduced Water Use

Prior to issuance of a building permit

As feasible and applicable, the project applicant shall implement the following water-efficient equipment and devices into building design and project plans, consistent with the Landscape Water Conservation section of the City of Oakland Municipal Code (Chapter 7, Article 10): low-, ultra-low, and dual flush flow toilets and showerheads; water efficient irrigation systems that include drip irrigation and efficient sprinkler heads; evapotranspiration (ET) irrigation controllers; drought-resistant and native plants for landscaping; and minimization of turf areas.

31. Stormwater and Sewer

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

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the City. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. A 25% reduction goal in peak runoff will be required. Additionally, the

project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

PROJECT SPECIFIC CONDITIONS

32. Architectural Treatments to Façade

Prior to issuance of a building permit

The final building permit plan set shall contain details for the exterior treatment of the building that include the following:

- a) Factory paint finish to all storefront window systems.
- b) The exterior stucco shall contain a smooth coat or heavy sanded finish to provide a smooth surface.
- c) All proposed stucco reveals shall be painted to match the building exterior.
- d) The parapet shall be constructed of a durable heavy cast material, GFRC, or similar. No foam with a stucco coat shall be permitted.

33. Landscape and Irrigation Plan

Prior to issuance of building permit.

The applicant shall submit for review and approval by the Planning and Zoning Division, a detailed landscape and irrigation plan prepared by a licensed landscape architect or other qualified person. Such plan shall show all landscaping on the site maintained by an automatic irrigation system or other comparable system. The landscaping plan shall include a detailed planting schedule showing sizes, quantities, and specific common and botanical names of plant species. Fire and drought-resistant species are encouraged.

34. Landscaping Maintenance

Ongoing.

All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All landscaping shall be served by an automatic irrigation system. All paving or other impervious surfaces shall occur only on approved areas.

35. Installation of Landscaping and Bonding

Prior to issuance of certificate of occupancy.

The applicant shall install all proposed landscaping indicated on the approved landscape plan prior to the issuance of a certificate of occupancy, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code. The amount of such bond or cash deposit shall equal the greater of \$2500 or the estimated cost of the required landscaping, based on a licensed contractor's bid.

36. **Street Trees**

Prior to issuance of building permit.

The applicant shall provide at least one street tree per every 20 feet of street frontage with review and approval of species, size at time of planting, and placement in the right-of-way, subject to review and approval by the Office of Parks and Recreation and Building Services.

37. **Commercial Lighting**

Ongoing.

The applicant shall maintain all on-site lighting to meet the State Business and Professions Code Section 25612, providing enough illumination to identify loiterers standing in the immediate vicinity of the project site. Such illumination shall remain on during all hours of darkness when the business is open, but shall be shielded to a point below the light bulb and reflector and not cast unnecessary glare onto adjacent residential properties.

38. **Loitering Signage**

Prior to commencement of activity.

The applicant shall post at least two "No Loitering" signs on the building façade and other visible locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2 inches in height.

39. **Loitering Prevention**

Ongoing.

The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to leave. Persons loitering in the vicinity of the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used.

40. **Parking and Driveway Design**

Prior to issuance of building permit.

All parking and driveways shall be designed according to all City codes and be approved by the Building Services Division.

41. **Closure of Parking Lot After Hours**

Ongoing.

The project is approved with more than ten on-site parking spaces, therefore, to discourage loitering, all openings to the parking lot used for the ingress or egress of motor vehicles shall be secured by an approved barrier and locking device within one (1) hour after the close of business and shall remain secured until one (1) hour prior to the opening of business, pursuant to the standards included in City Ordinance No. 12390, with access only granted to tenants and police.

42. Litter Control Plan

Prior to final building inspection.

The applicant shall prepare and submit a Litter Control Plan that requires that the premises and the adjacent right-of-way and sidewalks of the property are kept free of litter and debris shall be submitted to and approved by the Planning and Zoning Division. The plan shall include, but not be limited to:

- Distribution of proposed locations of litter receptacles on site and in the public right of way. The design and location of litter receptacles shall be consistent and coordinated with the City's street furniture program.
- A management schedule for keeping the premises and surrounding area free from litter originating from the operation of the commercial activities; and
- Daily sweeping and trash collection of the premises, the public sidewalk and the gutter area of the public street immediately adjacent to the project.

43. Trash and Recyclables Enclosure

Prior to issuance of any building permits.

The applicant shall submit for review and approval by the Planning and Zoning Division plans showing all trash and recyclables collection areas on the site. The location of the proposed collection areas shall be shown on the building permit plan set. This collection area enclosure shall be screened from the street and adjacent properties by a decorative masonry wall and dense landscaping with a minimum height of six (6) feet, and with an opaque, covered enclosure. No trash shall be stored outside the designated trash collection area.

44. Litter Receptacles

Prior to operation.

Non-flammable external litter receptacles and ashtrays shall be installed outside of the building in a place accessible to employees and the public. A portable ashtray may be substituted. The location of any permanent ashtray and litter receptacle shall be reviewed and approved by the Planning and Zoning Division.

45. On-site Clean-up

Ongoing.

The applicant shall clear litter and debris from the premises and the adjacent right-of-way and sidewalks of the property of the property at least once daily or as needed to maintain a litter free environment. A portable ashtray, if used, shall remain outside in a location near the entrance and common areas during all times that the building is open for business. The ashtray and litter receptacle shall be emptied as often as needed to prevent overflowing.

46. Right-of-way Clean-up

Ongoing.

The applicant shall clear the sidewalk and gutter areas along International Boulevard and 41st Avenue and 20 feet beyond the property lines along these streets, of litter and debris at least once daily or as needed to control litter. The applicant shall sweep or

mechanically clean the sidewalk with steam or equivalent measures at least once per month.

47. Graffiti Removal

Ongoing.

Graffiti shall be removed within 72 hours of application. Removal can involve resurfacing of a material and/or color that matches the remaining surface.

48. Site Maintenance Plan

Prior to issuance of building permit

The applicant shall submit for review and approval by the Planning and Zoning Division, a Site Maintenance Plan. The site maintenance plan shall identify procedures, practices and personnel to ensure appropriate site maintenance to keep the site and surrounding landscape areas free of trash and debris.

49. Delivery and Loading

Ongoing.

The applicant shall ensure that all goods for the facility shall be delivered during between the hours of 7:00am and 8:00pm. Delivery drivers shall be instructed not to block parking or driveways of neighbors and to the extent possible to use off street parking when available.

50. Tenant-Specific Zoning Approvals

Prior to occupancy of tenant space.

The applicant shall ensure that the tenant of each space shall obtain all required zoning approvals and clearances, and may be subject to separate zoning permits as required by the Oakland Planning Code.

51. Lease Agreement on Maintenance

Prior to sale or lease of any unit, tenant space or building.

That all leases, use and rental agreements and instruments of sale affecting the building and related property shall include a clause stating that it shall be the duty of every person upon vacating dwellings, or storerooms, to remove all materials and waste from such buildings and premises and also the grounds appurtenant thereto. Said agreement shall also state that no person shall throw or deposit or permit to accumulate materials in or about any yard, lot, place, premises, or upon any adjacent street alley or sidewalk so that it is or is likely to 1) be a source of obnoxious or offensive conditions or odors to public interest or health, or 2) attract flies or fly breeding and/or afford food or harborage for rodents or rats.

52. Safe and Legal Activities

Prior to lease or sale of any unit.

All leases and use agreement affecting the facility and related property shall include a clause prohibiting the facility, and all portions of the parcel on which the facility is located, from being used for illegal activity as defined and specified in Division 10 of the California Health and Safety Code. The project applicants shall take immediate

action and due diligence to abate any nuisance, as defined in the California Health and Safety Code, occurring in the building or on the parcel on which the building is located.

53. Relocation of Trash Enclosure

Prior to the issuance of a building permit

The building plans shall be revised to show the relocation of the trash enclosure away from Solano Way.

54. Ten-foot clear sight triangles at the intersection of the proposed driveway and Solano Way

Ongoing

No fence, hedge, shrub, tree, wall, retaining wall, earthen bank, building or other landscaping or screening which exceeds a height of 2.5 feet above the street-pavement grade shall be allowed along the property line for a distance of 10 feet, measured from the intersection of the driveway and Solano Way along the property line and the line of the driveway or within the area extended between those two points.

55. Elimination of Parking Space at the southwest corner of the intersection of Solano Way and the driveway

Prior to the issuance of a building permit

Prior to the issuance of a building permit the parking space located at the southwest corner of the intersection of Solano Way and the driveway shall be eliminated from the plans.

56. Hours of Operation

Ongoing

The daily hours of operation shall be limited to between the hours of 7:00AM to 10:00PM with allowance of one hour both before and after opening and closing to the public to allow the attendant to prepare for opening and closing (i.e., 6:00-7:00AM and 10:00-11:00PM).

57. On-site Attendant

Ongoing

The coin operated self-serve laundry facility shall have a full-time on-site attendant during hours of operation.

58. Security Cameras

Ongoing

The coin operated self-serve laundry facility shall have fully operational security cameras on-site.

59. Window Obstruction

Ongoing

All proposed windows shall not be obstructed by video games, washing machines, dryers, or other mechanical equipment. The proposed washing machines, dryers and video games located on the plans in front of the windows on E. 12th Street, 15th Avenue, and the corner of E. 12th Street and 15th Avenue, shall be eliminated or relocated to another location in the self-serve laundry facility.

60. Signage

Ongoing.

All proposed signage must be applied for separately with the proper City of Oakland Planning and Building permits. Signage must meet the City of Oakland Small Project Design Guidelines.

61. Zoning Clearance

Ongoing

A Zoning Clearance for the proposed Consumer Service activity and any future activities must be applied for before operation of the business.

APPROVED BY:

City Planning Commission: May 5, 2010 (date) 6-0 (vote)

City Council: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on **May 5, 2010**. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____ (date)

Signature of Contractor _____ (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: Case No. CM10-065

Project Applicant: Phil Do

Project Location: 1500 E. 12th Street; APN: 020-0114-015-00

Project Description: To establish a self-serve Laundromat (Consumer Service Commercial Activity)

Exempt Status: CHECK ALL THAT APPLY

Statutory Exemptions
{Article 18:Section 21080;15260}

- Ministerial {Sec.15268}
- Feasibility/Planning Study {Sec.15262}
- Emergency Project {Sec.15269}
- General Rule {Sec.15061(b)(3)}
- Other: {Sec._____}

Categorical Exemptions
{Article 19:Section 21084;15300}

- Existing Facilities {Sec.15301}
- Replacement or Reconstruction {Sec.15302}
- Small Structures {Sec.15303}
- Minor Alterations {Sec.15304}
- In-fill Development {Sec. 15332}

Other {Sec. 15183}

Reasons why project is exempt: The establishment of a self-serve Laundromat (Consumer Service Commercial Activity) will not have a significant impact on the environment and is exempt from environmental review.

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: Michael Bradley, Planner I

Phone: (510) 238-6935

Signature (Scott Miller, 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.

*ENVIRONMENTAL DECLARATION
(CALIF. FISH AND GAME CODE SEC. 711.4)

: FOR COURT USE ONLY .
:
:
NAME AND ADDRESS OF APPLICANT OR LEAD AGENCY :
:
LEAD AGENCY: :
COMMUNITY & ECONOMIC :
DEVELOPMENT AGENCY/PLANNING: :
250 Frank H. Ogawa Plaza :
Room 2114 :
Oakland, CA 94612 :
:
APPLICANT: Phil Do : _____
:
Contact: Phil Do : FILING NO. : _____

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:	<u>CLERK'S USE ONLY</u>
1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION	PLU 117
<input checked="" type="checkbox"/> A – STATUTORILY OR CATEGORICALLY EXEMPT \$50.00 (Fifty Dollars) – CLERK'S FEE	
<input type="checkbox"/> B – DE MINIMUS IMPACT – CERTIFICATE OF FEE EXEMPTION REQUIRED \$50.00 (Fifty Dollars) – CLERK'S FEE	PLU 117
2. NOTICE OF DETERMINATION – FEE REQUIRED	
<input type="checkbox"/> A – NEGATIVE DECLARATION \$2,010.25 (Two Thousand Ten Dollars and Twenty Five Cents)- STATE FILING FEE \$50.00 (Fifty Dollars) – CLERK'S FEE	PLU 116
<input type="checkbox"/> B – ENVIRONMENTAL IMPACT REPORT \$2,792.25 (Two Thousand Seven Hundred Ninety Two Dollars and Twenty Five Cents)- STATE FILING FEE \$50.00 (Fifty Dollars) – CLERK'S FEE	PLU 115
<input type="checkbox"/> C -- Certificate of Fee Exemption & De Minimis Impact Fee \$50.00 (Fifty Dollars) – CLERK'S FEE	PLU 117

*THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

FIVE COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING PURPOSES.

APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING AN ENVIRONMENTAL DOCUMENT WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

MAKE CHECK PAYABLE TO: ALAMEDA COUNTY CLERK

Location:	1500 E. 12 th Street (See map on reverse)
Assessors Parcel Numbers:	(020-0114-015-00)
Proposal:	To establish a coin operated self-serve laundry facility and full service salon (Consumer Service Commercial).
Applicant:	Phil Do
Number:	(415)987-1780
Owner:	Phil Do
Case File Number:	CM10-065
Planning Permits Required:	Major Conditional Use Permit to establish a coin operated self-serve laundry facility (Consumer Service Commercial) based on the City Council Ordinance No. 12972.
General Plan:	Business Mix
Zoning:	CIX-2 Commercial Industrial Mix 2 Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing facility; Exempt, Section 15303 of the State CEQA Guidelines; new construction of small structures; Exempt, Section 15332 of the State CEQA Guidelines; In-fill development project. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general Plan or zoning.
Historic Status:	Potential Designated Historic Property; Survey rating: C3
Service Delivery District:	3
City Council District:	2
Date Filed:	3/9/10
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or mbradley@oaklandnet.com

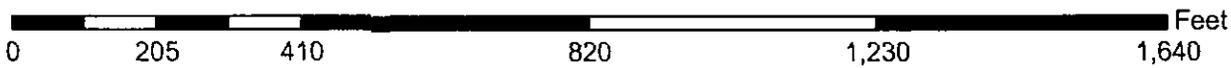
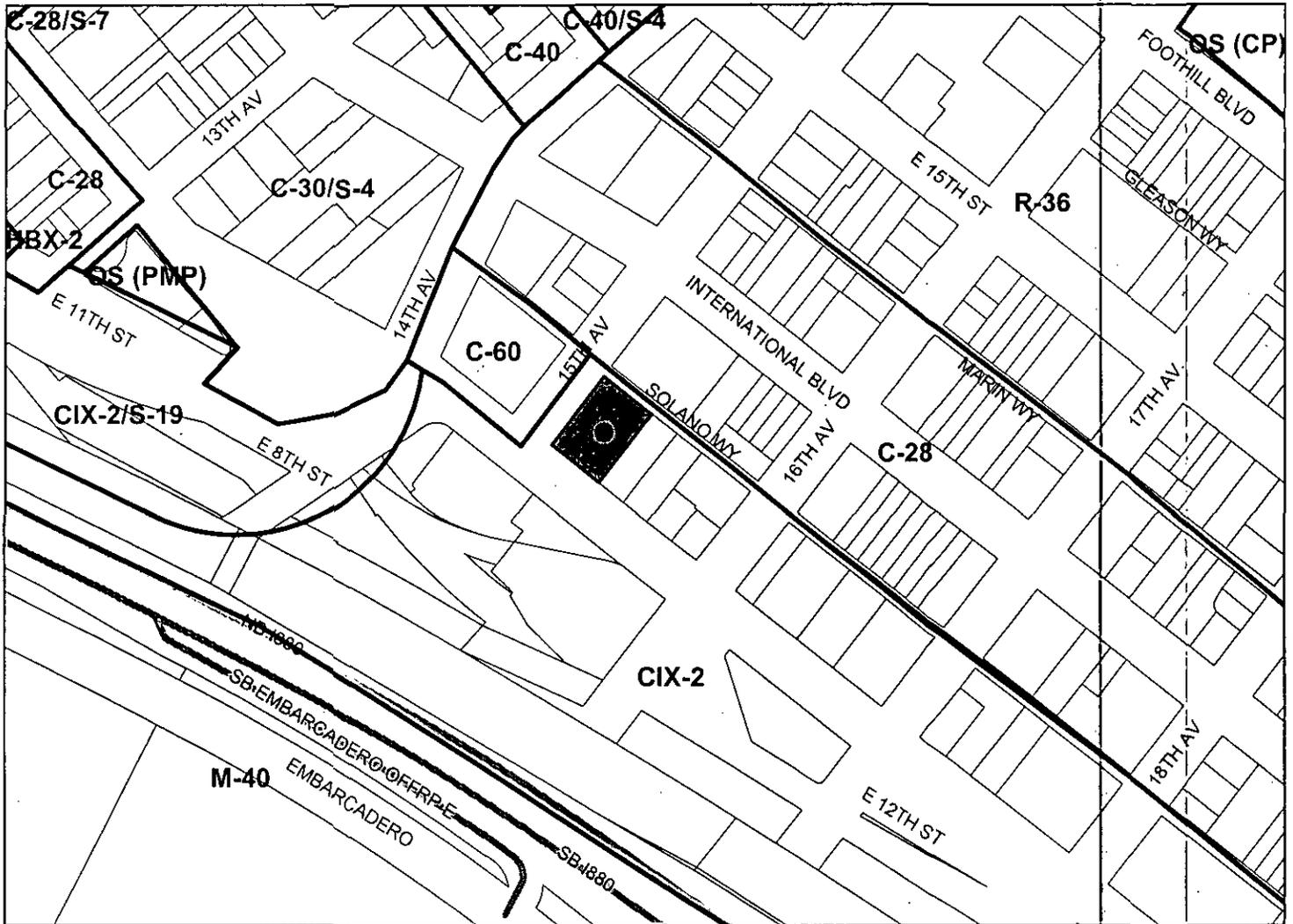
SUMMARY

The following staff report addresses the proposal to establish a coin operated self-serve laundry facility (Consumer Service Commercial). The 4,951 square-foot building structure was originally approved July 29, 2009 by staff under Planning permit V09-096 and has not been constructed (See Attachment C). The proposal is for a 3,744.5 square-foot self-serve laundry facility and an 816.5 square-foot full service salon (See Attachment A). The site is located on the corner within a commercial and industrial district along E. 12th Street and 15th Avenue. The site is in the CIX-2 Commercial Industrial Mix 2 Zone. The General Plan designation for the site is Business Mix. The Major Conditional Use Permit is required for the Laundromat pursuant to Ordinance 12972 (approved by City Council on September 22, 2009).

PROJECT DESCRIPTION

The proposal entails the request for a Major Conditional Use Permit to establish a coin operated

CITY OF OAKLAND PLANNING COMMISSION



Case File: CM10-065
Applicant: Phil Do
Address: 1500 E. 12th Street
Zone: CIX-2 Commercial Industria Mix 2 Zone

self-serve laundry facility. A self-serve laundry facility, *Consumer Service Commercial* is a permitted activity in the CIX-2 Commercial Industrial Mix 2 Zone and is silent within the Business Mix general plan land use designation. The project requires a major conditional use permit to establish the Consumer Service Commercial activity, specifically a self-serve Laundromat based on the City of Oakland Emergency Ordinance Number 12972.
(See Attachment B).

PROPERTY DESCRIPTION

The subject property is a corner parcel of approximately 14,000 square feet, with frontage on E. 12th Street, 15th Avenue and Solano Way. The subject property currently has 4 separate buildings and three of which, warehouse structures, will be demolished to build the self-serve laundry facility and full service salon. A two story building facing E. 12th Street will remain. There is a proposal for a 4,951 square-foot building structure, which was originally approved July 29, 2009 under Planning permit V09-096 and has not been constructed. The proposal also includes a parking lot with parking for 21 cars; two driveways with a one-way entry from E. 12th Street and a one-way exist on Solano Way; new pathways; and landscaping with street trees on E. 12th Street and 15th Avenue. The property was first developed in 1912 (based on Alameda County Assessors Data). The property is located approximately one block from International Boulevard.

GENERAL PLAN ANALYSIS

The subject property is located within the Business Mix General Plan designation. The Business Mix land use classification is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments. The proposal to establish a coin operated self-serve laundry facility will not adversely affect or detract from the commercial and industrial characteristics of the surrounding area.

Policy I/C2.3: Providing Vacant or Buildable Sites

Development in older industrial areas should be encouraged through the provision of an adequate number of vacant or buildable sites designated for future development.

ZONING ANALYSIS

The subject property is located within the CIX-2 Commercial Industrial Mix 2 Zone. The CIX-2 zone is intended to create, preserve, and enhance areas of the Central and Eastern portions of the City that are appropriate for a wide variety of heavy commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards and are buffered from residential areas. The proposal to establish coin operated self-serve laundry facility meets applicable CIX-2 zoning and City of Oakland general use permit regulations. Ordinance 12972 was adopted by Council establishing a one-year period during

which Laundromats would require a Major Conditional Use Permit because of concerns about over concentration and the potential impact of such uses on commercial areas. Staff is currently working on draft regulations that will be presented to the Commission at an upcoming meeting. Staff is likely to propose a distance separation requirement for Laundromats that will control over concentration. Such regulations are only in concept form at this point and too early to factor into this subject application.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15301, alterations to existing facilities; Section 15303, new construction of small structures, Section 15332, In-fill development projects, and Section 15183, projects consistent with a community plan, general plan or zoning.

KEY ISSUES AND IMPACTS

1. Conditional Use Permit

Oakland City Council Emergency Ordinance 12972 requires a conditional use permit for self-serve Laundromats in the City of Oakland. The required findings for a major conditional use permit are listed and included in staff's evaluation as part of this report.

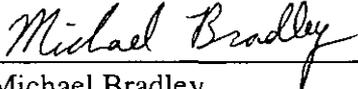
CONCLUSION

City of Oakland planning staff believes that the proposed project meets the established zoning regulations and general plan policies. Staff believes that the findings for approval can be made to support the Conditional Use Permit.

RECOMMENDATIONS:

1. Affirm staff's environmental determination
2. Approve Conditional Use Permit application CM10-065 subject to the attached findings and conditions of approval.

Prepared by:


Michael Bradley
Planner I

Approved by:



Scott Miller
Zoning Manager

Approved for forwarding to the
City Planning Commission



Eric Angstadt, Deputy Director
Community & Economic Development Agency

ATTACHMENTS:

- A. Project Plans
- B. Oakland City Council Ordinance No. 12972
- C. Approval letter for Case File V09-096 (Building Structure Approval)

FINDINGS FOR APPROVAL

FINDINGS FOR APPROVAL:

This proposal meets all the required findings under Section 17.134.050, of the General Use Permit criteria; and as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

SECTION 17.134.050 – GENERAL USE PERMIT FINDINGS:

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 location, size, design and operational characteristics of the proposal will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood. Consideration was given to the harmony in scale, bulk, and coverage; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

The proposed self-serve laundry facility will be located in an area that is a mix of industrial and commercial activities. The proposed use will not displace retail activities and due to the location the use will not compromise the economic diversity of retail corridors. E.12th Street at 15th Avenue is not a major transportation corridor, thus the proposal will not interfere with the City-wide retail strategy that focuses on encouraging pedestrian-oriented retail development on the City's major corridors. Further, there are very few retail establishments in the surrounding area, with the majority of businesses on the E. 12th Street block being automotive related, the proposed self-serve laundry facility will not interrupt a pedestrian-oriented retail node, but will rather possibly bring more foot traffic to the area. Several conditions of approval as proffered by the applicant, will minimize any potential nuisance impacts that can sometimes be associated with unmanned Laundromats (see Conditions 56, 57 and 58).

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 location, design and site planning of the proposed development will provide a convenient and functional working and shopping environment, and will attempt to preserve the attractive nature of the use and its location and setting warrant. The proposal will preserve a convenient and functional working and living environment; therefore it will not affect the general quality and character of the neighborhood.

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

The proposed development will enhance the successful operation of the surrounding area in its basic community function and the facility and will provide an essential service to the community or region. The proposed self-serve laundry facility will be approximately one block from International Boulevard and serve the residents in the area.

D. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.

The building design was previously approved under Planning permit V09-096. Planning permit V09-096 included the approval of the building site plan, and exterior. Further, Design Review is not required for projects located in the CIX-2 zone. Through Conditions of Approval all proposed windows shall not be obstructed by video games, washing machines, dryers, or other mechanical equipment. Also, through Conditions of Approval, all proposed signage must be applied for separately with the proper City of Oakland Planning and Building permits. All proposed landscaping and parking were also pre-approved under Planning permit V09-096.

E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The proposal conforms in all significant aspects with the Oakland General Plan and with any other applicable plan or zoning maps adopted by the City of Oakland. The subject property is located within the Business Mix General Plan designation. The Business Mix land use classification is intended to create, preserve and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments. The proposal to establish a coin operated self-serve laundry facility will not adversely affect or detract from the commercial and industrial characteristics of the surrounding area.

Policy I/C2.3: Providing Vacant or Buildable Sites

Development in older industrial areas should be encouraged through the provision of an adequate number of vacant or buildable sites designated for future development.

CONDITIONS OF APPROVAL
CM10-065

STANDARD CONDITIONS:

1. Approved Use

Ongoing

a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials, **CMD10-065**, and the plans dated **January 27, 2010** and submitted on **March 9, 2010** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

b) This action by the City Planning Commission ("this Approval") includes the approvals set forth below. This Approval includes: **The establishment of a self-serve Laundromat at 1500 E. 12th Street (APN: 020-0114-015-00), under Oakland Municipal Code 17.134.**

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

a) The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency.

- b) The applicant shall submit approved building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

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

Ongoing

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.
- c) Violation of any term, conditions or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these conditions if it is found that there is violation of any of the conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

6. Signed Copy of the Conditions

With submittal of a demolition, grading, and building permit

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

7. Indemnification

- a) ***Ongoing*** The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul this Approval, or any related approval by the City. The City shall promptly notify the project applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.
- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the

City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

8. Compliance with Conditions of Approval

Ongoing

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

9. Severability

Ongoing

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

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

12. Dust Control

Prior to issuance of a demolition, grading or building permit

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- Water all 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 possible.

- 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).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- Limit the amount of the disturbed area at any one time, where feasible.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as feasible.
- Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

13. Construction Emissions

Prior to issuance of a demolition, grading or building permit

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.

14. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving 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. Monday through Friday.

- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.
- f) 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.

15. Noise Control

Ongoing throughout demolition, grading, and/or construction

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

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible 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 where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.
- d) If feasible, the noisiest phases of construction shall be limited to less than 10 days at a time.

16. Noise Complaint Procedures

Ongoing throughout demolition, grading, and/or construction

Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the City Building Services Division a list

of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

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

17. Interior Noise

Prior to issuance of a building permit

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

18. Construction Traffic and Parking

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

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

- a) A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
- b) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur.
- c) Location of construction staging areas for materials, equipment, and vehicles (must be located on the project site).
- d) A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the

cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.

- e) Provision for accommodation of pedestrian flow.

19. Erosion and Sedimentation Control

Ongoing throughout demolition, grading, and/or construction activities

Pursuant to Chapter 13.16 of the Oakland Municipal Code, 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.

20. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building. The applicant is responsible to avoid, eliminate delays with the unexpected discovery of contaminated soils with hazardous materials.

21. Waste Reduction and Recycling

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

Prior to issuance of demolition, grading, or building permit

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

www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Ongoing

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

22. Lighting Plan

Prior to the issuance of an electrical or building permit

A lighting plan shall be submitted with the building plans sets for review and approval by the Zoning Manager. The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.

23. Erosion and Sedimentation Control

Ongoing throughout demolition grading, and/or construction activities

Pursuant to Chapter 13.16 of the Oakland Municipal Code, 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.

24. Site Design Measures for Post-Construction Stormwater Pollution Management

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

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

- a) Minimize impervious surfaces, especially directly connected impervious surfaces;
- b) Utilize permeable paving in place of impervious paving where appropriate;
- c) Cluster buildings;
- d) Preserve quality open space; and
- e) Establish vegetated buffer areas.

Ongoing

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

25. Source Control Measures to Limit Stormwater Pollution

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

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

Ongoing

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

26. Fire Services

Prior to issuance of any new water supply connection

The applicant shall submit approved building plans for project-specific needs related to fire protection including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

27. Underground Utilities

Prior to issuance of a building permit

The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.

28. Improvements in the Public Right-of-Way (General)

Approved prior to the issuance of a P-job or building permit

- a) The project applicant shall submit Public Improvement Plans for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements located within the public ROW.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.

- d) The Oakland Fire Department will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

29. Improvements in the Public Right-of Way (Specific)

Approved prior to the issuance of a grading or building permit

Final building and improvement plans shall include the following components:

- a) Install additional standard City of Oakland streetlights.
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facility to current City standard.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.
- g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

30. Payment for Public Improvements

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

The project applicant shall pay for and install public improvements made necessary by the project.

a. Compliance Plan

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

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

b. Reduced Water Use

Prior to issuance of a building permit

As feasible and applicable, the project applicant shall implement the following water-efficient equipment and devices into building design and project plans, consistent with the Landscape Water Conservation section of the City of Oakland Municipal Code (Chapter 7, Article 10): low-, ultra-low, and dual flush flow toilets and showerheads; water efficient irrigation systems that include drip irrigation and efficient sprinkler heads; evapotranspiration (ET) irrigation controllers; drought-resistant and native plants for landscaping; and minimization of turf areas.

31. Stormwater and Sewer

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

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and

sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the City. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. A 25% reduction goal in peak runoff will be required. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

PROJECT SPECIFIC CONDITIONS

32. Architectural Treatments to Façade

Prior to issuance of a building permit

The final building permit plan set shall contain details for the exterior treatment of the building that include the following:

- a) Factory paint finish to all storefront window systems.
- b) The exterior stucco shall contain a smooth coat or heavy sanded finish to provide a smooth surface.
- c) All proposed stucco reveals shall be painted to match the building exterior.
- d) The parapet shall be constructed of a durable heavy cast material, GFRC, or similar. No foam with a stucco coat shall be permitted.

33. Landscape and Irrigation Plan

Prior to issuance of building permit.

The applicant shall submit for review and approval by the Planning and Zoning Division, a detailed landscape and irrigation plan prepared by a licensed landscape architect or other qualified person. Such plan shall show all landscaping on the site maintained by an automatic irrigation system or other comparable system. The landscaping plan shall include a detailed planting schedule showing sizes, quantities, and specific common and botanical names of plant species. Fire and drought-resistant species are encouraged.

34. Landscaping Maintenance

Ongoing.

All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All landscaping shall be served by an automatic irrigation system. All paving or other impervious surfaces shall occur only on approved areas.

35. Installation of Landscaping and Bonding

Prior to issuance of certificate of occupancy.

The applicant shall install all proposed landscaping indicated on the approved landscape plan prior to the issuance of a certificate of occupancy, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code. The amount of such bond or cash deposit shall equal the greater of \$2500 or the estimated cost of the required landscaping, based on a licensed contractor's bid.

36. Street Trees

Prior to issuance of building permit.

The applicant shall provide at least one street tree per every 20 feet of street frontage with review and approval of species, size at time of planting, and placement in the right-of-way, subject to review and approval by the Office of Parks and Recreation and Building Services.

37. Commercial Lighting

Ongoing.

The applicant shall maintain all on-site lighting to meet the State Business and Professions Code Section 25612, providing enough illumination to identify loiterers standing in the immediate vicinity of the project site. Such illumination shall remain on during all hours of darkness when the business is open, but shall be shielded to a point below the light bulb and reflector and not cast unnecessary glare onto adjacent residential properties.

38. Loitering Signage

Prior to commencement of activity.

The applicant shall post at least two "No Loitering" signs on the building façade and other visible locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2 inches in height.

39. Loitering Prevention

Ongoing.

The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to leave. Persons loitering in the vicinity of the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used.

40. Parking and Driveway Design

Prior to issuance of building permit.

All parking and driveways shall be designed according to all City codes and be approved by the Building Services Division.

41. Closure of Parking Lot After Hours

Ongoing.

The project is approved with more than ten on-site parking spaces, therefore, to discourage loitering, all openings to the parking lot used for the ingress or egress of motor vehicles shall be secured by an approved barrier and locking device within one (1) hour after the close of

business and shall remain secured until one (1) hour prior to the opening of business, pursuant to the standards included in City Ordinance No. 12390, with access only granted to tenants and police.

42. Litter Control Plan

Prior to final building inspection.

The applicant shall prepare and submit a Litter Control Plan that requires that the premises and the adjacent right-of-way and sidewalks of the property are kept free of litter and debris shall be submitted to and approved by the Planning and Zoning Division. The plan shall include, but not be limited to:

- Distribution of proposed locations of litter receptacles on site and in the public right of way. The design and location of litter receptacles shall be consistent and coordinated with the City's street furniture program.
- A management schedule for keeping the premises and surrounding area free from litter originating from the operation of the commercial activities; and
- Daily sweeping and trash collection of the premises, the public sidewalk and the gutter area of the public street immediately adjacent to the project.

43. Trash and Recyclables Enclosure

Prior to issuance of any building permits.

The applicant shall submit for review and approval by the Planning and Zoning Division plans showing all trash and recyclables collection areas on the site. The location of the proposed collection areas shall be shown on the building permit plan set. This collection area enclosure shall be screened from the street and adjacent properties by a decorative masonry wall and dense landscaping with a minimum height of six (6) feet, and with an opaque, covered enclosure. No trash shall be stored outside the designated trash collection area.

44. Litter Receptacles

Prior to operation.

Non-flammable external litter receptacles and ashtrays shall be installed outside of the building in a place accessible to employees and the public. A portable ashtray may be substituted. The location of any permanent ashtray and litter receptacle shall be reviewed and approved by the Planning and Zoning Division.

45. On-site Clean-up

Ongoing.

The applicant shall clear litter and debris from the premises and the adjacent right-of-way and sidewalks of the property of the property at least once daily or as needed to maintain a litter free environment. A portable ashtray, if used, shall remain outside in a location near the entrance and common areas during all times that the building is open for business. The ashtray and litter receptacle shall be emptied as often as needed to prevent overflowing.

46. Right-of-way Clean-up

Ongoing.

The applicant shall clear the sidewalk and gutter areas along International Boulevard and 41st Avenue and 20 feet beyond the property lines along these streets, of litter and debris at least once daily or as needed to control litter. The applicant shall sweep or mechanically clean the sidewalk with steam or equivalent measures at least once per month.

47. Graffiti Removal

Ongoing.

Graffiti shall be removed within 72 hours of application. Removal can involve resurfacing of a material and/or color that matches the remaining surface.

48. Site Maintenance Plan

Prior to issuance of building permit

The applicant shall submit for review and approval by the Planning and Zoning Division, a Site Maintenance Plan. The site maintenance plan shall identify procedures, practices and personnel to ensure appropriate site maintenance to keep the site and surrounding landscape areas free of trash and debris.

49. Delivery and Loading

Ongoing.

The applicant shall ensure that all goods for the facility shall be delivered during between the hours of 7:00am and 8:00pm. Delivery drivers shall be instructed not to block parking or driveways of neighbors and to the extent possible to use off street parking when available.

50. Tenant-Specific Zoning Approvals

Prior to occupancy of tenant space.

The applicant shall ensure that the tenant of each space shall obtain all required zoning approvals and clearances, and may be subject to separate zoning permits as required by the Oakland Planning Code.

51. Lease Agreement on Maintenance

Prior to sale or lease of any unit, tenant space or building.

That all leases, use and rental agreements and instruments of sale affecting the building and related property shall include a clause stating that it shall be the duty of every person upon vacating dwellings, or storerooms, to remove all materials and waste from such buildings and premises and also the grounds appurtenant thereto. Said agreement shall also state that no person shall throw or deposit or permit to accumulate materials in or about any yard, lot, place, premises, or upon any adjacent street alley or sidewalk so that it is or is likely to 1) be a source of obnoxious or offensive conditions or odors to public interest or health, or 2) attract flies or fly breeding and/or afford food or harborage for rodents or rats.

52. Safe and Legal Activities

Prior to lease or sale of any unit.

All leases and use agreement affecting the facility and related property shall include a clause prohibiting the facility, and all portions of the parcel on which the facility is located, from being used for illegal activity as defined and specified in Division 10 of the California Health and Safety Code. The project applicants shall take immediate action and due diligence to

abate any nuisance, as defined in the California Health and Safety Code, occurring in the building or on the parcel on which the building is located.

53. Relocation of Trash Enclosure

Prior to the issuance of a building permit

The building plans shall be revised to show the relocation of the trash enclosure away from Solano Way.

54. Ten-foot clear sight triangles at the intersection of the proposed driveway and Solano Way

Ongoing

No fence, hedge, shrub, tree, wall, retaining wall, earthen bank, building or other landscaping or screening which exceeds a height of 2.5 feet above the street-pavement grade shall be allowed along the property line for a distance of 10 feet, measured from the intersection of the driveway and Solano Way along the property line and the line of the driveway or within the area extended between those two points.

55. Elimination of Parking Space at the southwest corner of the intersection of Solano Way and the driveway

Prior to the issuance of a building permit

Prior to the issuance of a building permit the parking space located at the southwest corner of the intersection of Solano Way and the driveway shall be eliminated from the plans.

56. Hours of Operation

Ongoing

The daily hours of operation shall be limited to between the hours of 7:00AM to 10:00PM with allowance of one hour both before and after opening and closing to the public to allow the attendant to prepare for opening and closing (i.e., 6:00-7:00AM and 10:00-11:00PM).

57. On-site Attendant

Ongoing

The coin operated self-serve laundry facility shall have a full-time on-site attendant during hours of operation.

58. Security Cameras

Ongoing

The coin operated self-serve laundry facility shall have fully operational security cameras on-site.

59. Window Obstruction

Ongoing

All proposed windows shall not be obstructed by video games, washing machines, dryers, or other mechanical equipment. The proposed washing machines, dryers and video games located on the plans in front of the windows on E. 12th Street, 15th Avenue, and the corner of

E. 12th Street and 15th Avenue, shall be eliminated or relocated to another location in the self-serve laundry facility.

60. Signage

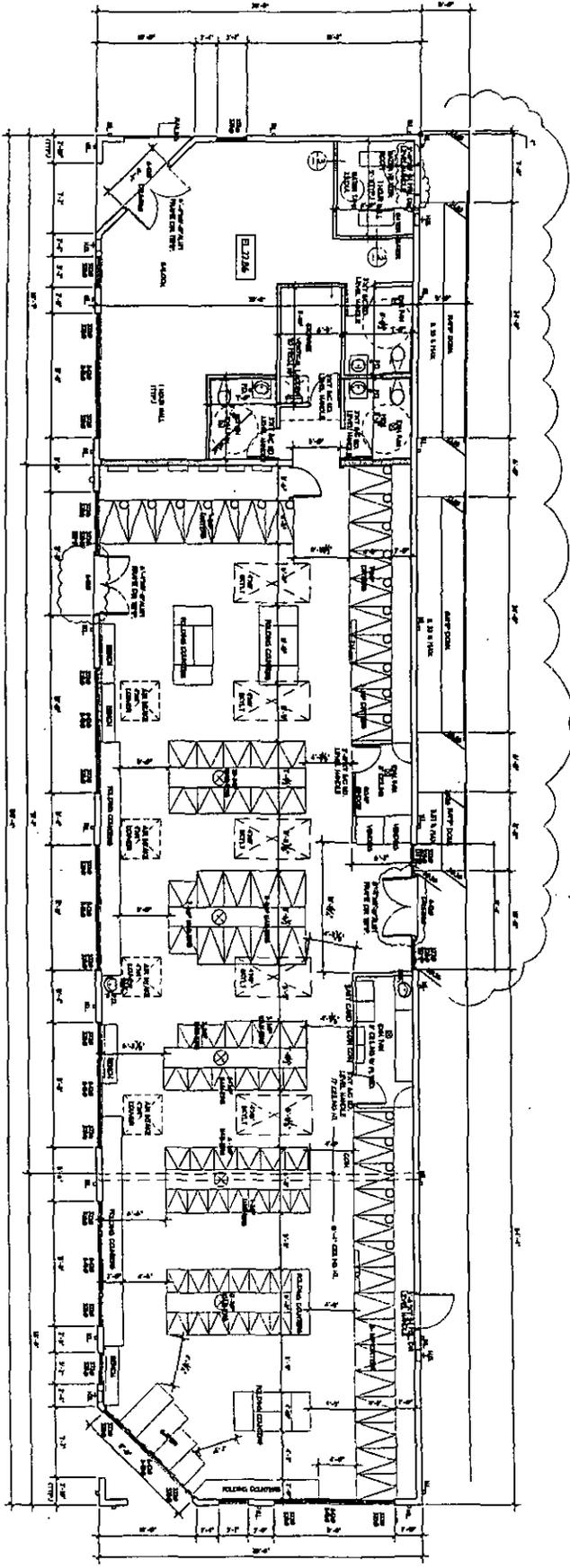
Ongoing.

All proposed signage must be applied for separately with the proper City of Oakland Planning and Building permits. Signage must meet the City of Oakland Small Project Design Guidelines.

61. Zoning Clearance

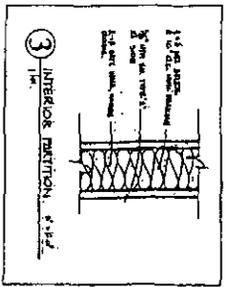
Ongoing

A Zoning Clearance for the proposed Consumer Service activity and any future activities must be applied for before operation of the business.

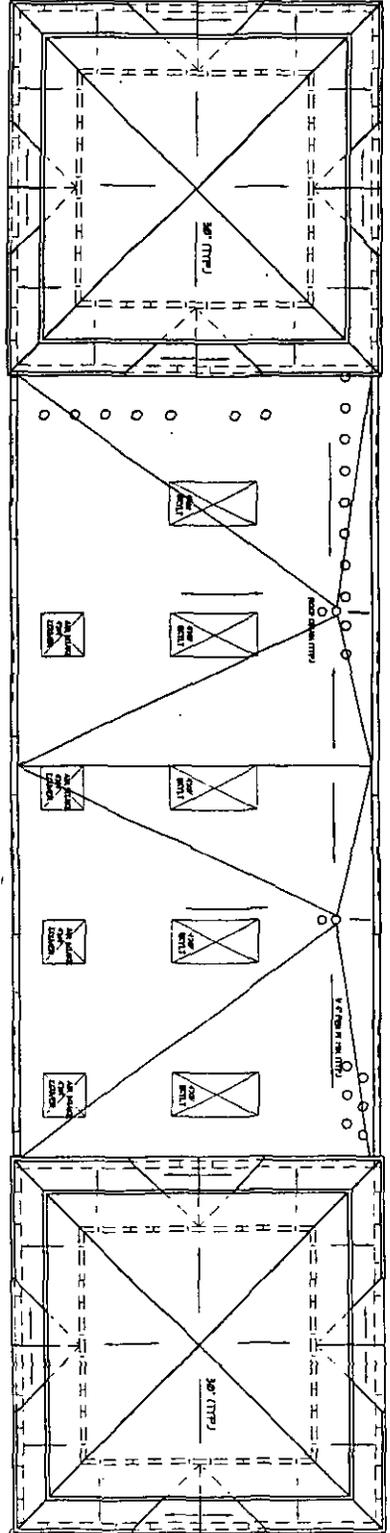


2 FLOOR PLAN
SCALE - 1/8" = 1'-0"

DECKER BRAND - B-150P WASHERS
 EXPRESA - B-30P STACK DRIVERS
 H-150P WASHERS
 M-150P WASHERS
 M-30P STACK DRIVERS
 B-30P WASHERS



3 INTERIOR PARTITION, 4'-0" WIDE
SCALE - 1/4" = 1'-0"



1 ROOF PLAN
SCALE - 1/8" = 1'-0"

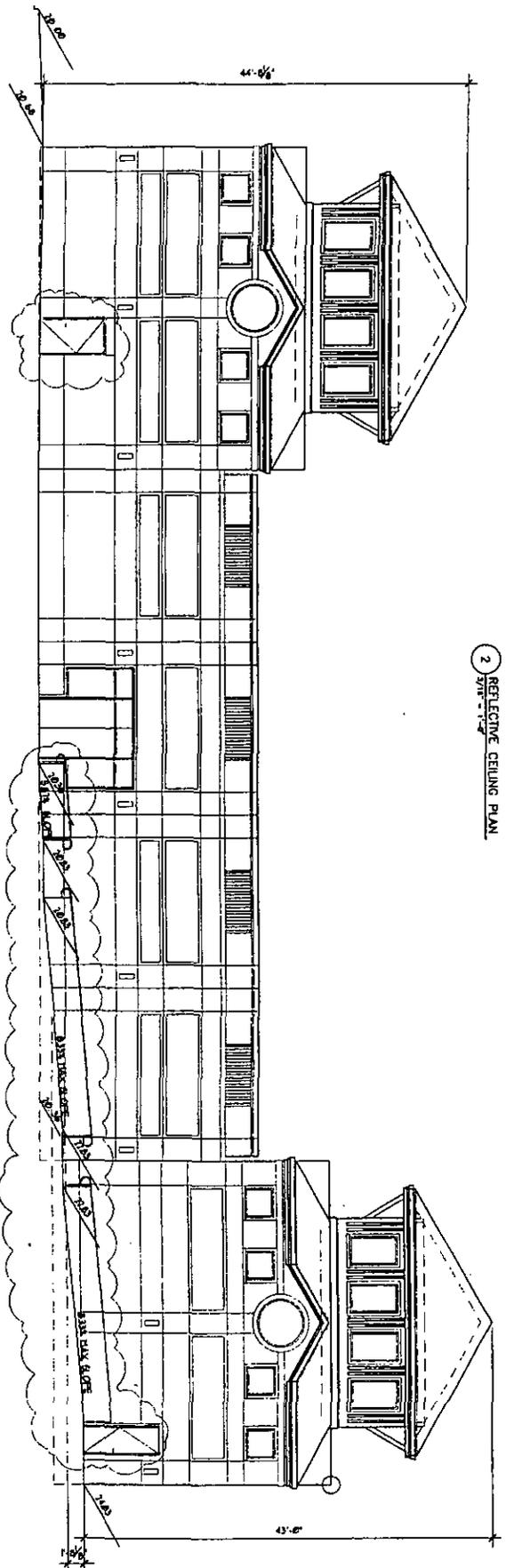
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 TITLE: FLOOR PLAN & ROOF PLAN
 A-3

NEW COMMERCIAL T.I. WORK
 1500 E. 12TH STREET
 OAKLAND, CALIFORNIA



LHA
 LINDA HWA ASSOCIATES
 ARCHITECTS - ENGINEERS
 1500 E. 12TH STREET, SUITE 100
 OAKLAND, CALIFORNIA 94612
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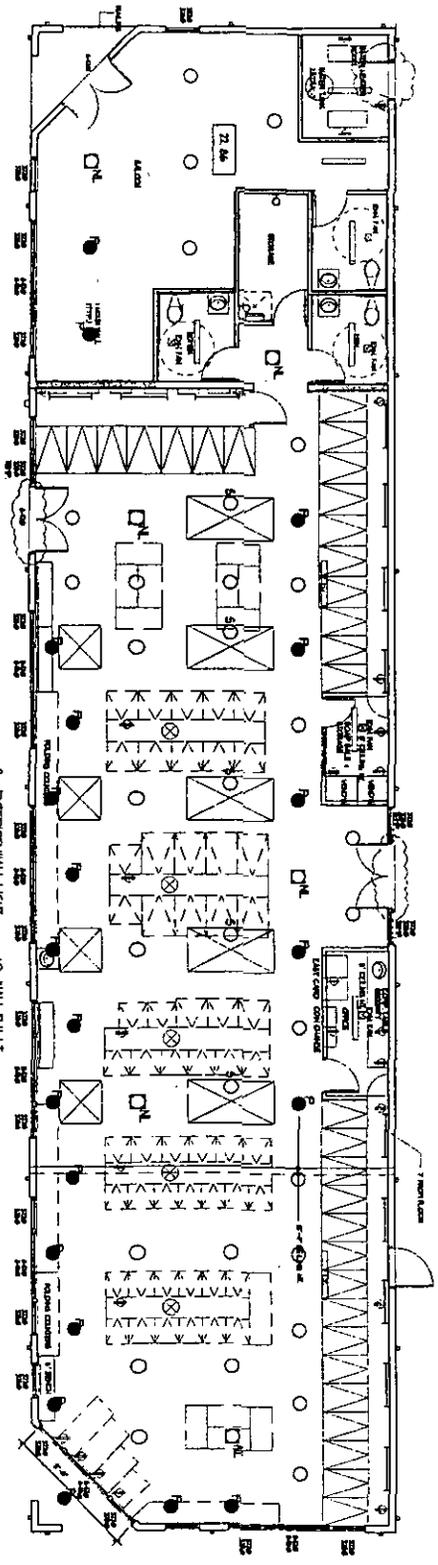
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2 REFLECTIVE CEILING PLAN

1 - PARKING LOT - ELEVATION

- EXTERIOR WALL LIGHT
- 5'x10' CONTACT FLUORESCENT LIGHT (TYP)
- 5'x10' CONTACT FLUORESCENT LIGHT (TYP) W/ DANTI SENSOR
- 5'x10' CONTACT FLUORESCENT LIGHT (TYP) W/ DANTI SENSOR & SEPARATE SWITCH CONTROL
- 5'x10' CONTACT FLUORESCENT LIGHT (TYP) W/ NIGHT LIGHT
- 4' FULL LT.



Scale: 3/16" = 1'-0"
 Date: 11/20/09
 Sheet: A-4

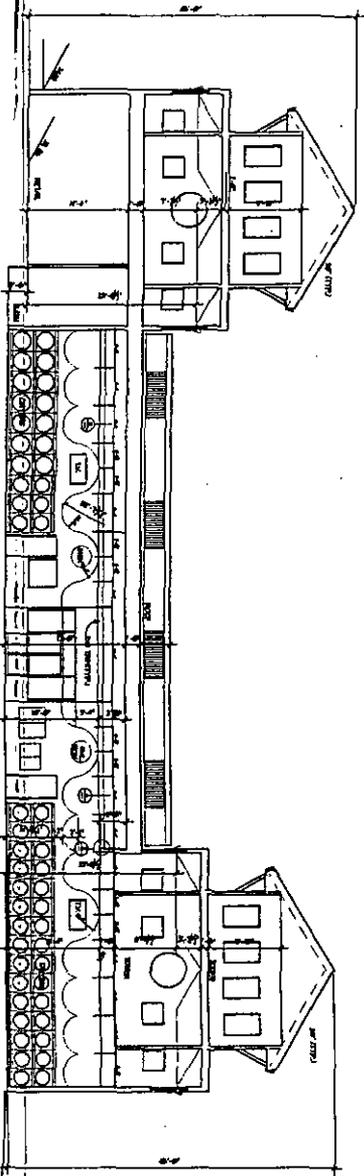
CONTENTS
 PROPOSED
 ELEVATIONS
 CEILING PLAN

NEW COMMERCIAL T.I. WORK
 1500 E. 12TH STREET
 OAKLAND, CALIFORNIA

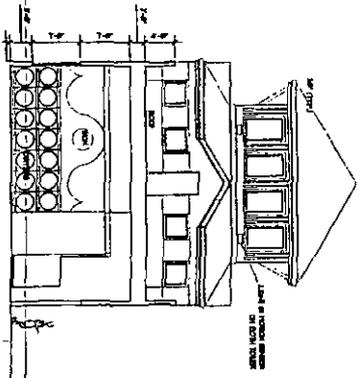


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REVISION	BY
1	11/18/09
2	11/22/09
3	11/23/09
4	11/23/09

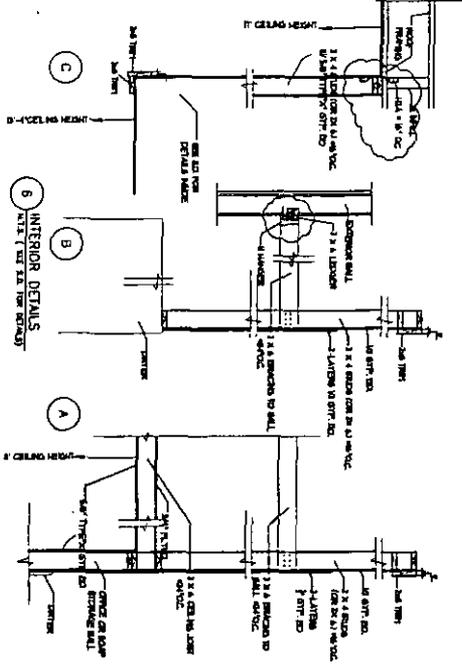
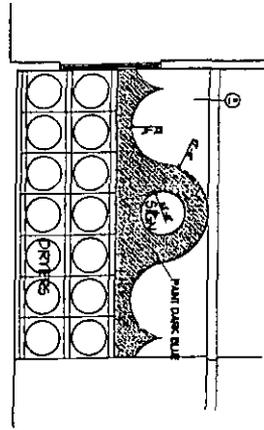


2 SECTION
1/8" = 1'-0"



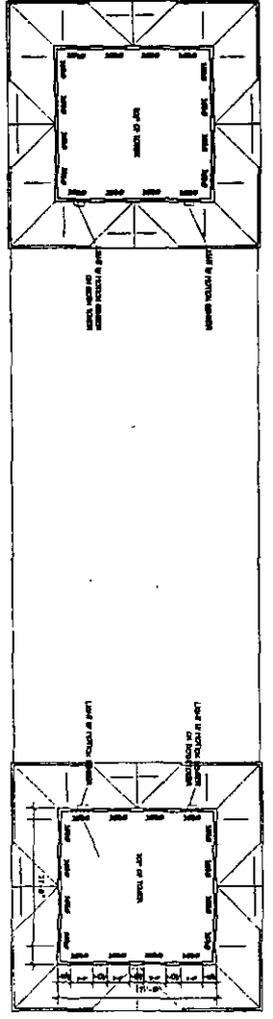
1 SECTION
1/8" = 1'-0"

5 INTERIOR ELEVATION
1/8" = 1'-0"



B INTERIOR DETAILS
1/8" = 1'-0"

4 TOP OF TOWER
1/8" = 1'-0"



NEW COMMERCIAL T.I. WORK
1500 E. 12TH STREET
OAKLAND, CALIFORNIA



L H A
LUNG HWA ASSOCIATES
ARCHITECTS
ENGINEERS

CONTENTS

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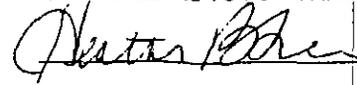
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FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

2009 SEP 25 PM 1:40

INTRODUCED BY COUNCILMEMBER _____



City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. 12972 C.M.S.

AN EMERGENCY ORDINANCE, PURSUANT TO CHARTER SECTION 213, ESTABLISHING INTERIM CONTROLS REQUIRING A MAJOR CONDITIONAL USE PERMIT FOR SELF-SERVE LAUNDROMATS IN THE CITY OF OAKLAND, TO TAKE EFFECT IMMEDIATELY UPON INTRODUCTION AND ADOPTION.

WHEREAS, the Oakland Municipal Code and the Oakland Planning Code ("OPC") regulate the distribution of uses and urban design in the City of Oakland; and

WHEREAS, among other activities, the City permits outright, without any discretionary planning review, self-serve Laundromats; and

WHEREAS, this use can displace retail activities and compromise the economic diversity of retail corridors; and

WHEREAS, the City is developing a City-wide retail strategy that focuses on encouraging pedestrian-oriented retail development on the major transportation corridors; and

WHEREAS, interrupting pedestrian-oriented retail nodes with this activity can detract from the success of these nodes; and

WHEREAS, the this use does not require discretionary approval; and

WHEREAS, the Land Use and Transportation Element of the Oakland General Plan places priority on the successful and attractive development of the transportation corridors; and

WHEREAS, requiring a major conditional use permit from the City for establishing or expanding a self-serve laundromat provides the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare, while permanent controls are being developed; and

WHEREAS, there is insufficient time to develop permanent controls regulating this activity and present them to the City Planning Commission and City Council for review, recommendation, and adoption; and

WHEREAS, the provisions of the California Environmental Quality Act (CEQA) have been satisfied and the proposal relies on the following environmental document to satisfy any requirements under the California Environmental Quality Act (CEQA): the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the General Plan, adopted in 1998 (General Plan EIR); and

WHEREAS, as a separate and independent basis, the proposal is also exempt from CEQA under several CEQA Guidelines: section 15061(b)(3), known as the "General Rule," that states a project is exempt from CEQA if there is no possibility that the activity in question will have a significant effect on the environment; and

WHEREAS, for the reasons set forth above, pursuant to City Charter section 213, the Council declares that this ordinance is necessary to preserve the public peace, health, welfare or safety and to avoid a direct threat to the health, safety, and welfare of the community, and the "Whereas" clauses above taken together constitute the City Council's statement of the reasons constituting such necessity and emergency; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The recitals above are true and correct and are an integral part of this Ordinance.

Section 2. This Ordinance complies with the California Environmental Quality Act.

Section 3. That self-serve Laundromats shall only be permitted upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 of the Planning Code.

Section 4. No building, zoning or other permit that has been issued for any building or structure for which rights to proceed with said building or structure have not vested pursuant to the provisions of State law shall proceed without complying with this ordinance. Further, no building, zoning or other permit for any building or structure shall be issued by any department, agency, employee or agent of the City of Oakland to allow for any building or structure, without complying with the requirements of Sections 3 above. No use which has not vested prior to the date of this Ordinance shall commence in violation of the provisions of this Ordinance.

Section 5. The controls imposed by this ordinance shall remain in place and be effective for a continuous one year from the effective date of this ordinance, or until the City Council adopts permanent controls for self-serve Laundromats, whichever comes first.

Section 6. The Community and Economic Development Agency is directed, over the next one year, to conduct a study and develop a draft set of permanent amendments to the Planning Code and/or Municipal Code regarding the subject matter of this ordinance.

Section 7. For the term of this ordinance, as set for the in Section 5 above, the provisions of this ordinance shall govern, and to the extent there is any conflict between the provisions of this ordinance and the provisions of any other City code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

Section 8. This ordinance shall be effective immediately upon its adoption by the City Council, subject to the provisions of Section 213 of the Charter of the City of Oakland.

Section 9. This Ordinance is enacted pursuant to the City of Oakland's general police powers, Sections 106 and 213 of the Charter of the City of Oakland, and Article XI of the California Constitution.

Section 10. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 22 2009, 20

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and ~~PRESIDENT DE LA FUENTE~~ - 7

NOES- 0

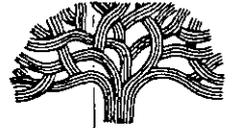
ABSENT- 0

ABSTENTION- 0

Excused- De La Fuente - 1

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

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3911
FAX (510) 238-4730
TDD (510) 839-6451

July 29, 2009

Li-Sheng Fu
180 Martingale Dr
Fremont, CA 94539

RE: Case File No. V09-096, 1500 E 12th Street (APN: 020 -0114-015-00)

Dear Mr. Fu:

Your application to construct a commercial building with a Minor Variance to allow a zero foot street side setback where 10 feet is required has been **APPROVED**. This application complies the Minor Variance criteria contained in Section 17.148 as set forth in the Oakland Zoning Regulations of the Oakland Planning Code. Attachment A contains the Conditions of Approval for the project. Attachment B contains the findings required for this approval and the reasons your proposal satisfies them. This project is effective ten (10) days after the date of this letter unless appealed as explained below.

Information regarding the proposed project is summarized below:

General Plan Land Use Classification: Business Mix

Zoning Designation: CIX-2

Environmental Determination: Exempt, Section 15303 of the State CEQA Guidelines:

Construct of small structures

Section 15183 of the State CEQA Guidelines:

Projects consistent with a community plan, general plan or zoning

Historic Status: Potentially Designated Historic Property; Survey Rating C3.

Service Delivery District: III

City Council District: 2

An Appeal to the City Planning Commission of this Administrative Case decision may be submitted within ten (10) calendar days after the date of this letter, and by 4:00 p.m. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of Leigh McCullen, Planner III. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Administrator or wherein his/her decision is not supported by substantial evidence and must include payment of \$1181.93 in accordance with the City of Oakland Master Fee Schedule. 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 from raising such issues during your appeal and/or in court. If you challenge a Commission decision in court, you may be limited to issues raised at the hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the Appeal hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council must do so within ninety (90) days of the date of the announcement of the Commission's final decision.

You may choose to record a signed Notice of Exemption (NOE) certifying that the project has been found to be exempt from CEQA review, the Environmental Declaration, and, if applicable, the De Minimis Impact Findings at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$25.00 made payable to the Alameda County Clerk. A NOE will be provided to you upon request. If you choose to record a NOE, 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 Leigh McCullen, Planner III. Although recordation of the Notice of Exemption (NOE) is optional pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines, recordation of the NOE reduces the statute of limitations on challenges to your project, based on environmental issues, to 35 days after the NOE is recorded with the County. In the absence of a recorded NOE, the statute of limitations for challenges extends to 180 days.

If you have any questions, please contact the case planner, Leigh McCullen, Planner III at (510) 238-4977 or lmccullen@oaklandnet.com.

Sincerely,



Scott Miller
Zoning Manager

Attachments:

- A. Conditions of Approval
- B. Findings for Approval

cc. Sunny Woan
1368 40th St
Emeryville CA 94608

Jacky Li
1505 International Boulevard
Oakland Ca 94606

Attachment A

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

STANDARD CONDITIONS OF APPROVAL

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials and the revised plans dated March 31, 2009 and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.
- b) This action by the Zoning Manager ("this Approval") includes the approvals set forth below. This Approval includes: the construction of a commercial building with a minor variance for a zero foot street side setback.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire two calendar years from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval: Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

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

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

Ongoing

- a) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification or other corrective action.
- b) Violation of any term, condition or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

6. **Signed Copy of the Conditions**

With submittal of a demolition, grading, and building permit

A copy of the approval letter and Conditions shall be signed by the property owner and submitted with each set of permit plans submitted for this project.

7. **Indemnification**

Ongoing

- a) The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul this Approval, or any related approval by the City. The City shall promptly notify the project applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.
- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

8. **Compliance with Conditions of Approval**

Ongoing

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

9. **Severability**

Ongoing

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

10. **Job Site Plans**

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

12. **Dust Control**

Prior to issuance of a demolition, grading or building permit

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- Water all 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 possible.

- 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).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- Limit the amount of the disturbed area at any one time, where feasible.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as feasible.
- Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

13. **Construction Emissions**

Prior to issuance of a demolition, grading or building permit

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.

14. **Days/Hours of Construction Operation**

Ongoing throughout demolition, grading, and/or construction

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving 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. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.

- f) 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.

15. **Noise Control**

Ongoing throughout demolition, grading, and/or construction

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

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible 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 where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.
- d) If feasible, the noisiest phases of construction shall be limited to less than 10 days at a time.

16. **Noise Complaint Procedures**

Ongoing throughout demolition, grading, and/or construction

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

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

17. **Interior Noise**

Prior to issuance of a building permit

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

18. **Construction Traffic and Parking**

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

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

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

19. **Erosion and Sedimentation Control**

Ongoing throughout demolition grading, and/or construction activities

Pursuant to Chapter 13.16 of the Oakland Municipal Code, 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.

20. **Hazards Best Management Practices**

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building. The applicant is responsible to avoid, eliminate delays with the unexpected discovery of contaminated soils with hazardous materials.

21. **Waste Reduction and Recycling**

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

Prior to issuance of demolition, grading, or building permit

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

Ongoing

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

22. **Lighting Plan**
Prior to the issuance of an electrical or building permit
A lighting plan shall be submitted with the building plans sets for review and approval by the Zoning Manager. The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.
23. **Erosion and Sedimentation Control**
Ongoing throughout demolition grading, and/or construction activities
Pursuant to Chapter 13.16 of the Oakland Municipal Code, 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.
24. **Site Design Measures for Post-Construction Stormwater Pollution Management**
Prior to issuance of building permit (or other construction-related permit)
The project drawings submitted for a building permit (or other construction-related permit) shall contain a final site plan to be reviewed and approved by Planning and Zoning. The final site plan shall incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. These measures may include, but are not limited to, the following:
- a) Minimize impervious surfaces, especially directly connected impervious surfaces;
 - b) Utilize permeable paving in place of impervious paving where appropriate;
 - c) Cluster buildings;
 - d) Preserve quality open space; and
 - e) Establish vegetated buffer areas.
- Ongoing*
The approved plan shall be implemented and the site design measures shown on the plan shall be permanently maintained.
25. **Source Control Measures to Limit Stormwater Pollution**
Prior to issuance of building permit (or other construction-related permit)
The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.
- Ongoing*
The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.
26. **Fire Services**
Prior to issuance of any new water supply connection
The applicant shall submit approved building plans for project-specific needs related to fire protection including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.
27. **Underground Utilities**
Prior to issuance of a building permit
The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.
- The proposed transformer located along 41st Avenue shall be located within an underground vault.
28. **Improvements in the Public Right-of-Way (General)**
Approved prior to the issuance of a P-job or building permit
- a) The project applicant shall submit Public Improvement Plans for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground

utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.

- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Oakland Fire Department will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

29. **Improvements in the Public Right-of Way (Specific)**

Approved prior to the issuance of a grading or building permit

Final building and improvement plans shall include the following components:

- a) Install additional standard City of Oakland streetlights along International Boulevard and 41st Avenue.
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facility to current City standard.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.
- g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

30. **Payment for Public Improvements**

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

The project applicant shall pay for and install public improvements made necessary by the project.

31. **Compliance Plan**

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

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

32. **Reduced Water Use**

Prior to issuance of a building permit

As feasible and applicable, the project applicant shall implement the following water-efficient equipment and devices into building design and project plans, consistent with the Landscape Water Conservation section of the City of Oakland Municipal Code (Chapter 7, Article 10): low-, ultra-low, and dual flush flow toilets and showerheads; water efficient irrigation systems that include drip irrigation and efficient sprinkler heads; evapotranspiration (ET) irrigation controllers; drought-resistant and native plants for landscaping; and minimization of turf areas.

33. **Stormwater and Sewer**

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

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the City. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. A 25% reduction goal in peak runoff will be required. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

PROJECT SPECIFIC CONDITIONS

34. Architectural Treatments to Façade

Prior to issuance of a building permit

The final building permit plan set shall contain details for the exterior treatment of the building that include the following:

- a) Factory paint finish to all storefront window systems.
- b) The exterior stucco shall contain a smooth coat or heavy sanded finish to provide a smooth surface.
- c) All proposed stucco reveals shall be painted to match the building exterior.
- d) The parapet shall be constructed of a durable heavy cast material, GFRC, or similar. No foam with a stucco coat shall be permitted.

35. Landscape and Irrigation Plan

Prior to issuance of building permit.

The applicant shall submit for review and approval by the Planning and Zoning Division, a detailed landscape and irrigation plan prepared by a licensed landscape architect or other qualified person. Such plan shall show all landscaping on the site maintained by an automatic irrigation system or other comparable system. The landscaping plan shall include a detailed planting schedule showing sizes, quantities, and specific common and botanical names of plant species. Fire and drought-resistant species are encouraged.

36. Landscaping Maintenance

Ongoing.

All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All landscaping shall be served by an automatic irrigation system. All paving or other impervious surfaces shall occur only on approved areas.

37. Installation of Landscaping and Bonding

Prior to issuance of certificate of occupancy.

The applicant shall install all proposed landscaping indicated on the approved landscape plan prior to the issuance of a certificate of occupancy, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code. The amount of such bond or cash deposit shall equal the greater of \$2500 or the estimated cost of the required landscaping, based on a licensed contractor's bid.

41. Street Trees

Prior to issuance of building permit.

The applicant shall provide at least one street tree per every 20 feet of street frontage with review and approval of species, size at time of planting, and placement in the right-of-way, subject to review and approval by the Office of Parks and Recreation and Building Services.

42. Commercial Lighting

Ongoing.

The applicant shall maintain all on-site lighting to meet the State Business and Professions Code Section 25612, providing enough illumination to identify loiterers standing in the immediate vicinity of the project site. Such illumination shall remain on during all hours of darkness when the business is open, but shall be shielded to a point below the light bulb and reflector and not cast unnecessary glare onto adjacent residential properties.

43. Loitering Signage

Prior to commencement of activity.

The applicant shall post at least two "No Loitering" signs on the building façade and other visible locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2 inches in height.

44. Loitering Prevention

Ongoing.

The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to leave. Persons loitering in the vicinity of the

exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used.

45. **Parking and Driveway Design**

Prior to issuance of building permit.

All parking and driveways shall be designed according to all City codes and be approved by the Building Services Division.

46. **Closure of Parking Lot After Hours**

Ongoing.

The project is approved with more than ten on-site parking spaces, therefore, to discourage loitering, all openings to the parking lot used for the ingress or egress of motor vehicles shall be secured by an approved barrier and locking device within one (1) hour after the close of business and shall remain secured until one (1) hour prior to the opening of business, pursuant to the standards included in City Ordinance No. 12390, with access only granted to tenants and police.

47. **Litter Control Plan**

Prior to final building inspection.

The applicant shall prepare and submit a Litter Control Plan that requires that the premises and the adjacent right-of-way and sidewalks of the property are kept free of litter and debris shall be submitted to and approved by the Planning and Zoning Division. The plan shall include, but not be limited to:

- Distribution of proposed locations of litter receptacles on site and in the public right of way. The design and location of litter receptacles shall be consistent and coordinated with the City's street furniture program.
- A management schedule for keeping the premises and surrounding area free from litter originating from the operation of the commercial activities; and
- Daily sweeping and trash collection of the premises, the public sidewalk and the gutter area of the public street immediately adjacent to the project.

48. **Trash and Recyclables Enclosure**

Prior to issuance of any building permits.

The applicant shall submit for review and approval by the Planning and Zoning Division plans showing all trash and recyclables collection areas on the site. The location of the proposed collection areas shall be shown on the building permit plan set. This collection area enclosure shall be screened from the street and adjacent properties by a decorative masonry wall and dense landscaping with a minimum height of six (6) feet, and with an opaque, covered enclosure. No trash shall be stored outside the designated trash collection area.

49. **Litter Receptacles**

Prior to operation.

Non-flammable external litter receptacles and ashtrays shall be installed outside of the building in a place accessible to employees and the public. A portable ashtray may be substituted. The location of any permanent ashtray and litter receptacle shall be reviewed and approved by the Planning and Zoning Division.

50. **On-site Clean-up**

Ongoing.

The applicant shall clear litter and debris from the premises and the adjacent right-of-way and sidewalks of the property of the property at least once daily or as needed to maintain a litter free environment. A portable ashtray, if used, shall remain outside in a location near the entrance and common areas during all times that the building is open for business. The ashtray and litter receptacle shall be emptied as often as needed to prevent overflowing.

51. **Right-of-way Clean-up**

Ongoing.

The applicant shall clear the sidewalk and gutter areas along International Boulevard and 41st Avenue and 20 feet beyond the property lines along these streets, of litter and debris at least once daily or as needed to control litter. The applicant shall sweep or mechanically clean the sidewalk with steam or equivalent measures at least once per month.

52. **Graffiti Removal**

Ongoing.

Graffiti shall be removed within 72 hours of application. Removal can involve resurfacing of a material and/or color that matches the remaining surface.

53. **Site Maintenance Plan**
Prior to issuance of building permit
The applicant shall submit for review and approval by the Planning and Zoning Division, a Site Maintenance Plan. The site maintenance plan shall identify procedures, practices and personnel to ensure appropriate site maintenance to keep the site and surrounding landscape areas free of trash and debris.
54. **Delivery and Loading**
Ongoing.
The applicant shall ensure that all goods for the facility shall be delivered during between the hours of 7:00am and 8:00pm. Delivery drivers shall be instructed not to block parking or driveways of neighbors and to the extent possible to use off street parking when available.
55. **Tenant-Specific Zoning Approvals**
Prior to occupancy of tenant space.
The applicant shall ensure that the tenant of each space shall obtain all required zoning approvals and clearances, and may be subject to separate zoning permits as required by the Oakland Planning Code.
56. **Lease Agreement on Maintenance**
Prior to sale or lease of any unit, tenant space or building.
That all leases, use and rental agreements and instruments of sale affecting the building and related property shall include a clause stating that it shall be the duty of every person upon vacating dwellings, or storerooms, to remove all materials and waste from such buildings and premises and also the grounds appurtenant thereto. Said agreement shall also state that no person shall throw or deposit or permit to accumulate materials in or about any yard, lot, place, premises, or upon any adjacent street alley or sidewalk so that it is or is likely to 1) be a source of obnoxious or offensive conditions or odors to public interest or health, or 2) attract flies or fly breeding and/or afford food or harborage for rodents or rats.
57. **Safe and Legal Activities**
Prior to lease or sale of any unit.
All leases and use agreement affecting the facility and related property shall include a clause prohibiting the facility, and all portions of the parcel on which the facility is located, from being used for illegal activity as defined and specified in Division 10 of the California Health and Safety Code. The project applicants shall take immediate action and due diligence to abate any nuisance, as defined in the California Health and Safety Code, occurring in the building or on the parcel on which the building is located.
58. **Relocation of Trash Enclosure**
Prior to the issuance of a building permit
The building plans shall be revised to show the relocation of the trash enclosure away from Solano Way.
59. **Ten-foot clear sight triangles at the intersection of the proposed driveway and Solano Way**
Ongoing
No fence, hedge, shrub, tree, wall, retaining wall, earthen bank, building or other landscaping or screening which exceeds a height of 2.5 feet above the street-pavement grade shall be allowed along the property line for a distance of 10 feet, measured from the intersection of the driveway and Solano Way along the property line and the line of the driveway or within the area extended between those two points.
60. **Elimination of Parking Space at the southwest corner of the intersection of Solano Way and the driveway**
Prior to the issuance of a building permit
Prior to the issuance of a building permit the parking space located at the southwest corner of the intersection of Solano Way and the driveway shall be eliminated from the plans.

ATTACHMENT B

FINDINGS FOR APPROVAL:

This proposal meets all the required findings under Sections 17.148.050a, Variance criteria, as set forth below and which are required to approve your application. Required findings are shown in **bold type**; reasons your proposal satisfies them are shown in normal type.

SECTION 17.148.050(a) - MINOR VARIANCE FINDINGS:

- A. That strict compliance with the specified regulation 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.**

This request would provide for the construction of a new commercial building with a zero-foot street side setback along 15th Avenue where 10 feet is required. The purpose of the street side setback in the CIX zones is intended to provide for clear site distances for vehicles at street corners. The proposed design would accommodate clear sight lines, consistent with the City's Traffic Code, by setting back the corners of the building back 10 feet, measured from the intersection along both streets, at the corner of 15th Avenue and E 12th Street and the corner of 15th Avenue and Solano Way. This solution creates a building design that is consistent with the intent of the zoning regulations by maintaining vehicular safety while creating a strong visual urban street presence along 15th Avenue. In addition, the existing right of way width along 15th Avenue is such that the actual driving lanes are more than 13 feet from the property line, which provides ample distance for traffic safety issues.

- B. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.**

The proposed design successfully meets the intent of the street side yard setback requirement by creating clear site triangles at the street corners. The site design successfully meets the intent of the Code while creating a strong visual urban street presence. Strict compliance would drastically decrease the size of the building and would eliminate the effective design solution that has been built into the site design. In addition, the existing right of way width along 15th Avenue is such that the actual driving lanes are more than 13 feet from the property line, which provides ample distance for traffic safety issues.

- C. 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.**

Effective design solutions which clearly meet the intent of the Code would eliminate any negative impacts of the proposed setback variance. In addition, the existing right of way width along 15th Avenue is such that the actual driving lanes are more than 13 feet from the property line, which provides ample distance for traffic safety issues.

- D. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.**

The proposed design solutions ensure that the proposal meets the intent of the zoning regulations and as such approval of the variances would not constitute a special privilege. Further, surrounding commercial buildings do not have setbacks from the street. Therefore, the proposed development would be consistent with the as built conditions of the commercial district thereby precluding the grant of a special privilege. In addition, the existing right of way width along 15th Avenue is such that the actual driving lanes are more than 13 feet from the property line, which provides ample distance for traffic safety issues.

RETURN TO:

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: V09-096

Project Applicant: Li-Sheng Fu

Project Location: 1500 E 12th Street / Oakland, CA

Project Description: To construct a 4,691 square foot commercial building

Exempt Status: (check one)

Statutory Exemptions

{Article 18:Section 21080; 15260}

- Ministerial {Sec.15268}
- Feasibility/Planning Study {Sec.15262}
- Emergency Project {Sec.15269}
- General Rule {Sec.15061 (b)(3)}
- Other: {Sec.15183}

Categorical Exemptions

{Article 19:Section 21084; 15300}

- Existing Facilities {Sec.15301}
- Replacement or Reconstruction {Sec.15302}
- Small Structures {Sec.15303}
- Minor Alterations {Sec.15304}
- Minor Subdivisions {Sec.15315}
- Infill Projects {Sec.15332}

Reasons why project is exempt: Small structures are categorically exempt from Environmental Review. The project is consistent with the general plan and zoning.

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: Leigh McCullen

Phone: (510) 238-4977



7-29-09

Signature
Scott Miller, 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.

*ENVIRONMENTAL DECLARATION
(CALIF. FISH AND GAME CODE SEC. 711.4)

: FOR COURT USE ONLY
:
:
NAME AND ADDRESS OF APPLICANT OR LEAD AGENCY :
:
LEAD AGENCY: :
:
COMMUNITY & ECONOMIC :
DEVELOPMENT AGENCY/PLANNING: :
250 Frank H. Ogawa Plaza :
Room 2114 :
Oakland, CA 94612 :
:
APPLICANT: Li-Sheng Fu : _____
:
Contact: Li-Sheng Fu : FILING NO. _____
:

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:		<u>CLERK'S USE ONLY</u>
1.	NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION	PLU 117
<input checked="" type="checkbox"/>	A - STATUTORILY OR CATEGORICALLY EXEMPT \$50.00 (Fifty Dollars) - CLERK'S FEE	
<input type="checkbox"/>	B - DE MINIMUS IMPACT - CERTIFICATE OF FEE EXEMPTION REQUIRED \$50.00 (Fifty Dollars) - CLERK'S FEE	PLU 117
2.	NOTICE OF DETERMINATION - FEE REQUIRED	
<input type="checkbox"/>	A - NEGATIVE DECLARATION \$1,993.00 (One Thousand Nine Hundred Ninety Three Dollars)- STATE FILING FEE \$50.00 (Fifty Dollars) - CLERK'S FEE	PLU 116
<input type="checkbox"/>	B - ENVIRONMENTAL IMPACT REPORT \$2,768.25 (Two Thousand Seven Hundred Sixty Eight Dollars and Twenty Five Cents)- STATE FILING FEE \$50.00 (Fifty Dollars) - CLERK'S FEE	PLU 115
<input type="checkbox"/>	C -- Certificate of Fee Exemption & De Minimis Impact Fee \$50.00 (Fifty Dollars) - CLERK'S FEE	PLU 117

*THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

FIVE COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING PURPOSES.

APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING AN ENVIRONMENTAL DOCUMENT WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

MAKE CHECK PAYABLE TO: **ALAMEDA COUNTY CLERK**

Bradley, Michael

From: Scott Mertens [scottmerta@gmail.com]

Sent: Tuesday, April 27, 2010 7:43 AM

To: Bradley, Michael

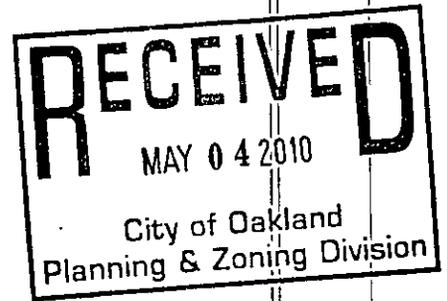
Subject: coin laundry 1500 E. 12th

Concerning the new plans for a coin laundry at 1500 E. 12th. It would great if they could find a new use for that space, there seems to be many laundry's and the neighborhood is in need of other services. community center, sit down restaurants, child development center:

thanks for your consideration
scott mertens 1811 13th Ave

April 27, 2010

Oakland City Planning Commission
250 Frank Ogawa Plaza
Oakland, CA 94607

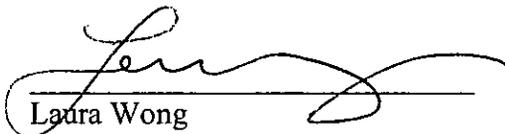


RE: Location – 1500 E 12th Street APN 020-0114-015-00, Case # CM10-065

Dear Commissioners,

I am opposing to the issuance of a major use permit for the coin laundry and hair/nail salon. We already have plenty of these businesses in my neighborhood. We are in need of a more diversify retail business which can brings in more jobs, for example, child care services, bakery, retail shops, and offices.

Thank you for your attention.

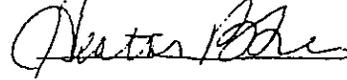

Laura Wong

2234 E 22nd St #B
Oakland, CA 94606
Address

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

2009 SEP 25 PM 1:40
INTRODUCED BY COUNCILMEMBER



City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. 12972 C.M.S.

AN EMERGENCY ORDINANCE, PURSUANT TO CHARTER SECTION 213, ESTABLISHING INTERIM CONTROLS REQUIRING A MAJOR CONDITIONAL USE PERMIT FOR SELF-SERVE LAUNDROMATS IN THE CITY OF OAKLAND, TO TAKE EFFECT IMMEDIATELY UPON INTRODUCTION AND ADOPTION.

WHEREAS, the Oakland Municipal Code and the Oakland Planning Code ("OPC") regulate the distribution of uses and urban design in the City of Oakland; and

WHEREAS, among other activities, the City permits outright, without any discretionary planning review, self-serve Laundromats; and

WHEREAS, this use can displace retail activities and compromise the economic diversity of retail corridors; and

WHEREAS, the City is developing a City-wide retail strategy that focuses on encouraging pedestrian-oriented retail development on the major transportation corridors; and

WHEREAS, interrupting pedestrian-oriented retail nodes with this activity can detract from the success of these nodes; and

WHEREAS, the this use does not require discretionary approval; and

WHEREAS, the Land Use and Transportation Element of the Oakland General Plan places priority on the successful and attractive development of the transportation corridors; and

WHEREAS, requiring a major conditional use permit from the City for establishing or expanding a self-serve laundromat provides the City a tool to enhance the appearance of these corridors and better promote the public's health, safety and welfare, while permanent controls are being developed; and

WHEREAS, there is insufficient time to develop permanent controls regulating this activity and present them to the City Planning Commission and City Council for review, recommendation, and adoption; and

WHEREAS, the provisions of the California Environmental Quality Act (CEQA) have been satisfied and the proposal relies on the following environmental document to satisfy any requirements under the California Environmental Quality Act (CEQA): the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the General Plan, adopted in 1998 (General Plan EIR); and

WHEREAS, as a separate and independent basis, the proposal is also exempt from CEQA under several CEQA Guidelines: section 15061(b)(3), known as the "General Rule," that states a project is exempt from CEQA if there is no possibility that the activity in question will have a significant effect on the environment; and

WHEREAS, for the reasons set forth above, pursuant to City Charter section 213, the Council declares that this ordinance is necessary to preserve the public peace, health, welfare or safety and to avoid a direct threat to the health, safety, and welfare of the community, and the "Whereas" clauses above taken together constitute the City Council's statement of the reasons constituting such necessity and emergency; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The recitals above are true and correct and are an integral part of this Ordinance.

Section 2. This Ordinance complies with the California Environmental Quality Act.

Section 3. That self-serve Laundromats shall only be permitted upon the granting of a major conditional use permit pursuant to the conditional use permit procedure in Chapter 17.134 of the Planning Code.

Section 4. No building, zoning or other permit that has been issued for any building or structure for which rights to proceed with said building or structure have not vested pursuant to the provisions of State law shall proceed without complying with this ordinance. Further, no building, zoning or other permit for any building or structure shall be issued by any department, agency, employee or agent of the City of Oakland to allow for any building or structure, without complying with the requirements of Sections 3 above. No use which has not vested prior to the date of this Ordinance shall commence in violation of the provisions of this Ordinance.

Section 5. The controls imposed by this ordinance shall remain in place and be effective for a continuous one year from the effective date of this ordinance, or until the City Council adopts permanent controls for self-serve Laundromats, whichever comes first.

Section 6. The Community and Economic Development Agency is directed, over the next one year, to conduct a study and develop a draft set of permanent amendments to the Planning Code and/or Municipal Code regarding the subject matter of this ordinance.

Section 7. For the term of this ordinance, as set for the in Section 5 above, the provisions of this ordinance shall govern, and to the extent there is any conflict between the provisions of this ordinance and the provisions of any other City code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

Section 8. This ordinance shall be effective immediately upon its adoption by the City Council, subject to the provisions of Section 213 of the Charter of the City of Oakland.

Section 9. This Ordinance is enacted pursuant to the City of Oakland's general police powers, Sections 106 and 213 of the Charter of the City of Oakland, and Article XI of the California Constitution.

Section 10. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 22 2009, 20

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and ~~RESIDENT DE LA FUENTE~~ - 7

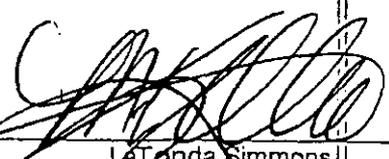
NOES- 0

ABSENT- 0

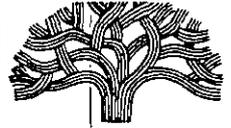
ABSTENTION- 0

Excused - De La Fuente - 1

ATTEST



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

CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency
 Planning & Zoning Services Division

(510) 238-3911
 FAX (510) 238-4730
 TDD (510) 839-6451

July 29, 2009

Li-Sheng Fu
 180 Martingale Dr
 Fremont, CA 94539

RE: Case File No. V09-096, 1500 E 12th Street (APN: 020 -0114-015-00)

Dear Mr. Fu:

Your application to construct a commercial building with a Minor Variance to allow a zero foot street side setback where 10 feet is required has been **APPROVED**. This application complies the Minor Variance criteria contained in Section 17.148 as set forth in the *Oakland Zoning Regulations of the Oakland Planning Code*. Attachment A contains the Conditions of Approval for the project. Attachment B contains the findings required for this approval and the reasons your proposal satisfies them. This project is effective ten (10) days after the date of this letter unless appealed as explained below.

Information regarding the proposed project is summarized below:

General Plan Land Use Classification: Business Mix

Zoning Designation: CIX-2

Environmental Determination: Exempt, Section 15303 of the State CEQA Guidelines:

Construct of small structures.

Section 15183 of the State CEQA Guidelines:

Projects consistent with a community plan, general plan or zoning

Historic Status: Potentially Designated Historic Property; Survey Rating C3.

Service Delivery District: III

City Council District: 2

An Appeal to the City Planning Commission of this Administrative Case decision may be submitted within ten (10) calendar days after the date of this letter, and by 4:00 p.m. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **Leigh McCullen, Planner III**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Administrator or wherein his/her decision is not supported by substantial evidence and must include payment of \$1181.93 in accordance with the City of Oakland Master Fee Schedule. 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 from raising such issues during your appeal and/or in court. If you challenge a Commission decision in court, you may be limited to issues raised at the hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the Appeal hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council must do so within ninety (90) days of the date of the announcement of the Commission's final decision.

You may choose to record a signed Notice of Exemption (NOE) certifying that the project has been found to be exempt from CEQA review, the Environmental Declaration, and, if applicable, the De Minimis Impact Findings at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$25.00 made payable to the Alameda County Clerk. A NOE will be provided to you upon request. If you choose to record a NOE, 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 **Leigh McCullen, Planner III**. Although recordation of the Notice of Exemption (NOE) is optional pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines, recordation of the NOE reduces the statute of limitations on challenges to your project, based on environmental issues, to 35 days after the NOE is recorded with the County. In the absence of a recorded NOE, the statute of limitations for challenges extends to 180 days.

If you have any questions, please contact the case planner, Leigh McCullen, Planner III at (510) 238-4977 or lmccullen@oaklandnet.com.

Sincerely,



Scott Miller
Zoning Manager

Attachments:

- A. Conditions of Approval
- B. Findings for Approval

cc. Sunny Woan
1368 40th St
Emeryville CA 94608

Jacky Li
1505 International Boulevard
Oakland Ca 94606

Attachment A

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

STANDARD CONDITIONS OF APPROVAL

1. Approved Use

Ongoing

- a) The project shall be constructed and operated in accordance with the authorized use as described in the application materials and the revised plans dated March 31, 2009 and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall require prior written approval from the Director of City Planning or designee.
- b) This action by the Zoning Manager ("this Approval") includes the approvals set forth below. This Approval includes: the construction of a commercial building with a minor variance for a zero foot street side setback.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing

Unless a different termination date is prescribed, this Approval shall expire two calendar years from the approval date, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit for this project may invalidate this Approval if the said extension period has also expired.

3. Scope of This Approval: Major and Minor Changes

Ongoing

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

4. Conformance with other Requirements

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

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

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

Ongoing

- a) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification or other corrective action.
- b) Violation of any term, condition or project description relating to the Approvals is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions.

6. **Signed Copy of the Conditions**

With submittal of a demolition, grading, and building permit

A copy of the approval letter and Conditions shall be signed by the property owner and submitted with each set of permit plans submitted for this project.

7. **Indemnification**

Ongoing

- a) The project applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul this Approval, or any related approval by the City. The City shall promptly notify the project applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.
- b) Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

8. **Compliance with Conditions of Approval**

Ongoing

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

9. **Severability**

Ongoing

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

10. **Job Site Plans**

Ongoing throughout demolition, grading, and/or construction

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

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

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

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

12. **Dust Control**

Prior to issuance of a demolition, grading or building permit

During construction, the project applicant shall require the construction contractor to implement the following measures required as part of Bay Area Air Quality Management District's (BAAQMD) basic and enhanced dust control procedures required for construction sites. These include:

- Water all 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 possible.

- 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).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers using reclaimed water if possible) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- Limit the amount of the disturbed area at any one time, where feasible.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as feasible.
- Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Clean off the tires or tracks of all trucks and equipment leaving any unpaved construction areas.

13. Construction Emissions

Prior to issuance of a demolition, grading or building permit

To minimize construction equipment emissions during construction, the project applicant shall require the construction contractor to:

- a) Demonstrate compliance with Bay Area Air Quality Management District (BAAQMD) Regulation 2, Rule 1 (General Requirements) for all portable construction equipment subject to that rule. BAAQMD Regulation 2, Rule 1 provides the issuance of authorities to construct and permits to operate certain types of portable equipment used for construction purposes (e.g., gasoline or diesel-powered engines used in conjunction with power generation, pumps, compressors, and cranes) unless such equipment complies with all applicable requirements of the "CAPCOA" Portable Equipment Registration Rule" or with all applicable requirements of the Statewide Portable Equipment Registration Program. This exemption is provided in BAAQMD Rule 2-1-105.
- b) Perform low- NOx tune-ups on all diesel-powered construction equipment greater than 50 horsepower (no more than 30 days prior to the start of use of that equipment). Periodic tune-ups (every 90 days) should be performed for such equipment used continuously during the construction period.

14. Days/Hours of Construction Operation

Ongoing throughout demolition, grading, and/or construction

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving 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. Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 am to 7:00 pm Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction activity shall take place on Sundays or Federal holidays.

- f) 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.

15. **Noise Control**

Ongoing throughout demolition, grading, and/or construction

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

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible 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 where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.
- d) If feasible, the noisiest phases of construction shall be limited to less than 10 days at a time.

16. **Noise Complaint Procedures**

Ongoing throughout demolition, grading, and/or construction

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

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

17. **Interior Noise**

Prior to issuance of a building permit

If necessary to comply with the interior noise requirements of the City of Oakland's General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls) shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer. Final recommendations for sound-rated assemblies will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phase.

18. **Construction Traffic and Parking**

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

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

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

19. **Erosion and Sedimentation Control**

Ongoing throughout demolition grading, and/or construction activities

Pursuant to Chapter 13.16 of the Oakland Municipal Code, 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.

20. **Hazards Best Management Practices**

Prior to commencement of demolition, grading, or construction

The project applicant and construction contractor shall ensure that construction best management practices are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacturer's recommendations on use, storage, and disposal of chemical products used in construction;
- b) Avoid overtopping construction equipment fuel gas tanks;
- c) During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d) Properly dispose of discarded containers of fuels and other chemicals.
- e) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building. The applicant is responsible to avoid, eliminate delays with the unexpected discovery of contaminated soils with hazardous materials.

21. **Waste Reduction and Recycling**

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

Prior to issuance of demolition, grading, or building permit

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

Ongoing

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

22. **Lighting Plan**
Prior to the issuance of an electrical or building permit
A lighting plan shall be submitted with the building plans sets for review and approval by the Zoning Manager. The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.
23. **Erosion and Sedimentation Control**
Ongoing throughout demolition grading, and/or construction activities
Pursuant to Chapter 13.16 of the Oakland Municipal Code, 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.
24. **Site Design Measures for Post-Construction Stormwater Pollution Management**
Prior to issuance of building permit (or other construction-related permit)
The project drawings submitted for a building permit (or other construction-related permit) shall contain a final site plan to be reviewed and approved by Planning and Zoning. The final site plan shall incorporate appropriate site design measures to manage stormwater runoff and minimize impacts to water quality after the construction of the project. These measures may include, but are not limited to, the following:
- a) Minimize impervious surfaces, especially directly connected impervious surfaces;
 - b) Utilize permeable paving in place of impervious paving where appropriate;
 - c) Cluster buildings;
 - d) Preserve quality open space; and
 - e) Establish vegetated buffer areas.
- Ongoing*
The approved plan shall be implemented and the site design measures shown on the plan shall be permanently maintained.
25. **Source Control Measures to Limit Stormwater Pollution**
Prior to issuance of building permit (or other construction-related permit)
The applicant shall implement and maintain all structural source control measures imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.
- Ongoing*
The applicant, or his or her successor, shall implement all operational Best Management Practices (BMPs) imposed by the Chief of Building Services to limit the generation, discharge, and runoff of stormwater pollution.
26. **Fire Services**
Prior to issuance of any new water supply connection
The applicant shall submit approved building plans for project-specific needs related to fire protection including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.
27. **Underground Utilities**
Prior to issuance of a building permit
The project applicant shall submit plans for review and approval by the Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground. The new facilities shall be placed underground along the project applicant's street frontage and from the project applicant's structures to the point of service. The plans shall show all electric, telephone, water service, fire water service, cable, and fire alarm facilities installed in accordance with standard specifications of the serving utilities.
- The proposed transformer located along 41st Avenue shall be located within an underground vault.
28. **Improvements in the Public Right-of-Way (General)**
Approved prior to the issuance of a P-job or building permit
- a) The project applicant shall submit Public Improvement Plans for adjacent public rights-of-way (ROW) showing all proposed improvements and compliance with the conditions and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground

utility structures, the design specifications and locations of facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this Approval. Encroachment permits shall be obtained as necessary for any applicable improvements- located within the public ROW.

- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Oakland Fire Department will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

29. **Improvements in the Public Right-of Way (Specific)**

Approved prior to the issuance of a grading or building permit

Final building and improvement plans shall include the following components:

- a) Install additional standard City of Oakland streetlights along International Boulevard and 41st Avenue.
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facility to current City standard.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.
- g) Provide adequate fire department access and water supply, including, but not limited to currently adopted fire codes and standards.

30. **Payment for Public Improvements**

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

The project applicant shall pay for and install public improvements made necessary by the project.

31. **Compliance Plan**

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

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

32. **Reduced Water Use**

Prior to issuance of a building permit

As feasible and applicable, the project applicant shall implement the following water-efficient equipment and devices into building design and project plans, consistent with the Landscape Water Conservation section of the City of Oakland Municipal Code (Chapter 7, Article 10): low-, ultra-low, and dual flush flow toilets and showerheads; water efficient irrigation systems that include drip irrigation and efficient sprinkler heads; evapotranspiration (ET) irrigation controllers; drought-resistant and native plants for landscaping; and minimization of turf areas.

33. **Stormwater and Sewer**

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

Confirmation of the capacity of the City's surrounding stormwater and sanitary sewer system and state of repair shall be completed by a qualified civil engineer with funding from the project applicant. The project applicant shall be responsible for the necessary stormwater and sanitary sewer infrastructure improvements to accommodate the proposed project. In addition, the applicant shall be required to pay additional fees to improve sanitary sewer infrastructure if required by the City. Improvements to the existing sanitary sewer collection system shall specifically include, but are not limited to, mechanisms to control or minimize increases in infiltration/inflow to offset sanitary sewer increases associated with the proposed project. To the maximum extent practicable, the applicant will be required to implement Best Management Practices to reduce the peak stormwater runoff from the project site. A 25% reduction goal in peak runoff will be required. Additionally, the project applicant shall be responsible for payment of the required installation or hook-up fees to the affected service providers.

PROJECT SPECIFIC CONDITIONS

34. Architectural Treatments to Façade

Prior to issuance of a building permit

The final building permit plan set shall contain details for the exterior treatment of the building that include the following:

- a) Factory paint finish to all storefront window systems.
- b) The exterior stucco shall contain a smooth coat or heavy sanded finish to provide a smooth surface.
- c) All proposed stucco reveals shall be painted to match the building exterior.
- d) The parapet shall be constructed of a durable heavy cast material, GFRC, or similar. No foam with a stucco coat shall be permitted.

35. Landscape and Irrigation Plan

Prior to issuance of building permit.

The applicant shall submit for review and approval by the Planning and Zoning Division, a detailed landscape and irrigation plan prepared by a licensed landscape architect or other qualified person. Such plan shall show all landscaping on the site maintained by an automatic irrigation system or other comparable system. The landscaping plan shall include a detailed planting schedule showing sizes, quantities, and specific common and botanical names of plant species. Fire and drought-resistant species are encouraged.

36. Landscaping Maintenance

Ongoing.

All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All landscaping shall be served by an automatic irrigation system. All paving or other impervious surfaces shall occur only on approved areas.

37. Installation of Landscaping and Bonding

Prior to issuance of certificate of occupancy.

The applicant shall install all proposed landscaping indicated on the approved landscape plan prior to the issuance of a certificate of occupancy, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code. The amount of such bond or cash deposit shall equal the greater of \$2500 or the estimated cost of the required landscaping, based on a licensed contractor's bid.

41. Street Trees

Prior to issuance of building permit.

The applicant shall provide at least one street tree per every 20 feet of street frontage with review and approval of species, size at time of planting, and placement in the right-of-way, subject to review and approval by the Office of Parks and Recreation and Building Services.

42. Commercial Lighting

Ongoing.

The applicant shall maintain all on-site lighting to meet the State Business and Professions Code Section 25612, providing enough illumination to identify loiterers standing in the immediate vicinity of the project site. Such illumination shall remain on during all hours of darkness when the business is open, but shall be shielded to a point below the light bulb and reflector and not cast unnecessary glare onto adjacent residential properties.

43. Loitering Signage

Prior to commencement of activity.

The applicant shall post at least two "No Loitering" signs on the building façade and other visible locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2 inches in height.

44. Loitering Prevention

Ongoing.

The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiterers who refuse to leave. Persons loitering in the vicinity of the

exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used.

45. **Parking and Driveway Design**

Prior to issuance of building permit.

All parking and driveways shall be designed according to all City codes and be approved by the Building Services Division.

46. **Closure of Parking Lot After Hours**

Ongoing.

The project is approved with more than ten on-site parking spaces, therefore, to discourage loitering, all openings to the parking lot used for the ingress or egress of motor vehicles shall be secured by an approved barrier and locking device within one (1) hour after the close of business and shall remain secured until one (1) hour prior to the opening of business, pursuant to the standards included in City Ordinance No. 12390, with access only granted to tenants and police.

47. **Litter Control Plan**

Prior to final building inspection.

The applicant shall prepare and submit a Litter Control Plan that requires that the premises and the adjacent right-of-way and sidewalks of the property are kept free of litter and debris shall be submitted to and approved by the Planning and Zoning Division. The plan shall include, but not be limited to:

- Distribution of proposed locations of litter receptacles on site and in the public right of way. The design and location of litter receptacles shall be consistent and coordinated with the City's street furniture program.
- A management schedule for keeping the premises and surrounding area free from litter originating from the operation of the commercial activities; and
- Daily sweeping and trash collection of the premises, the public sidewalk and the gutter area of the public street immediately adjacent to the project.

48. **Trash and Recyclables Enclosure**

Prior to issuance of any building permits.

The applicant shall submit for review and approval by the Planning and Zoning Division plans showing all trash and recyclables collection areas on the site. The location of the proposed collection areas shall be shown on the building permit plan set. This collection area enclosure shall be screened from the street and adjacent properties by a decorative masonry wall and dense landscaping with a minimum height of six (6) feet, and with an opaque, covered enclosure. No trash shall be stored outside the designated trash collection area.

49. **Litter Receptacles**

Prior to operation.

Non-flammable external litter receptacles and ashtrays shall be installed outside of the building in a place accessible to employees and the public. A portable ashtray may be substituted. The location of any permanent ashtray and litter receptacle shall be reviewed and approved by the Planning and Zoning Division.

50. **On-site Clean-up**

Ongoing.

The applicant shall clear litter and debris from the premises and the adjacent right-of-way and sidewalks of the property of the property at least once daily or as needed to maintain a litter free environment. A portable ashtray, if used, shall remain outside in a location near the entrance and common areas during all times that the building is open for business. The ashtray and litter receptacle shall be emptied as often as needed to prevent overflowing.

51. **Right-of-way Clean-up**

Ongoing.

The applicant shall clear the sidewalk and gutter areas along International Boulevard and 41st Avenue and 20 feet beyond the property lines along these streets, of litter and debris at least once daily or as needed to control litter. The applicant shall sweep or mechanically clean the sidewalk with steam or equivalent measures at least once per month.

52. **Graffiti Removal**

Ongoing.

Graffiti shall be removed within 72 hours of application. Removal can involve resurfacing of a material and/or color that matches the remaining surface.

53. **Site Maintenance Plan**
Prior to issuance of building permit
The applicant shall submit for review and approval by the Planning and Zoning Division, a Site Maintenance Plan. The site maintenance plan shall identify procedures, practices and personnel to ensure appropriate site maintenance to keep the site and surrounding landscape areas free of trash and debris.
54. **Delivery and Loading**
Ongoing.
The applicant shall ensure that all goods for the facility shall be delivered during between the hours of 7:00am and 8:00pm. Delivery drivers shall be instructed not to block parking or driveways of neighbors and to the extent possible to use off street parking when available.
55. **Tenant-Specific Zoning Approvals**
Prior to occupancy of tenant space.
The applicant shall ensure that the tenant of each space shall obtain all required zoning approvals and clearances, and may be subject to separate zoning permits as required by the Oakland Planning Code.
56. **Lease Agreement on Maintenance**
Prior to sale or lease of any unit, tenant space or building.
That all leases, use and rental agreements and instruments of sale affecting the building and related property shall include a clause stating that it shall be the duty of every person upon vacating dwellings, or storerooms, to remove all materials and waste from such buildings and premises and also the grounds appurtenant thereto. Said agreement shall also state that no person shall throw or deposit or permit to accumulate materials in or about any yard, lot, place, premises, or upon any adjacent street alley or sidewalk so that it is or is likely to 1) be a source of obnoxious or offensive conditions or odors to public interest or health, or 2) attract flies or fly breeding and/or afford food or harborage for rodents or rats.
57. **Safe and Legal Activities**
Prior to lease or sale of any unit.
All leases and use agreement affecting the facility and related property shall include a clause prohibiting the facility, and all portions of the parcel on which the facility is located, from being used for illegal activity as defined and specified in Division 10 of the California Health and Safety Code. The project applicants shall take immediate action and due diligence to abate any nuisance, as defined in the California Health and Safety Code, occurring in the building or on the parcel on which the building is located.
58. **Relocation of Trash Enclosure**
Prior to the issuance of a building permit
The building plans shall be revised to show the relocation of the trash enclosure away from Solano Way.
59. **Ten-foot clear sight triangles at the intersection of the proposed driveway and Solano Way**
Ongoing
No fence, hedge, shrub, tree, wall, retaining wall, earthen bank, building or other landscaping or screening which exceeds a height of 2.5 feet above the street-pavement grade shall be allowed along the property line for a distance of 10 feet, measured from the intersection of the driveway and Solano Way along the property line and the line of the driveway or within the area extended between those two points.
60. **Elimination of Parking Space at the southwest corner of the intersection of Solano Way and the driveway**
Prior to the issuance of a building permit
Prior to the issuance of a building permit the parking space located at the southwest corner of the intersection of Solano Way and the driveway shall be eliminated from the plans.

ATTACHMENT B

FINDINGS FOR APPROVAL:

This proposal meets all the required findings under Sections 17.148.050a, Variance criteria, as set forth below and which are required to approve your application. Required findings are shown in bold type; reasons your proposal satisfies them are shown in normal type.

SECTION 17.148.050(a) - MINOR VARIANCE FINDINGS:

- A. That strict compliance with the specified regulation 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.**

This request would provide for the construction of a new commercial building with a zero-foot street side setback along 15th Avenue where 10 feet is required. The purpose of the street side setback in the CLX zones is intended to provide for clear site distances for vehicles at street corners. The proposed design would accommodate clear sight lines, consistent with the City's Traffic Code, by setting back the corners of the building back 10 feet, measured from the intersection along both streets, at the corner of 15th Avenue and E 12th Street and the corner of 15th Avenue and Solano Way. This solution creates a building design that is consistent with the intent of the zoning regulations by maintaining vehicular safety while creating a strong visual urban street presence along 15th Avenue. In addition, the existing right of way width along 15th Avenue is such that the actual driving lanes are more than 13 feet from the property line, which provides ample distance for traffic safety issues.

- B. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.**

The proposed design successfully meets the intent of the street side yard setback requirement by creating clear site triangles at the street corners. The site design successfully meets the intent of the Code while creating a strong visual urban street presence. Strict compliance would drastically decrease the size of the building and would eliminate the effective design solution that has been built into the site design. In addition, the existing right of way width along 15th Avenue is such that the actual driving lanes are more than 13 feet from the property line, which provides ample distance for traffic safety issues.

- C. 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.**

Effective design solutions which clearly meet the intent of the Code would eliminate any negative impacts of the proposed setback variance. In addition, the existing right of way width along 15th Avenue is such that the actual driving lanes are more than 13 feet from the property line, which provides ample distance for traffic safety issues.

- D. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.**

The proposed design solutions ensure that the proposal meets the intent of the zoning regulations and as such approval of the variances would not constitute a special privilege. Further, surrounding commercial buildings do not have setbacks from the street. Therefore, the proposed development would be consistent with the as built conditions of the commercial district thereby precluding the grant of a special privilege. In addition, the existing right of way width along 15th Avenue is such that the actual driving lanes are more than 13 feet from the property line, which provides ample distance for traffic safety issues.

RETURN TO:

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: V09-096

Project Applicant: Li-Sheng Fu

Project Location: 1500 E 12th Street / Oakland, CA

Project Description: To construct a 4,691 square foot commercial building

Exempt Status: (check one)

Statutory Exemptions

{Article 18:Section 21080; 15260}

- Ministerial {Sec.15268}
- Feasibility/Planning Study {Sec.15262}
- Emergency Project {Sec.15269}
- General Rule {Sec.15061 (b)(3)}
- Other: {Sec.15183}

Categorical Exemptions

{Article 19:Section 21084; 15300}

- Existing Facilities {Sec.15301}
- Replacement or Reconstruction {Sec.15302}
- Small Structures {Sec.15303}
- Minor Alterations {Sec.15304}
- Minor Subdivisions {Sec.15315}
- Infill Projects {Sec.15332}

Reasons why project is exempt: Small structures are categorically exempt from Environmental Review. The project is consistent with the general plan and zoning.

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: Leigh McCullen

Phone: (510) 238-4977



7-29-09

Signature
Scott Miller, 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.

***ENVIRONMENTAL DECLARATION**
(CALIF. FISH AND GAME CODE SEC. 711.4)

: FOR COURT USE ONLY

NAME AND ADDRESS OF APPLICANT OR LEAD AGENCY :
: LEAD AGENCY: :
: **COMMUNITY & ECONOMIC** :
: **DEVELOPMENT AGENCY/PLANNING:** :
: **250 Frank H. Ogawa Plaza** :
: **Room 2114** :
: **Oakland, CA 94612** :
: :
: **APPLICANT: Li-Sheng Fu** : _____
: **Contact: Li-Sheng Fu** : **FILING NO.**
: _____

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:	<u>CLERK'S USE ONLY</u>
1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION	PLU 117
<input checked="" type="checkbox"/> A - STATUTORILY OR CATEGORICALLY EXEMPT \$50.00 (Fifty Dollars) - CLERK'S FEE	
<input type="checkbox"/> B - DE MINIMUS IMPACT - CERTIFICATE OF FEE EXEMPTION REQUIRED \$50.00 (Fifty Dollars) - CLERK'S FEE	PLU 117
2. NOTICE OF DETERMINATION - FEE REQUIRED	
<input type="checkbox"/> A - NEGATIVE DECLARATION \$1,993.00 (One Thousand Nine Hundred Ninety Three Dollars)- STATE FILING FEE \$50.00 (Fifty Dollars) - CLERK'S FEE	PLU 116
<input type="checkbox"/> B - ENVIRONMENTAL IMPACT REPORT \$2,768.25 (Two Thousand Seven Hundred Sixty Eight Dollars and Twenty Five Cents)- STATE FILING FEE \$50.00 (Fifty Dollars) - CLERK'S FEE	PLU 115
<input type="checkbox"/> C -- Certificate of Fee Exemption & De Minimis Impact Fee \$50.00 (Fifty Dollars) - CLERK'S FEE	PLU 117

*THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

FIVE COPIES OF ALL NECESSARY DOCUMENTATION ARE REQUIRED FOR FILING PURPOSES.

APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING AN ENVIRONMENTAL DOCUMENT WITH THE ALAMEDA COUNTY CLERK'S OFFICE.

MAKE CHECK PAYABLE TO: **ALAMEDA COUNTY CLERK**

OAKLAND CITY PLANNING COMMISSION

Application for Major Conditional Use Permit:)
1500 E. 12th Street) Case File No. CM10-065
_____)

TRANSCRIPT OF PROCEEDINGS

Wednesday, May 5, 2010

One Frank Ogawa Plaza

Hearing Room 1

Oakland, California

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Pages 1 - 75

Transcribed by: QUYEN N. DO, CSR No. 12447

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**A P P E A R A N C E S**

Before the Oakland City Planning Commission:

- C. BLAKE HUNTSMAN**, Chair
- DOUGLAS BOXER**, Vice Chair
- MICHAEL COLBRUNO**
- SANDRA GALVEZ**
- VINCE GIBBS**
- VIEN TRUONG**

Staff:

- Scott Miller, Joann Pavlinec, Mike Rivera,
- Michael Bradley, Kiran Jain

For the Applicant:

- Quyen Do

Speakers:

- Marian Dung Tran, Li-Sheng Fu, Lakicha Burke,
- Dien Dam, John Jay, Monica Sun, Laura Blair, Carlos
- Plazola, David Preiss, Robert Antelme, Alexandre
- Machado, Nancy Chung, Bill Phua, Le Do, Elvecio Machado,
- Sanjiv Handa

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**PROCEEDINGS**

1  
2 CHAIR HUNTSMAN: Thank you, Mr. Miller.  
3 Please call the next item.

4 MR. MILLER: Again, Item 5 has been removed  
5 from the agenda.

6 Item 6 is a proposal at 1500 East 12th Street  
7 to establish a coin-operated laundry. Pursuant to the  
8 write-up in the Staff Report, the establishment of a  
9 coin laundry, since an emergency ordinance was enacted  
10 in September of 2009, such use requires a major  
11 conditional use permit.

12 Ordinance 12972 is not a moratorium. It's  
13 important to note that it is not a moratorium, but it  
14 established, for an interim period of one year, the  
15 requirement for a major conditional use permit for any  
16 proposed Laundromat, and during that one-year period,  
17 Staff was directed to work on long-term regulations for  
18 Laundromats. We are in the process of that review and  
19 analysis at this time, and we anticipate bringing  
20 something forward to the city -- Commission within the  
21 next couple of months. But again it's important to note  
22 that there is no moratorium in place. So this is the  
23 first and only Laundromat proposal that we have that is  
24 coming in under this emergency ordinance as of this  
25 date.

1 I wanted to also mention that the vari --  
2 there's a variance that was outlined in the Staff  
3 Report. That variance was related to a setback issue  
4 along 15th Avenue and was not related to a Laundromat in  
5 any way, and Case Planner Michael Bradley is going to go  
6 over a brief chronology.

7 MR. BRADLEY: Hello, Planning Commission.  
8 I'll go over a brief chronology of the site at 1500 East  
9 12th Street.

10 On July 29th, 2009, a variance application for  
11 a 0-foot setback, where 10 foot was required for the  
12 actual building shell and site plan, was approved. At  
13 that time, there was no intended use on the plans, and  
14 the Laundromat is currently permitted in the CIX-2 zone,  
15 which is the present zoning district, but at that time,  
16 it was not.

17 On August 17th, 2009, a building permit was  
18 filed by the Applicant for the building shell with again  
19 no intended use for the interior floor plan. On  
20 September 22nd, 2009, as Mr. Miller mentioned, the City  
21 Council ordinance for Laundromats was passed. That's  
22 Ordinance 12972, and that's Attachment B in the Staff  
23 Report. On December 18th, 2009, a building permit for a  
24 coin-operated laundry was filed. Shortly after,  
25 Planning Staff informed the Applicant a major

1 conditional use permit was required due to the City  
2 Council ordinance. On March 9th, 2010, the Applicant  
3 filed a major conditional use permit.

4 That is before you tonight. If you have any  
5 questions.

6 CHAIR HUNTSMAN: Thank you, Mr. Miller [sic].  
7 Any questions?

8 COMMISSIONER COLBRUNO: Couple questions.  
9 What was the intent? I mean, I've read  
10 through the Council ordinance. So why did they feel  
11 this necessary to do this major conditional use permit  
12 for Laundromats? What was . . .

13 MR. MILLER: Well, I mean, it's really spelled  
14 out in the whereas clauses within the ordinance.

15 COMMISSIONER COLBRUNO: It's pretty vague. I  
16 mean, it just says, "compromises retail activities," you  
17 know.

18 MR. MILLER: And -- and it wasn't --

19 COMMISSIONER COLBRUNO: -- retail strategy --

20 MR. MILLER: The -- the --

21 COMMISSIONER COLBRUNO: --

22 pedestrian-oriented --

23 MR. MILLER: -- the -- the position of the  
24 Council, at least as articulated in this ordinance, was  
25 not that all Laundromats are bad, by any means. It was

1 that perhaps in certain areas and in certain districts  
2 where there's a certain character and a certain type of  
3 development, perhaps it's worthy, at least City of  
4 looking at whether or not regulation should be in place  
5 that would help to perhaps curb or -- or -- or, you  
6 know, reduce the -- sort of the number of these types of  
7 facilities.

8           Again, no direction was given as part of this  
9 emergency ordinance regarding the specifics of what  
10 might be proposed. They simply directed Staff to look  
11 at the issue and come back within a one-year period with  
12 a -- with an ordinance that would address what they  
13 articulated as their concerns, and then, in the  
14 meantime, they established the major conditional use  
15 permit requirements.

16           COMMISSIONER COLBRUNO: Right.

17           MR. MILLER: They provided no specific  
18 findings to be made as part of this ordinance, so we  
19 fall back to the regular general use permit findings,  
20 which is what Michael has articulated in the -- in the  
21 Staff Report. So, again, beyond that, as you know,  
22 conditional use permits are uses that in general are  
23 seen as okay subject to conditions of approval, hence  
24 the name conditional use permit.

25           The level of review and threshold for the

1 findings is different than it is for a variance, for  
2 instance. The findings for a variance are a much higher  
3 level. So keep that in mind as you're deliberating on  
4 this item.

5 COMMISSIONER COLBRUNO: Well, just -- I mean,  
6 I look at -- you know, I'm a little conflicted on this  
7 one as I delve a little deeper into it, and I looked at  
8 the Council resolution. I'm looking for clues as to  
9 what their concerns were with Laundromats, and so what  
10 I'm hearing is displacing of other retail activities,  
11 discouraging certain retail development, and, you know,  
12 here we are in an area -- you know, I'll wait for public  
13 comment before I make my comments, but I'm just asking  
14 you because I think there's always clues in a Council  
15 resolution of what they're looking at, and then they --  
16 they -- they bring up the LUTE, as well, in the General  
17 Plan and what our properties should be when we're  
18 looking at a conditional use.

19 So I'm just -- you know, that -- that's what I  
20 look at when I'm looking in there, so I'm just trying to  
21 figure out from Staff if those are relevant issues to  
22 the one that we're looking at here and what's the  
23 concentration of Laundromats in these types of  
24 facilities that might not be consistent with the LUTE  
25 that are in the area.

1 MR. MILLER: Well, I would say (and I'll look  
2 to the city attorney if -- if she needs to chime in  
3 here) this ordinance, for the purposes of any  
4 application that comes in under this ordinance, simply  
5 imposed the requirement for a major conditional use --

6 COMMISSIONER COLBRUNO: Right.

7 MR. MILLER: -- permit.

8 COMMISSIONER COLBRUNO: I understand that.

9 MR. MILLER: You should be cautious as to how  
10 much you read into the whereases that establish this  
11 ordinance, because those were not put in as specific  
12 findings for a conditional use permit. It relied on the  
13 regular general use permit criteria in the code that  
14 applies to every other conditional use permit. What  
15 will come out of this, obviously, may be provisions that  
16 regulate Laundromats in terms of how close they can be  
17 to each other or whether they can be on a corner or not  
18 without a particular review process or a certain size or  
19 operational characteristics.

20 COMMISSIONER COLBRUNO: And those criteria  
21 currently are not in place about how close --

22 MR. MILLER: Currently are not in place,  
23 absolutely not in place. They're -- they're consent --  
24 they're concepts in Staff's mind at this point, and  
25 they'll be brought forward, first, to the Zoning Update

1 Committee of the Commission within the next month or so.

2 COMMISSIONER COLBRUNO: Okay.

3 MR. MILLER: And, again, just reiterating,  
4 this is not a moratorium.

5 COMMISSIONER COLBRUNO: I understand. All  
6 right, those are my questions for now.

7 CHAIR HUNTSMAN: Thank you, Mr. Miller.

8 Is there any other questions for Staff? Okay.  
9 Commissioner Galvez.

10 COMMISSIONER GALVEZ: This might sound like a  
11 strange question, but is there any -- is there any way  
12 of knowing basically how much need there is for -- for  
13 wash houses like this? You know, I -- I know it's kind  
14 of right at the -- right at the edge of a -- it's kind  
15 of an industrial area, but it's right at the edge of  
16 what looks like a -- a lot of residential, and I'm --  
17 I'm -- you know, I'm conflicted, as well, and I'm trying  
18 to figure out how much of a need there is in the -- in  
19 that neighborhood.

20 MR. MILLER: This is one where typical with  
21 almost every use in the city of Oakland, other than  
22 three or four specific uses such as alcoholic beverage,  
23 check cashing, residential care, transitional housing  
24 and -- and the -- the like, the City, for better or  
25 worse (I think for better) has relied on the marketplace

1 and the -- you know, the demand to sort of run whether  
2 something is appropriate or not, and that's the same  
3 with Laundromats up until this point. So -- and to  
4 answer your question more specifically, Staff doesn't do  
5 any independent analysis of -- of the need. We don't go  
6 door to door. We don't go check people's laundry and  
7 see if they have a convenient place in which to do it.  
8 I mean, again the marketplace dictates that, as is  
9 typical with 95 percent of the uses in the city of  
10 Oakland.

11 CHAIR HUNTSMAN: Vice Chair Boxer.

12 VICE CHAIR BOXER: Mr. Miller, Mr. Bradley,  
13 just so I'm clear, had this Applicant submitted a  
14 particular use with their building permit or with the  
15 variance application on July 29, 2009, they would have  
16 been granted the use by right, and that would have  
17 vested, correct?

18 MS. JAIN: If they had relied substantially on  
19 the building permit and had done work on reliance of  
20 that permit, there is an argument they would have had a  
21 vested right.

22 VICE CHAIR BOXER: So, while they were granted  
23 a variance -- I just want to be clear because, when I  
24 read it, I was unclear as to why they were here tonight.  
25 I now understand. Just so that everyone is clear that

1 it was simply because the use had not been identified  
2 for the building shell, we would have no way, as a City,  
3 of knowing what they intended to do on the inside unless  
4 they provided us with that information. Once they  
5 provided us with the site plan, it indicated it was  
6 going to be a coin-operated laundry, and it occurred  
7 after September 22, 2010 -- 2009, that triggered the  
8 review as a major conditional use permit.

9 MR. BRADLEY: I'd like to add one thing to  
10 that. The CIX-2 recently in the past two weeks just  
11 added consumer service as a permitted use in the CIX-2.  
12 So, at the time, actually, it may have been a scribner s  
13 area. I'm not sure on that.

14 MR. MILLER: There was no provision for this  
15 use before the -- the new ordinance went into effect.  
16 So, they couldn't have asked for that. Now -- and,  
17 again, I don't want to put words in the Applicant's  
18 mouth. My guess is that, what they wanted to do with  
19 the site may have been sort of a vision in their mind as  
20 they were going through the process, but as far as the  
21 city records are concerned, as part of that variance  
22 process, there was no indication that this was going to  
23 be considered a laundry.

24 VICE CHAIR BOXER: I mean, my guess is -- and  
25 I met with the Applicant, but my guess is (and she'll

1 probably tell us) that they just didn't think about  
2 telling you what they were going to actually do, because  
3 they have other operations in the area, and they  
4 probably just assumed -- the variance was the only issue  
5 that was called out by planning staff over the counter,  
6 so that, therefore, they just made the assumption that  
7 everything was going to be fine. I'm not making a  
8 judgment one way or other on the CUP. I just think it's  
9 important for us to understand why and what we're --  
10 what we need to do here. So, I -- I don't want --  
11 again, I don't want to put words in the Applicant's  
12 mouth. They can speak to that, but anyway . . . that's  
13 all.

14 CHAIR HUNTSMAN: Thank you, Vice Chair Boxer.  
15 Mr. Miller.

16 MR. MILLER: And I'm -- I was just going to  
17 mention that I'm almost certain that the Applicant is  
18 going to want to make a presentation on their behalf.  
19 So, whenever you're ready for that. We do have a number  
20 of speakers. There's a total of 24 speakers on this  
21 item.

22 CHAIR HUNTSMAN: Oh, joy. Are there any -- I  
23 mean that and in the righteous sense that it's always  
24 good when the public participates in a public hearing.  
25 Okay.

1           Are there -- are there any other questions for  
2 Staff?

3           The Applicant like to come forward.

4           MS. DO: Good evening, Commissioners. Thank  
5 you all for your time and happy Cinco de Mayo. My name  
6 is Quyen Do, and I am the daughter of Phil and Le Do,  
7 the owners of the subject property at 1500 East 12th  
8 Street.

9           Michael has done a great job of giving you  
10 the -- pretty thorough chronology, but we originally  
11 submitted our plans in March of 2009, last year, fully  
12 believing that it was a permitted use, and just to  
13 fast-forward to -- to this year, 2010, in early March,  
14 we received a call from the Planning Department,  
15 advising us that our project had been suspended. We had  
16 been well through the permitting process. We had the  
17 variance granted, and several permits been granted as  
18 well.

19           Just to give you a little bit of history as  
20 far as our family business, we have two -- currently  
21 have two Laundromats. Our first business was on 2424  
22 East 12th Street, and that's the East Bay Coin Laundry,  
23 and that was established in 1995. We subsequently  
24 opened another in the year 2000 at 2021 Fruitvale  
25 Avenue. So we have been a member of this community for

1 a long time, well over -- 15 years, I guess, 15 years  
2 now. We're good, honest, hard-working people. We are  
3 proud to be a part of this community. We believe in  
4 Oakland. We're proud of Oakland. We see the potential  
5 in Oakland, and that is why we continue to seek to do  
6 business here in Oakland.

7           There are many reasons why we feel that the  
8 CUP should be granted. As the property currently  
9 exists, it is a sorely blighted corner. There is a  
10 little plain box of basically nothing. We are investing  
11 a tremendous amount of capital into the community by  
12 developing this project. To look at a blighted  
13 property, to me personally, is depressing, and to have  
14 something beautiful in its place would benefit not just  
15 our neighbors, but our community. It would give us  
16 something prettier to look at, and it would improve our  
17 quality of life just to not be reminded of the blight  
18 every day.

19           Our design, which is not at issue, as well,  
20 complements well our Burger King neighbor because the  
21 designs are similar, and so we are investing in a very  
22 high-quality design as far as the building and the  
23 project is concerned.

24           Our business operations, we maintain very  
25 high-quality operations as far as the Laundromat

1 business is concerned. I personally have worked at both  
2 facilities, and I'm not a very big girl, so my  
3 intimidation factor is very small to nonexistent, and I  
4 feel completely comfortable and safe working at these  
5 facilities.

6 We have a full-time attendant on-site at both  
7 sites at all business hours. We have security cameras  
8 that are operable 24/7/365. Our facilities are very  
9 well lit and exceptionally clean. We have customers  
10 joke with us, saying we could perform surgery at our  
11 services because it's so clean. Also, we are -- as you  
12 can see in your packet, we're subject to 60 lengthy  
13 terms of conditional use.

14 So, in addition to that, we feel that this  
15 project would provide great benefit to the community.  
16 One, it's a convenience and an essential service. We  
17 will bring foot traffic to the area. Having worked in  
18 the facilities myself, I know that our customers love to  
19 eat and snack while they do our laundry. Our two  
20 closest neighbors is a Burger King and a pho restaurant.  
21 Our customers would most certainly frequent those  
22 businesses nearby. We would bring business to our  
23 neighbors. So, we would -- they would provide the  
24 convenience of the food service to our clients, our  
25 customers, but together as businesses we would benefit

1 each other, thus benefiting the community as well. Our  
2 project will create the much, much needed jobs in this  
3 economy. It will bring the much needed tax revenues to  
4 the City of Oakland.

5 I realize that you may be in receipt of an  
6 e-mail and maybe a letter that expresses some concern  
7 about the diversity of the businesses in the area, and  
8 currently as the plans exists, the -- which is not at  
9 issue, though, the space directly beside the Laundromat  
10 is slated to be a full-service salon, but we are open  
11 and flexible to other uses of that space.

12 There is also currently existing a two-story  
13 structure, freestanding structure, in which we have  
14 already permit -- been permitted a facade alteration.  
15 That is 2,000 square feet. That is also available for  
16 any such use permitted by this -- the -- the zoning. So  
17 there is potential for three other properties to address  
18 the diversity issue, and those, if we had such tenants  
19 who are willing to come in and they would like to open a  
20 coffee shop or maybe a cell phone store, whatever is  
21 permitted, we would love, welcome and encourage them to  
22 lease the space from us and operate such businesses that  
23 the city would allow and if they obtain the appropriate  
24 permits.

25 Staff has worked very diligently on this

1 matter. We appreciate their time and their hard work.  
2 We're very excited about this project. We feel it has  
3 great benefits to the community, and we hope that you  
4 see, as we do, the value, the opportunities and the  
5 potential that this project as a whole would provide to  
6 the community.

7 We've come a long ways in this project. It's  
8 been over a year. We've been delayed for a long time.  
9 So I urge you to please arrive at a decision tonight,  
10 and we truly hope that you will find in favor with  
11 Staff's recommendation and approve the CUP.

12 CHAIR HUNTSMAN: Thank you.

13 Commissioner Colbruno.

14 COMMISSIONER COLBRUNO: Thank you, Miss Do. I  
15 just have one question for you. One thing I always try  
16 to be clear about at the Planning Commission is, we make  
17 decisions based on land use, not on policy, and I'll  
18 confess that my question is more about policy. So --  
19 but, I mean, that said, I mean, I want to just get some  
20 background when I -- when I look at it, because I will  
21 make my decision based on whether, under land use  
22 authority, we grant the conditional use or not. But,  
23 you know, I brought up the Council issue because, when I  
24 look at that area, I do see an overconcentration of  
25 certain types of businesses, and it's always just kind

1 of my concern, as when we want to redevelop areas, you  
2 know, and you get nail salons and liquor stores and  
3 Laundromats, you do try -- you -- you do tend not to  
4 encourage certain types of development in the future and  
5 the resurrection of neighborhoods that I think should  
6 get second chances under redevelopment. So, you know,  
7 I'm just curious. I -- I heard you say the Do family is  
8 in the Laundromat business; you've got two of them. I'm  
9 just curious why a Laundromat. It's -- it's a --  
10 it's -- you're spending a lot of money on a new  
11 building. Was there another use that -- that you  
12 thought about that -- that might have been more  
13 compatible or may not have raised the ire of the  
14 neighbors that -- that -- that -- that might have been,  
15 you know, like, we're seeing restaurants and stuff come  
16 in here, or are you really wedded, this is really what  
17 you guys want to do, and this is your business?

18 MS. DO: It's what we know how to do. It's  
19 what we do best. We've been in the business for a long  
20 time. Had the -- had -- do -- had they felt that there  
21 is not a need for the service, we wouldn't invest so  
22 much capital into it. But the project on the whole is  
23 not necessarily just about the Laundromat. I understand  
24 the concern about bringing in other businesses. We have  
25 three spaces that -- that is important to this project

1 as well. So we feel that, as a whole, the project is  
2 important, and it provides something for everybody on  
3 both sides.

4 COMMISSIONER COLBRUNO: Okay.

5 CHAIR HUNTSMAN: Commissioner Truong.

6 COMMISSIONER TRUONG: Thank you. That was  
7 really helpful.

8 I just -- I know that the attendees today are  
9 going to ask why this can't wait for two weeks, so I  
10 just want you to help us by explaining already why not  
11 wait two weeks and how much it would cost you and -- and  
12 what are some of the considerations that you guys are  
13 thinking about.

14 MS. DO: We currently own the property. The  
15 longer we delay the project, that's more money invested,  
16 and we get zero return. The project has been delayed  
17 for a long time. We would like to move forward. The  
18 longer it takes to put this off, it costs us more money  
19 in holding costs, as well, and it could very well cost  
20 us our loan.

21 CHAIR HUNTSMAN: Thank you.

22 Are there any more questions for the  
23 Applicant?

24 Thank you, Ms. Do.

25 Could you please start calling the speakers

1 and have them line up.

2 MR. MILLER: All right, so the -- the -- I'm  
3 going to do something a little bit different from my  
4 normal protocol where we -- well, it's actually  
5 automatic where they come in and give us speaker cards.  
6 These speaker card groups were given to us in two  
7 distinct groups, so I'm going to call them in the order  
8 that they came in. What you're going to find, I think,  
9 is that there's going to be a group speaking for first  
10 and then the group in opposition. So, that's just the  
11 way they worked out in terms of timing.

12 Li-Sheng Fu (and I apologize if I mispronounce  
13 any names), Marian Dung Tran (I probably screwed that  
14 one up), Lakicha Burke, Dien Dam and Monica Sun. In --  
15 in any order.

16 MS. TRAN: Good evening, everybody. My name  
17 is Marian Dung Tran. I live at 22nd -- 1720 22nd  
18 Avenue, and tonight I have something to share with you  
19 about the very important thing about for our area, for  
20 our neighborhood, that, you know, 23rd in Oakland right  
21 now. Because I can share with you about the -- the  
22 feeling when I was there, and I saw they, you know, work  
23 very -- they are hard worker, and I feel they --  
24 especially they how -- they know how to build  
25 relationship with the neighborhood in our area. So they

1 very nice, and they serve.

2           They have good service for us, and the -- the  
3 one thing I mention about our neighborhood is local job  
4 for our community, for Vietnamese community, who living  
5 there, because right now do you know about the economic  
6 [unintelligible], so a lot people, you know, in our --  
7 our community, they lose their job. So, if we have  
8 the -- if we get the permission for operate the  
9 Laundromat there, maybe we have chance for everybody in  
10 our neighborhood to get a job. We really need local job  
11 for everybody here in Oakland city.

12           And another thing, I think, you know, look  
13 like -- I know, you know, some kind of problem in 23rd  
14 Avenue, and -- and I was in a workshop from back then  
15 the City Councilwoman at District 2, and I heard that,  
16 and we know about the plan for redevelopment the area.  
17 So we really want to, and I feel, you know, so excited  
18 and feel very happy having the Laundromat there to --  
19 you know, to like -- to improve for redevelopment, you  
20 know, plan there in our neighborhood, and thank you very  
21 much for your listening.

22           CHAIR HUNTSMAN: Thank you.

23           Could all the speakers that were called please  
24 come up and line up along the wall in any order, and I  
25 would just like to also share if -- if you please try to

1 stay away from redundant commenting, and, I mean, if  
2 you're at a place where you're for or against, we --  
3 we -- you know, we'll -- we'll get that in your  
4 comments, but if we could try not to say the same thing  
5 over and over out of respect for everybody's time.  
6 Thank you.

7 MR. FU: Commissioners, my name Li-Sheng Fu.  
8 I'm the architect for this project.

9 From the very beginning I accept as the  
10 architect for this project, I know the intention of this  
11 client, and that's how we come out the design of this  
12 project. Allow me to show the perspective of this  
13 project.

14 This is the perspective of this project.  
15 Around five days ago I start prepare this perspective.  
16 The reason is, I would like to show Commissioners the  
17 intention is to build a nice building, not a square box  
18 or -- this building has a lot of details, and I think  
19 that's a plus to the neighborhood and also to the city,  
20 because it can be seen from the -- from the freeway, and  
21 if we build a box, which also can put a Laundromat in,  
22 but this building definitely will increase the value of  
23 the city and also the value of the neighborhood, and  
24 that's -- that's my understanding of the intention of  
25 the owner. They're not trying to build a box there,

1 okay. And, also, the project provides more than  
2 required parking space. And also the owner agree to put  
3 in the security camera systems for this whole project  
4 and also all the conditions of approval, I read and I  
5 agree with the planner. And, by the way, from the very  
6 beginning -- well, I design a lot of projects in  
7 Oakland, and I always consult with the -- with the  
8 planner, and for this project, I discuss with Mr. Miller  
9 and also other review planners. It's not just come out  
10 whatever we want and we just dump it in. I always  
11 consult with the planner.

12 And also for the -- for the -- from the  
13 beginning, I start discuss with the planner. We always  
14 check with the planner whether it can be used as  
15 Laundromat. The answer always yes, and when we submit  
16 for -- when the building permit -- when the planning  
17 approval for the variance and -- and other permit, the  
18 building permit, when we submit it, we have all the  
19 location of the -- of dryer and -- and the dryer and the  
20 washer in. And the -- the comment from the plan  
21 checker, which is building department, the plan checker  
22 even send comment out and asked -- asked us to identify  
23 which -- which is dryer, which is washer. Okay.

24 CHAIR HUNTSMAN: Okay.

25 MR. FU: So that's, I think, can clear --

1 CHAIR HUNTSMAN: Okay.

2 MR. FU: -- part of the confusion of the use  
3 as a Laundromat. And also --

4 CHAIR HUNTSMAN: Sir, sir --

5 MR. FU: -- the reason --

6 CHAIR HUNTSMAN: -- sir, if you could wrap  
7 up --

8 MR. FU: Yeah, I will.

9 CHAIR HUNTSMAN: You were allotted --

10 MR. FU: I will wrap up in --

11 CHAIR HUNTSMAN: -- two minutes --

12 MR. FU: -- in -- in --

13 CHAIR HUNTSMAN: -- and I've been very,  
14 very --

15 MR. FU: Sure.

16 CHAIR HUNTSMAN: -- liberal as you're --

17 MR. FU: Sure, sure.

18 CHAIR HUNTSMAN: -- part of the Applicant's  
19 team.

20 MR. FU: Yeah.

21 CHAIR HUNTSMAN: So . . .

22 MR. FU: Okay. And they -- we need to prepare  
23 mechanical drawings, electrical drawings and  
24 Laundromat -- and -- and plumbing drawings for the --  
25 for the Laundromat. So it's a very complicated design.

1 That's why we have the TI work, tenant improvement work,  
2 after the building been approved. So that's the  
3 procedure of the application. That's it.

4 CHAIR HUNTSMAN: Thank you, sir.

5 MR. FU: Thank you.

6 CHAIR HUNTSMAN: Thank you.

7 Next speaker.

8 MS. BURKE: Hi, my name is Lakicha Burke, and  
9 I have been a resident of Oakland since about 1994, and  
10 I've been attending the East Bay Coin Laundry since  
11 2001, and -- thank you for your time, by the way -- I  
12 just wanted to state that I like going to the East Bay  
13 Coin Laundry because it's clean. The atmosphere is  
14 safe.

15 Being that I have two step children, it's easy  
16 for me to go to the Laundromat because it's -- it's more  
17 convenient. I have about five loads of laundry, and  
18 it's difficult for me to do it at the Laundromat they  
19 provide for us in my apartment complex, because at East  
20 Bay Coin Laundry, they have jumbo washers, and that  
21 allows to you wash five loads of clothes as opposed to  
22 one.

23 There's a general store at the East Bay Coin  
24 Laundry. In the event that you forget to bring your  
25 laundry detergent, you can buy it there. There's an

1 attendant in the event you have questions. There's  
2 security cameras, so I always feel safe. It's clean.  
3 It helps the community. It provides jobs.

4 Without repeating, I don't really know what  
5 else to say, but I really feel that you should approve  
6 this application. Thank you so much. I hope you guys  
7 have a good evening.

8 CHAIR HUNTSMAN: Thank you, ma'am.

9 So, before the next speaker comes up, for the  
10 benefit -- and it always helps us to know exactly where  
11 the room is at as far as the Applicant. It's the last  
12 item, so I'm assuming everybody's here for it.

13 Would those in favor please signify -- in  
14 favor of this application, please signify by raising  
15 their hand.

16 (Audience raises hands)

17 CHAIR HUNTSMAN: Would those opposed please  
18 signify by raising their hands.

19 Wait. I see -- I see hands up twice. Okay,  
20 let's -- let's -- all hands down. Okay, let's try this  
21 again.

22 Will those who are supporting the -- the --  
23 the Laundromat application please raise their hands.

24 (Audience raises hands)

25 CHAIR HUNTSMAN: Okay. Thank you, thank you

1 thank you.

2 And would those who are opposing the  
3 Laundromat application please signify by raising your  
4 hands.

5 (Audience raises hands)

6 CHAIR HUNTSMAN: Okay, thank you. Thank you.  
7 That -- that -- that -- that helps us tremendously.

8 Mr. Miller, would you call the next set of  
9 speakers.

10 And I -- I mentioned before, for those who  
11 have elected to speak, when you're called, please come  
12 down and line up against the wall, because it's not  
13 beneficial, when we have so many peopling speaking, for  
14 folks to kind of wait until the person's finished and  
15 then meander out of their seats. So, if you could all  
16 come up at the same time and line up against the wall  
17 and then speak in any order. Thank you.

18 MR. MILLER: Okay, and I -- I had called these  
19 two (I just want to make sure): Dien Dam and Monica Sun,  
20 and then I call three more: Carlos Plazola, John Jay  
21 and Laura Blair.

22 MS. DAM: Good evening to anybody. My name  
23 Dien Dam. I'm the owner of the restaurant close by.  
24 I'm here to support for project because I think it's  
25 going to bring more customer, improve to the

1 neighborhood. So I am here to support them.

2 CHAIR HUNTSMAN: Thank you.

3 Next speaker.

4 MR. JAY: My name is John Jay. I'm a  
5 principal in the commercial real estate, construction  
6 and security company, Jay-Phares Corporation. Been in  
7 business in Oakland for 22 years. My family has been a  
8 resident of the city for 50 years. My papa worked at  
9 Montgomery Wards for a lot of years. My momma taught  
10 school here.

11 I -- I have with me signed affidavits from 38  
12 residents of the east Oakland community, which are in  
13 opposition to the proposal tonight. I am a businessman  
14 in this community. It's very difficult for me to stand  
15 up here and oppose a proposal to initiate a new business  
16 in our community. That's something to which I've  
17 devoted my life. However, it seems to me that as a  
18 matter of public policy, it is not appropriate to act  
19 upon an application tonight, when, in the next two to  
20 three weeks, a city-wide policy relative to businesses  
21 of this sort will be forthcoming. It's not prudent.  
22 It's not appropriate. I'd like to give this to  
23 Mr. Miller.

24 I currently have commercial properties which I  
25 represent in the Elmhurst, Fruitvale, Melrose, downtown,

1 north Oakland, west Oakland communities. The first  
2 phone calls that I receive for opportunities to lease  
3 space are always from nail salons and coin laundries.  
4 It's a modern urban myth that they are businesses which  
5 will necessarily prosper. Fact -- in fact, I'm very  
6 surprised by Applicant tonight. To the best of my  
7 knowledge and belief, the next coin laundry to the south  
8 or east of the one proposed in tonight's application is  
9 their own laundry. In -- inevitably, they're going to  
10 cut their own business in half. And, in fact, when they  
11 made their initial application, if they knew to -- they  
12 wanted to put a coin laundry in this particular  
13 property, they would have said so. I think that it is  
14 an application of last resort.

15 CHAIR HUNTSMAN: Thank you, sir.

16 MR. JAY: I would also point out that what's  
17 happened --

18 CHAIR HUNTSMAN: Sir --

19 MR. JAY: -- at 100th and McArthur --

20 CHAIR HUNTSMAN: -- sir, I'm going to ask you  
21 to wrap up.

22 MR. JAY: Okay. I'll be real quick.

23 CHAIR HUNTSMAN: Thank you.

24 MR. JAY: I will also point out that a similar  
25 application at 100th and McArthur Boulevard made in

1 recent years for a new coin laundry has, within six  
2 months of opening, closed, and today it is a haven for  
3 drug dealers and prostitutes. Thank you.

4 CHAIR HUNTSMAN: Thank you, sir.

5 Vice Chair -- oh, Commissioner Gibbs.

6 COMMISSIONER GIBBS: Can you come back to  
7 the -- to the podium, please, sir?

8 MR. JAY: Yes, sir.

9 COMMISSIONER GIBBS: Sir, you voiced a number  
10 of concerns, one of which was whether it's going to be  
11 profitable or not. I'm going to throw that one out  
12 because that's -- that's up to the Applicant to take  
13 that risk.

14 So my question to you is, Other than that part  
15 of it and obviously you mentioned the resolution that's  
16 about to -- to go before City Council, what are your  
17 other oppositions?

18 MR. JAY: Well, for example, the -- the --

19 COMMISSIONER GIBBS: Please be brief too.

20 MR. JAY: I'll try to be.

21 The Applicant pointed out the opportunities  
22 for employment. I'm the landlord for four different  
23 coin laundries, both in Oakland and elsewhere. Coin  
24 laundry employees, at most, two employees, whereas  
25 comparable commercial square footage will employ

1 significantly more people. I think that there are a  
2 multitude of businesses that would generate additional  
3 employment opportunities, which are so desperately  
4 needed in our community.

5 CHAIR HUNTSMAN: Thank you, sir.

6 Vice Chair --

7 VICE CHAIR BOXER: Can I --

8 CHAIR HUNTSMAN: -- Boxer.

9 VICE CHAIR BOXER: Mr. Miller, can you -- I'm  
10 sorry, Mr. Jay. You don't -- I'm going to --

11 CHAIR HUNTSMAN: No, no --

12 VICE CHAIR BOXER: -- ask Mr. Miller a  
13 question.

14 CHAIR HUNTSMAN: -- you're -- you're done.

15 VICE CHAIR BOXER: Thank you.

16 Can you just clarify how long you believe, in  
17 your opinion, it's going to be before regulations are  
18 put before either this body or the Council and when you  
19 think the regulations will be finalized?

20 MR. MILLER: Again, I -- there's a little  
21 confusion. I think the two to three weeks that's being  
22 bantered about is when we are going to again potentially  
23 present them to the Zoning Update Committee. That's  
24 just the beginning of the process. It will be June or  
25 July before it gets to the full Commission to be acted

1 on, and that again would be a recommendation to Council.  
2 My guess is that, with the Council's summer recess, it  
3 will be September before anything is adopted.

4 VICE CHAIR BOXER: Okay, thank you.

5 CHAIR HUNTSMAN: Thank you, Mr. Miller.

6 Next speaker, please.

7 MS. DAM: Good evening. Good evening. My  
8 name is Monica Sun. I -- I know there is the laundries  
9 for 10 years, so I have to go wash my clothe in her  
10 laundries. I like it, and my -- my kid is all like it,  
11 and safety in the neighborhood in there. So I don't  
12 know how to say. Thank you.

13 CHAIR HUNTSMAN: Thank you, ma'am.

14 Next speaker.

15 COMMISSIONER COLBRUNO: Can I -- before the  
16 next speaker, I just had a follow-up question. Because  
17 I was just looking at the CIX-2 code, Mr. Miller . . .

18 MR. MILLER: Mm-hm.

19 COMMISSIONER COLBRUNO: And -- and so I'm --  
20 I'm just looking at similar uses. So whether the  
21 Council ordinance passes or not, you'd still have to  
22 come to the Planning Commission to get a conditional use  
23 permit, is that correct, for this type of business? So  
24 I -- I'm just trying to figure out if this changes  
25 anything for us in our decision-making process. I mean,

1 this application is in --

2 MR. MILLER: No --

3 COMMISSIONER COLBRUNO: -- already, so --

4 but --

5 MR. MILLER: -- we don't know that that's  
6 going to be the result of the --

7 COMMISSIONER COLBRUNO: We don't; you're  
8 correct.

9 MR. MILLER: No.

10 COMMISSIONER COLBRUNO: We can't --

11 MR. MILLER: Yeah.

12 COMMISSIONER COLBRUNO: -- be forward-thinking  
13 in it. I mean, we can't predict what the Council's --

14 MR. MILLER: Yeah.

15 COMMISSIONER COLBRUNO: -- going to do. But  
16 I'm just saying, when I was looking at the CIX-2, I  
17 mean, these type of uses in a CIX-2, some of them  
18 require a conditional use anyway. Is that correct?

19 MR. MILLER: Well, not consumer -- not  
20 consumer -- not consumer laundry doesn't right now, I  
21 mean, other than by this -- this emergency ordinance.  
22 There are some uses in CIX that require --

23 COMMISSIONER COLBRUNO: I'm saying similar  
24 uses. I'm looking -- I'm looking through the code and  
25 the chart and other type of, you know, nonheavy

1 industrial uses, commercial uses.

2 MR. MILLER: There -- there are a number of  
3 commercial uses that require a conditional use permit.  
4 There are a number of commercial uses that are permitted  
5 by right.

6 Under the ordinance that Mr. Bradley mentioned  
7 just went into effect within the last month or so, which  
8 this is under as a general classification, they are  
9 permitted by right.

10 COMMISSIONER COLBRUNO: Okay. Thank you.

11 CHAIR HUNTSMAN: Next speaker.

12 MS. BLAIR: Hello, my name is Laura Blair, and  
13 I work about a mile from the proposed ap -- ap -- the  
14 proposed use, and I also live in the Fruitvale, and as  
15 you guys know and have mentioned and that Commissioner  
16 Colbruno has mentioned, there are areas in Oakland such  
17 as my neighborhood where you see, on -- on a particular  
18 street, nail salon, nail salon, Laundromat, liquor  
19 store, and as Commissioner Colbruno mentioned, when  
20 there are these kinds of uses in a neighborhood, it's  
21 really hard to bring in or even encourage stores like  
22 Safeway and Walgreens to invest in their businesses and  
23 to bring in businesses, and those are also businesses  
24 that we need in our area.

25 I'm going to ask you today that you postpone

1 this hearing until you hear a comprehensive policy on  
2 this issue. City Council recognized that Laundromats  
3 and other -- Laundromat uses can have a negative impact  
4 on -- on their neighborhood and that there is an  
5 overconcentration of Laundromats in our neighborhoods.  
6 Tonight you're going to hear from business owners that  
7 are concerned about the same negative impacts that City  
8 Council mentioned when they asked for this ord -- for  
9 this interim ordinance.

10           Scott mentioned that -- that Staff has -- that  
11 this is going to be the only Laundromat that would --  
12 would have been passed during the interim ordinance, and  
13 we're only asking for two weeks. I understand that what  
14 you're talking about in terms of -- at the next ZUC  
15 meeting -- hearing. Even though it might take a while  
16 for the actual policy to be passed, at least hear what  
17 Staff has had to say. They've been reviewing this issue  
18 for over seven months, and they've been investigating  
19 how to mitigate these negative impacts that the local  
20 business owners are going to be talking about today. At  
21 least hear from Staff about what they have to say.

22           In working with -- in the city over the past  
23 years in the Planning Department, I have had many  
24 applications post -- postponed because of -- of a policy  
25 was being developed not only by the City but even by

1 BAAQMD, and I also have never heard a concern about the  
2 cost to the Applicant even when it has cost them years.

3 I would like that you postpone this  
4 application and hear comprehensive policy and also  
5 listen to the local business owners because you will  
6 also not be able to find the necessary findings for a  
7 CUP if you decide to hear the -- the application  
8 tonight.

9 COMMISSIONER COLBRUNO: Miss Blair, let me ask  
10 you --

11 CHAIR HUNTSMAN: Thank you.

12 COMMISSIONER COLBRUNO: -- let me ask you a  
13 question.

14 I mean, if this -- if this were in place,  
15 if -- let's say we could be forward-thinking. How would  
16 it be different -- how would your presentation tonight  
17 be different from what you're giving tonight?

18 MS. BLAIR: Scott mentioned that there's --  
19 there might be a distance requirements between  
20 Laundromats. There are eight Laundromats in the area.  
21 One is within 300 feet, and one is within 400 feet. So,  
22 when we're talking about an overconcentration, that's  
23 very relevant in this area, and if that condition moved  
24 forward -- or that suggestion from Staff moved forward,  
25 then this application would not be approved.

1           COMMISSIONER COLBRUNO: Mr. Miller, is there  
2 currently a recommendation on spacing between  
3 Laundromats?

4           MR. MILLER: Again, there is -- I -- I'd be  
5 hesitant to say there's any recommendation at this  
6 point, because we haven't presented anything. We are  
7 formulating concepts in our mind, and we may very well  
8 move forward to the Zoning Update Committee with the  
9 recommendations for a distance separation as a  
10 requirement, but it's at its -- in its infancy stages at  
11 this point, and it would be remiss of me to mention  
12 those, because they're three or four months down the  
13 road at a -- at a minimum.

14           COMMISSIONER COLBRUNO: Okay, I interrupted  
15 you, Ms. Blair. I don't know if you want to finish that  
16 thought on --

17           MS. BLAIR: Just that Mr. Miller had mentioned  
18 that there would be a distance requirement, and if that  
19 distance requirement would be in place, this application  
20 would not be approved.

21           COMMISSIONER COLBRUNO: Okay, thank you.

22           VICE CHAIR BOXER: I'm sorry, Miss Blair.  
23 What is this two week you keep referencing?

24           MS. BLAIR: When we --

25           VICE CHAIR BOXER: Mr. Miller just said

1 clearly that they don't even have concepts on paper yet.  
2 So how are you -- how is it -- where is the two weeks?  
3 You're the third person that -- in your group that's  
4 talked about two weeks.

5 MS. BLAIR: Oh, when we spoke with Mr. Miller  
6 earlier --

7 VICE CHAIR BOXER: Okay.

8 MS. BLAIR: -- he -- he had said that it was  
9 coming to the ZUC committee --

10 VICE CHAIR BOXER: You -- you heard him say  
11 right before you stepped up how long it's going to be  
12 before --

13 MS. BLAIR: Before final --

14 VICE CHAIR BOXER: -- this particular policy  
15 is anywhere even -- he said there isn't even concepts on  
16 paper.

17 So, Mr. Miller, would you clarify.

18 MR. MILLER: No, but I think earlier this --  
19 earlier this evening I mentioned that it would coming to  
20 the ZUC in as soon as two to three weeks, and I think  
21 that's what they --

22 VICE CHAIR BOXER: Okay.

23 MR. MILLER: -- picked up on.

24 VICE CHAIR BOXER: Thank you.

25 MR. MILLER: Yeah.

1 VICE CHAIR BOXER: Thank you.

2 CHAIR HUNTSMAN: Next speaker, please.

3 MR. PLAZOLA: Good evening, members of the  
4 Commission. My name is Carlos Plazola. I'm also  
5 [unintelligible] by Matt Thompson.

6 I just want to clarify very quickly that  
7 the -- the two weeks you keep hearing referenced, I -- I  
8 just want to remind everyone I've been waiting three  
9 months to bring an application on a surface parking lot  
10 issue because of a policy discussion that needed to  
11 happen, and no one knew what the policy was going to  
12 lead to, but we patiently waiting. My clients also have  
13 carrying costs.

14 The two weeks, you're going to actually hear  
15 Staff ideas. I can't imagine Staff's going to come  
16 without any ideas about how to deal with proximity of --  
17 of Laundromats. I understand that, for this evening, it  
18 may be a convenient thing to say. I think they're much  
19 more prepared than that when they come to the ZUC,  
20 however.

21 I'm here representing over 30 businesses and  
22 residents, and I hope that they're afforded the same  
23 level of respect and -- and thought from you all that --  
24 that the Applicants are. I appreciate you all giving  
25 them your ear, and I -- I specifically want to say that,

1 because during my time in working the councilmember for  
2 District 5, the same Applicant, and -- and I want to,  
3 first of all, show great respect to the Applicant  
4 because they do run a good operation at Fruitvale and  
5 Foothill. So, as an operator, I want to give them  
6 kudos, but as a land use, which is really what you're  
7 here to discuss and you will be discussing in future  
8 weeks on this very issue in terms of how to deal with  
9 the land use issue, there are real impacts. There are  
10 real impacts, which is why the Council made that  
11 decision to put the interim controls in place.

12           What are the impacts? At Fruitvale and  
13 Foothill -- in fact, I think one of the reasons why you  
14 have regulations now being proposed is because at  
15 Fruitvale and Foothill, it has been a disaster in terms  
16 of the use itself. Pedestrian issues are significant  
17 out there. The Unity Council fought them putting a  
18 Laundromat at Fruitvale and Foothill because of all the  
19 pedestrian-versus-vehicle intersections there. So,  
20 while the operator does a good job, the use itself is  
21 not compatible with that particular area, and that's  
22 really what the interim controls and the future  
23 recommendations coming from Staff are going to be about.  
24 How do you ensure that what happens at that site is  
25 compatible with the surrounding area, that it helps lift

1 up the surrounding area?

2 We know that when we have conditional use  
3 permit requirements on check cashing, on liquor stores  
4 and other uses, it's because there are impacts from  
5 those. That's what's driving this. That's what's  
6 driving the -- the recommendation to bring additional  
7 control on this type of use. So to say, well, we're not  
8 going to hear those because, you know, it's two weeks or  
9 more away, in my opinion, is a little irresponsible,  
10 particularly when my applications for surface parking  
11 lots are being delayed for theoretical policies when  
12 they're also in the same boat as these Applicants in  
13 terms of losing money every day.

14 With that, I just want to recognize that we  
15 represent International Foods; Continental Lodge;  
16 HomeVestor Real Estate; Superior Hardware; Kenworth Cold  
17 Storage; Turbo Auto Body; Auto Tech; VMC Travel;  
18 Dr. Fong, DDS; Digicom; Robert Mullings; International  
19 Attorney; as well as property owners in the area, and  
20 thank you for your consideration.

21 CHAIR HUNTSMAN: Actually, Mr. Plazola, if you  
22 would please entertain a couple questions.

23 VICE CHAIR BOXER: Two -- two questions. One  
24 is, You referenced the surface parking a few times.  
25 That application tonight was pulled by Staff or the --

1 by -- by you?

2 MR. PLAZOLA: Staff.

3 VICE CHAIR BOXER: Okay. And you delayed it.

4 MR. PLAZOLA: But we -- we were encouraged to  
5 wait, which we did.

6 MR. MILLER: That -- that was pulled by Staff  
7 because we weren't ready to move forward with a positive  
8 recommendation, and at the same time, when that was  
9 pulled, this item regarding surface parking temporary  
10 CUP was going to the ZUC. So it had been the hope that,  
11 at the ZUC, there would have been a clear direction to  
12 move the concept of temporary CUPs forward, of which  
13 potentially the Site No. 5 on tonight's agenda, 1331  
14 Harrison, could take advantage of that.

15 VICE CHAIR BOXER: Okay, I'll -- I'll reserve  
16 my -- my response 'til the lights come on --

17 MR. MILLER: -- button. Yeah.

18 VICE CHAIR BOXER: Until we get after, because  
19 I -- 'til we get into our comment period. I don't want  
20 to prejudice.

21 And then I just have to ask, Mr. Plazola.  
22 It's not a negative thing, but are any of the people you  
23 represent own other coin laundries in the neighborhood?

24 MR. PLAZOLA: One of the approximately 30  
25 people I'm representing this evening.

1 VICE CHAIR BOXER: Okay, thank you.

2 CHAIR HUNTSMAN: Commissioner Colbruno.

3 COMMISSIONER COLBRUNO: One question for you,  
4 Mr. Plazola. So, I mean, if I were deciding on a policy  
5 basis, I mean, I think you know I probably wouldn't  
6 support this, but I'm sitting here, I'm struggling with  
7 the land use, okay, and so staff has made a case on the  
8 General Plan analysis, on the policies and encouraging  
9 business on buildable sites, the zoning analysis, the  
10 CIX-2, which I just went over there and read. So make  
11 me an argument on those two issues which we're to make  
12 our decision on tonight.

13 MR. PLAZOLA: On -- on which --

14 COMMISSIONER COLBRUNO: On why this  
15 application shouldn't move forward. And I -- I don't  
16 think -- honestly, I mean, I can't -- I -- I agree with  
17 Staff. I can't assume what the Council is going to do.  
18 This is before us today.

19 MR. PLAZOLA: Sure.

20 COMMISSIONER COLBRUNO: So I -- I'm willing to  
21 decide it and make a decision if you can make me an  
22 argument on the land use issue --

23 MR. PLAZOLA: In terms of the impacts of the  
24 surrounding area.

25 COMMISSIONER COLBRUNO: Yeah, why it doesn't

1 conform --

2 MR. PLAZOLA: I think it -- I'm sorry. Go  
3 ahead.

4 COMMISSIONER COLBRUNO: No. Why -- why -- why  
5 they're inaccurate about why it complies with the  
6 General Plan and the zoning analysis and the CIX-2  
7 applied that shouldn't be granted.

8 MR. PLAZOLA: I think you'll hear from some of  
9 the surrounding you -- neighbors this evening, but in  
10 terms of -- as the Council outlined in their whereases  
11 that, hopefully, you all were able to read through --  
12 and -- and I just want to point out that it does -- it  
13 will come to you for recommendation to Council, similar  
14 to what I understand will be temporary CUP ordinance.  
15 So we are dealing with very parallel issues here on the  
16 surface parking and this.

17 The land use issues have to do with pedestrian  
18 safety, one, which is walkable communities, walkable  
19 sidewalks. If you're trying to encourage pedestrian  
20 activity on sidewalks, then you want to minimize the  
21 amount of cars coming in and out on a regular basis into  
22 facilities, and that's been the problem at Fruit -- at  
23 Fruitvale and Foothill, is you're trying to get people  
24 walk on street -- on -- across sidewalks, but you're  
25 encouraging a lot of car activity, which is --

1 COMMISSIONER COLBRUNO: Are you channeling  
2 Jonathan Behr [phonetic] right now --

3 MR. PLAZOLA: Which is actually one of the  
4 arguments Jonathan Behr used against surface parking  
5 lots. It's a similar type of situation here, where  
6 you're going to have tremendous amount of traffic  
7 activity, and if you're trying to encourage pedestrian  
8 use, it's going to be difficult to do that, which is why  
9 the concentration of Laundromats is a difficult thing  
10 for a community. Plus you don't get the -- the small  
11 sort of retail shops that build thriving retail  
12 districts. You have sort of large uses with a lot of  
13 traffic.

14 COMMISSIONER COLBRUNO: Okay. Thank you.

15 MS. BLAIR: [Inaudible.]

16 COMMISSIONER COLBRUNO: It's up to the Chair.

17 CHAIR HUNTSMAN: No, ma'am. No, no. You've  
18 had your comment, and so we're -- we're going to keep  
19 this meeting moving.

20 Is there any other question for Mr. Plazola?

21 COMMISSIONER GIBBS: One -- one comment.  
22 Well, actually, two comments. Number one, I hear a lot  
23 of negatives about why, you know, from a pedestrian  
24 standpoint/transportation standpoint this doesn't make  
25 sense. I'm going to flip it a little bit and say give

1 me some uses that you think are compatible, and -- and,  
2 lastly, I also want to challenge you on the -- the  
3 analysis that surface parking delays are equivalent to  
4 building vertical delays. They're not even close. Come  
5 on, I mean . . .

6 MR. PLAZOLA: Surface parking delays versus  
7 building --

8 COMMISSIONER GIBBS: The -- the delay expense  
9 of your surface parking versus the delay expense of  
10 vertical construction, I think the two are not  
11 economically compatible. There is an enormous  
12 difference between building --

13 MR. PLAZOLA: I'd like to respond to that.

14 COMMISSIONER GIBBS: Okay, go.

15 MR. PLAZOLA: The -- the surface parking lot,  
16 we have people there that have over \$4 million in  
17 carrying costs for an entitled project, and all they're  
18 trying to do is -- is get some income to meet some of  
19 that. So it's not just about the surface parking lot.  
20 It's about an entitled project that they're just trying  
21 to sustain long enough to get it built in this economy.  
22 So I think that the carrying costs actually might be the  
23 reverse, might be higher for the surface parking lot and  
24 the driving force to get something -- some revenue  
25 generated there is actually greater.

1           In terms of the other uses, I think Mr. John  
2 Jay is a great person to ask that. That's what he does  
3 for a living, but just off the cuff, small restaurants.  
4 I mean, I -- we have an office right over the bridge  
5 less than a half mile away, and I would love more places  
6 to go eat in that area, ice cream, yogurt shop. We'd  
7 love to have there, so thank you.

8           COMMISSIONER GIBBS: So I'll just say to that,  
9 I mean, those -- those types of uses haven't been  
10 proposed by someone who has control of the land, so  
11 I'll -- I'll just leave it at that --

12           MR. PLAZOLA: I agree with that.

13           COMMISSIONER GIBBS: -- comment on it later.

14           CHAIR HUNTSMAN: Next --

15           MR. MILLER: I need to --

16           CHAIR HUNTSMAN: -- or Mr. Miller.

17           MR. MILLER: -- call another group. David  
18 Preiss, Nancy Chung, Robert Antelme, Bill Phua and  
19 Alexandre Machado.

20           CHAIR HUNTSMAN: Please come up and line up in  
21 any order. Thank you.

22           MR. PREISS: Good evening, Commissioners.  
23 David Preiss, representing the Applicant. I'll keep my  
24 comments very brief.

25           When you cut through what the opponents are

1 really asking for, they're really asking to turn this  
2 interim CUP ordinance into a full-scale moratorium. I  
3 suspect, in two weeks, they'll be back saying, "Let's  
4 wait even more." The place to bring these arguments is  
5 before the City Council when the City Council looks at  
6 the policy decision that it wants to make on a permanent  
7 basis.

8 In fact, I have just as much information to  
9 believe there may be things in the ultimate ordinance  
10 that might allow this use of right subject to certain  
11 requirements, and, in fact, I've got a client who's  
12 agreeing to 60-some-odd more additional conditions of  
13 approval, which may well end up putting them under  
14 tighter restrictions than the -- the Laundromat uses  
15 that may be permitted of right under the new ordinance.

16 I also think that when we were talking about  
17 jobs potential, let's not just focus on who would be  
18 operating the facility. These are also construction  
19 jobs, you know jobs for businesses that supply things to  
20 these facilities. So I think it's a little myopic to  
21 just talk about what may go on and -- and the uses  
22 themselves.

23 I -- I think that we've -- you know, basically  
24 what we're being asked to do, for no good reason other  
25 than to allow opponents, maybe, to politically organize

1 more -- you know, more over time, is to hold off even  
2 though we've been in this process for more than a year.  
3 Our client has said there will be opportunities at the  
4 site for some potential other uses, and I -- I can only  
5 take them at face value, and I appreciate your time and  
6 would be glad to answer any questions you may have.  
7 Thank you very much.

8 COMMISSIONER GALVEZ: I actually do have a  
9 question for you.

10 CHAIR HUNTSMAN: Commissioner Galvez.

11 COMMISSIONER GALVEZ: I'm looking at the plan.  
12 The -- the parking that is adjacent to the -- the --  
13 this building that's in question, is that going to -- is  
14 that intended to be parking that's also going to be  
15 shared parking with the other -- with the other  
16 buildings that the Applicant spoke about that are going  
17 to become available?

18 MR. PREISS: One, I don't know the answer to  
19 that --

20 COMMISSIONER GALVEZ: Okay.

21 MR. PREISS: -- question, so I'm not going to  
22 take a stab. I do know that the site plan and -- and  
23 the variance that were necessary were -- were already  
24 reviewed. I don't know how much that's serving.

25 And one thing I would point out to

1 Commissioner Colbruno regarding the whereases, I kind of  
2 did the same thing you did, and interestingly enough, I  
3 saw a lot of the history behind the ordinance dealt with  
4 nail salons, and sort of Laundromats were thrown in at  
5 the last minute. You'll also see there's a reference in  
6 there that the CUP was to try and deal with these kinds  
7 of uses along major transportation corridors, and I  
8 think, while International may be a major transportation  
9 corridor, I'm not sure East 12th really is in this area.  
10 So, we're not arguing that the CUP requirements apply.  
11 We wouldn't have applied. But I'm just not sure what  
12 those whereases really give you a lot of guidance there.

13 CHAIR HUNTSMAN: Thank you.

14 MR. PREISS: Thank you very much.

15 CHAIR HUNTSMAN: One second, sir.

16 Commissioner Truong.

17 COMMISSIONER TRUONG: Hi. We've heard  
18 concerns about the traffic and the issues that this may  
19 cause and issues with kind of blocking pedestrian  
20 activity, and I'd like to hear a little bit more about  
21 this project's plans for traffic mitigation.

22 We have the proposals and the conditions of  
23 approval here. I'd like to hear you speak about it,  
24 though, given that we have an audience. So plans for  
25 traffic mitigation, helping to improve the sidewalks,

1 the improvements to lighting and then the architecture,  
2 how does that help with mitigating traffic, and how does  
3 that help with pedestrian activity?

4 MR. PREISS: Well, a couple of comments.  
5 First of all, I think there were some specific  
6 conditions put in on the variance, and the -- the site  
7 planning that dealt with any potential traffic issues,  
8 including modifications to site distance triangles  
9 coming out of the property, the architect may be able to  
10 answer, you know, some more of those questions, but I  
11 know those were looked at as part of the site planning,  
12 and I believe there were some neighbors who, in fact,  
13 participated in that process, and I -- I really can't,  
14 you know, answer beyond that at this point in time  
15 except that that was looked at at the time.

16 I also have one other comment. I find it a  
17 little disconcerting that you're being handed, you know,  
18 supposed objections at the podium at the eleventh hour  
19 from 30-some-odd businesses, when there are people who  
20 came down and took their own personal time, who probably  
21 don't have the money behind them that some of these  
22 businesses the last speaker referred to, who have come  
23 down and taken their time, and we have no idea what  
24 those things say, have had no opportunity to respond to  
25 them, but again I think they all seem to be focusing on

1 let's adopt a policy on Laundromats city-wide through  
2 this permit, and this is not the place or time to be  
3 doing that.

4 CHAIR HUNTSMAN: Thank you, sir.

5 Mr. Miller.

6 MR. MILLER: Yeah, I wanted to try to address  
7 Commissioner Truong's question regarding parking and  
8 pedestrian access.

9 This is a relatively narrow site, and that, in  
10 part, has resulted in a one-way drive system, which is  
11 actually good for reduction in impacts to sidewalks.  
12 There's a one-way entry to the driveway off of East 12th  
13 and a one-way exit onto Solano Way, which is essentially  
14 an alley, or a relatively wide alley.

15 As Mr. Preiss mentioned, Staff, when we  
16 reviewed this for the variance, actually encouraged the  
17 variance because it moved the building up closer to the  
18 street. This being a light or a middle industrial type  
19 of zone, it has a certain setback requirement that  
20 doesn't always make sense. This is one location where  
21 it made sense to impose more commercial-like setbacks,  
22 and hence they moved the building up along 15th Avenue,  
23 necessitating the need for the variance. That  
24 accentuates the pedestrian scale and the pedestrian  
25 experience. The -- the -- the cuts at the -- the angles

1 in the building were put in there to sort of assist in  
2 the comfort level for both pedestrians and travelers on  
3 both 15th and East 12th Street.

4 This is a site that in -- in spite of  
5 everything I just mentioned, it's not a pristine retail  
6 node at this point. Again, we believe that moving the  
7 building up to the street will help in the long term  
8 with redevelopment efforts in the area and with  
9 providing a -- a bulk and a node at that corner that  
10 does not exist today.

11 So I think all of those things taken into  
12 consideration would -- would help, I think, your  
13 concerns.

14 CHAIR HUNTSMAN: Commissioner Truong.

15 COMMISSIONER TRUONG: Thank you, Mr. Miller,  
16 and that's exactly what I saw. And some of the comments  
17 that I heard today were concerns about traffic issues  
18 concerned that this is actually going to hurt  
19 pedestrians, and it sounds like it's actually helping,  
20 and so, you know, I'd like to make sure that we, as the  
21 audience, understood and read that and see that, because  
22 it's -- it's important, right. It's actually addressing  
23 the opposition's concerns.

24 MR. MILLER: Well, and I would add that this  
25 is required parking. This being a new building, it

1 doesn't enjoy a grandfathered zero parking. So, the  
2 parking that they're providing, although the architect  
3 reminded us that they do have more than what's required,  
4 it's not significantly more. It might be one or two  
5 spaces. So the -- the parking was required by code by  
6 virtue of it being a brand-new building.

7 CHAIR HUNTSMAN: Thank you, Mr. Miller.

8 For the benefit of time, if we could move  
9 through public comments and try not to question every  
10 speaker. Maybe we've -- at the end, when we bring it  
11 back to Commission, be able to have a -- a very --  
12 deeper and fruitful conversation. Thank you.

13 Next speaker.

14 MR. ANTELME: Good evening. My name is Robert  
15 Antelme. I'm a business owner on Park Boulevard. My  
16 sentiments have been expressed in the previous speakers.  
17 I'm not supportive of the project primarily by reason of  
18 the fact that there's the diversity issue. There's just  
19 a -- seems to be a saturation of certain types of  
20 businesses in that area. That's -- that's my reason for  
21 not supporting it. Thank you.

22 CHAIR HUNTSMAN: Thank you.

23 Next speaker.

24 MR. MACHADO: Hi, my name is Alexandre  
25 Machado. I'm a real estate investor, and I'm opposing

1 the project due to the saturation of the Laundromats in  
2 the area as well. I would think, if we have different  
3 kind of business come in, will help the area,  
4 improvement of the area. Thank you.

5 CHAIR HUNTSMAN: Thank you, sir.

6 Next speaker.

7 MS. CHUNG: Hi, my name is Nancy Chung. I'm  
8 at 1232 15th Avenue, just next to -- you guys hear me  
9 okay? Sorry. I'm currently running a cold storage  
10 business next to 1500 East 12th Street.

11 Why I'm here today is to oppose. Like Mr.  
12 Miller said, they're going to try to use the exist on  
13 Solano Way, and where my building just -- Solano Way is  
14 where the building is at, and I have a lot of big trucks  
15 in and out, backing into the dock to offload and unload,  
16 so that would impact my business, and I been there four  
17 years. So I hope the community will reconsider the  
18 project for -- at that location. Thank you.

19 CHAIR HUNTSMAN: Thank you.

20 Mr. Miller, could you call the next group of  
21 speakers before this speaker speaks.

22 MR. MILLER: Other than Sanjiv Handa, there is  
23 a group of speakers that have checked off they would  
24 answer questions, but do not wish to speak and that  
25 maybe they just want a show of hands. So I'm going to

1 read off that entire list, and -- and any of those that  
2 I read that want to actually come up and speak, please  
3 do so. But I have a feeling that many of these are just  
4 going to raise their hand. Carla Pinero, Chris Leung,  
5 Reyana -- Reyana Marcelino, Elaine Lam, Daniel Leung,  
6 Lorelina Carusso, Hennessy Borges, Matthew Thompson,  
7 Pollyanna Pinero, Nicole Wallace, Jackie Lee, Elvecio  
8 Machado.

9 CHAIR HUNTSMAN: Thank you, Mr. Miller.

10 MR. MILLER: So, if any of those that I just  
11 read want to come up and speak, feel free to do so now,  
12 and then the last one is Sanjiv.

13 CHAIR HUNTSMAN: Sir.

14 MR. PHUA: I -- good evening. My name is Bill  
15 Phua. I'm the owner of 1400 14th Avenue. I will be the  
16 one that will be impacted the most by this project. My  
17 plaza was built in 1988/'89, and I've own it for the  
18 last eight, nine years. I have tenants in there, six  
19 offices, restaurants, coin laundry, grocery store in the  
20 plaza, and I had spoken to all my tenants, and they are  
21 not in favor of the project.

22 I'm -- understand that the Commission has to  
23 make two findings (Findings A and Findings B) to -- you  
24 know, to make a decision tonight, and Findings A says  
25 that, you know, business owners would be, you know,

1 nega -- negatively impacted by' this project, and I have  
2 all my tenants in there that does not support the  
3 project, because they all think that they will have  
4 problems, especially the coin laundry. This coin  
5 laundry is 280 feet away.

6 Okay, Finding B says that, you know, you --  
7 you also have to make fine for -- I mean, you have to  
8 make Findings B, but, you know, it's based on the same  
9 argument that, you know, the local business owners do  
10 not support this project.

11 So, I know it's very hard, as John Jay has  
12 said, that you know, as a business owner, we are asking  
13 the Commission to deny a project, but we have to look at  
14 it. If we approve the project, what negative impact  
15 would you have on the other projects -- I mean, on the  
16 other businesses around the area. So, with this, I ask  
17 that you give this bill consideration, and I will be  
18 happy to answer any questions.

19 CHAIR HUNTSMAN: Thank you, sir.

20 MR. PHUA: Thank you.

21 CHAIR HUNTSMAN: Next speaker.

22 MS. DO: Hi, my name is Le Do. I'm the  
23 Applicant. I just want to respond to Mr. Bill Phua. He  
24 said my business, my new going to be business, going to  
25 be, like, 200 feet away from his old business, but I

1 understand it's, like, about 400 away from his business.  
2 And I also bring with me the picture of his business.  
3 It used to be owned by Woody Laundromat. What happened  
4 is, several years ago, when the Woody, they bought the  
5 building next door to him, and so they move their  
6 business in there, and right there, Mr. Bill Phua move  
7 into the existing space, which is about 1- or 200 feet  
8 away from the Woody new Laundromat.

9           So, what I'm coming here is, tell the  
10 Commissioner is, you know, my space -- and another  
11 reason I'm here, when we decide to buy this lot, we --  
12 my architect already come to the city, ask for the  
13 zoning for the building, and it was, you know, allowed  
14 to build the Laundromat in there. So that why, you  
15 know, for some reason, he forgot or something, but this  
16 plan is not just like suddenly, you know, come up. We  
17 plan it, like, more than a year ago. We asked the  
18 zoning even before we decide to bought the lot.

19           That's all I have to say for tonight, and I  
20 hope that you are going to approve my plan. Thank you  
21 very much.

22           CHAIR HUNTSMAN: Thank you, Miss Do.  
23           Next speaker.

24           MR. MACHADO: Hi. My name is Elvecio Machado.  
25 I have a -- a business in the area.

1 I am against these project, which is for the  
2 simple fact that of diversity of business. There is a  
3 pattern of having too many liquor store or Laundromat  
4 and this type of business that don't -- is not really  
5 family-oriented. Like, I would like to see more -- more  
6 restaurants and ice cream places and that type of  
7 business versus just traffic-promoting -- I mean, cars  
8 type of business. Thank you.

9 CHAIR HUNTSMAN: Thank you, sir.

10 So we're -- Mr. Handa.

11 MR. HANDA: For the record, Sanjiv Handa, East  
12 Bay News Service.

13 Interesting that there would be this much  
14 turnout for one Laundromat. I don't have enough time,  
15 in two minutes, to highlight all the issues that I'll be  
16 testifying, but let me touch on three things. The first  
17 one is that coin-operated Laundromats are a cash cow and  
18 a growing business in Oakland. In some parts of this  
19 community -- take the Piedmont neighborhood -- you have  
20 as many as five within a four-block radius. One goes  
21 out, two more come in, and there's a simple reason for  
22 that. That is because it is very profitable, very  
23 little overhead other than the machines and the rent,  
24 almost no labor, and most of these Laundromats do have  
25 difficulty in terms of trying to keep them clean. You

1 get a lot of homeless people. You get people who make  
2 it their day office. They hang out, those sorts of  
3 things, and the City's been able to do nothing about  
4 that.

5           The second issue that also relates to that is  
6 that keep in mind that as much as everybody touts about  
7 all the stuff that's going on in Oakland and Jerry  
8 Brown's so-called success with bringing residents  
9 downtown, many, if not most, of the properties in  
10 Oakland don't have washer/dryer hookups. That is why  
11 there are so many of these businesses here and  
12 profitable, and people aren't going to walk two or three  
13 blocks with three bags of laundry. They will pull up in  
14 front, park on the sidewalk, park in a red zone to  
15 unload and load, and if go to the corner of 41st and  
16 Piedmont, you will see. Every day, seven days a week,  
17 from 7:00 a.m. to 11:00 p.m., when a Laundromat is open,  
18 including the cleaning crew, parking in the red zone in  
19 the middle of the intersection, and the City can't do  
20 anything about it. This is an ongoing issue. So, if  
21 you're going to talk about land use and the  
22 implications, pedestrian safety and those sorts of  
23 things, that should be considered.

24           Excuse me.

25           And I have no comment on -- in terms of this

1 specific application, but what I do want to point out is  
2 that, unfortunately, what's happening now is that there  
3 is an ongoing war in Oakland regarding a new business  
4 coming in or another business relocating. Somebody who  
5 is already in business doesn't like that, and they  
6 enlist consultants. They enlist lobbyists. It's on  
7 both sides of the equation. The new business sometimes  
8 is going to displace the exist -- existing business.  
9 Those are part of the reasons you're seeing this. This  
10 is very little different than what we saw last night at  
11 the City Council with Knickknack, where a lot of people  
12 turned out not because they're interested in that  
13 particular issue, but it's tied to some greater good  
14 that may come as a result of getting 50 or 75 people to  
15 show up at a meeting. Thank you.

16 CHAIR HUNTSMAN: Thank you.

17 At this time, item's back at Commission for  
18 comment/discussion. Who wants to get started?

19 Commissioner Galvez.

20 COMMISSIONER GALVEZ: When I first read --  
21 read this, I wasn't quite sure how I felt about it, and  
22 even as I arrived, I was still very confused, partially  
23 because I wasn't aware of this ordinance that had been  
24 passed by City Council, and I -- and like Commissioner  
25 Colbruno, I didn't understand what was behind it or --

1 and what was the intent, really. But as I've -- as I've  
2 heard the -- the testimony, things have become much more  
3 clearer for me, and I think I feel very fair -- fairly  
4 certain of how I'd vote on this, and I would support the  
5 Applicant.

6 I don't -- I think it would put an undue  
7 hardship on this Applicant to deny them given that so  
8 much had been -- this -- this project had moved forward  
9 as much as it had when the ordinance did pass, and the  
10 ordinance doesn't preclude us from supporting the --  
11 this -- this project. It just means that they have to  
12 come before us, and we have to weigh the project. So,  
13 I -- I do believe it would be an undue -- an undue  
14 hardship, and I think it's reasonable to assume that  
15 they had planned it all along given that they own other  
16 Laundromats and that this is -- this is their family  
17 business.

18 As far as the land use argument, I'm just not  
19 convinced. In terms of overconcentration, I mean, I  
20 drove through that area. I -- I've lived close to the  
21 East Lake area a lot -- for a long time in Oakland, and  
22 I think there's an overconcentration of many types of  
23 businesses, and I would suspect that some of those types  
24 of businesses are here. It just so happens that the one  
25 that we're considering here is -- is -- as Laundromats,

1 but I think there's other types of businesses that are  
2 also overconcentrated there, and so I don't -- I  
3 don't -- I don't personally feel that there is a -- a  
4 huge incompatibility issue with the current  
5 neighborhood.

6 I think the design is a nice design, and from  
7 the street, it actually will be a big improvement for  
8 what's -- for what's there now, and I wish more  
9 Laundromats in Oakland would look like this, because I  
10 think, from the street, it really is a much nicer  
11 building to look at than what most Laundromats look  
12 like, and -- and I think for a long, long time, at  
13 least, Laundromats are going to be needed in Oakland. I  
14 mean, that's the reality of -- of a lot of dense  
15 housing.

16 And as far as the pedestrian safety issue, I'm  
17 really not convinced. You know, East 12th is  
18 practically a highway when you drive through there. So,  
19 I certainly would never walk on that street in the  
20 way -- in the way that street is currently laid out, and  
21 there are many other things, like surface parking, for  
22 example, that I think would create much more pedestrian  
23 hazard than a one-way parking lot.

24 I think that's it for me. I -- I -- I'm going  
25 to support this Applicant.

1 CHAIR HUNTSMAN: Thank you, Commissioner  
2 Galvez.

3 Commissioner Gibbs.

4 COMMISSIONER GIBBS: The first word that came  
5 to my mind, especially regards to Laundromats and -- and  
6 the whole policy issue with the City Council is  
7 "stigma," and I -- I didn't get it, as Commissioner  
8 Galvez didn't get it, because there are many businesses  
9 that, in my mind, pose some of the same hazards from a  
10 health-and-safety issue, whether we're talking about  
11 the -- the hours at night or what have you. It is an  
12 industry that needs to serve the public, because I have  
13 myself, you know, been spoiled recently because I have a  
14 washer/dryer in my house, but I've also been in a  
15 situation where I didn't, and one of the challenges has  
16 been, if you work a eight-, ten-hour day, how you get in  
17 to a place that is actually going to accommodate you as  
18 far as the hour. So, from that standpoint, I don't have  
19 a problem with the Laundromat per se or the stigma  
20 attached to it, especially as regards to most recent  
21 policy decisions by City Council. So that is what it  
22 is. They'll make the decisions they make.

23 What we're here to do is, as other  
24 commissioners have pointed out, make a land issue  
25 decision, and in making that land issue decision, we'd

1 be remiss if we didn't consider the economic impacts. I  
2 do understand that there are businesses that will be  
3 impacted, so I'm sensitive to that, but I'm also  
4 somewhat confused, because on the one hand, as an  
5 entrepreneur myself, I believe in capitalism. I believe  
6 in the free-enterprise system, and I believe that people  
7 should have the right to take a business risk and make a  
8 capital-risk decision so long as it fits within the  
9 confines of the policies and -- and -- and, in our case,  
10 land use policy, and I don't see how this one goes  
11 against that, and I don't see how Resolution 12972, when  
12 it becomes permanent or whatever they do going forward,  
13 would change the fact that if we approve a conditional  
14 use permit here, I don't see how that could be taken  
15 away. Maybe some legal structure makes that happen; I  
16 don't know. But they're here to be judged on the  
17 conditional use permit, and from my point in that, I say  
18 I'm -- I'm -- I'm in favor of the Applicant.

19 CHAIR HUNTSMAN: Thank you, Commissioner  
20 Gibbs.

21 Commissioner Truong.

22 COMMISSIONER TRUONG: I grew up in this area.  
23 I actually lived on that block where the proposed site  
24 is, and I know how severely underused those lands have  
25 been, and I know that these buildings have been boarded

1 up for a long, long time, and people are afraid to walk  
2 down these areas because there's not sufficient  
3 lighting. There's nobody on those sidewalks. We don't  
4 know. And -- and so I'm heartened to see that there are  
5 people investing in this area, that people want to make  
6 it better. I know and I used to shop at that plaza, and  
7 I used to go to that Laundromat, and I used to use the  
8 services. I used to go to the grocery store there, and  
9 I what like is that this is actually improving the  
10 competition, and whenever you have competition, you  
11 improve the services to the residents, and that what's  
12 we want. We want to improve the services to the  
13 residents nearby so they have a choice so that they can  
14 go to the places that serves them and meets their needs  
15 best. And so I'm making my decision based on what's  
16 better for the community, for the residents and for the  
17 city as a whole, as a tax-generating source.

18 So, thank you for everybody coming tonight. I  
19 know that this is an important issue to you, and I've  
20 heard every word everybody has said, and I really want  
21 to appreciate that you guys have come out.

22 CHAIR HUNTSMAN: Thank you.

23 Commissioner Colbruno.

24 COMMISSIONER COLBRUNO: All right. First, let  
25 me just say I think that -- that Council identified a

1 legitimate issue here, and I think they're addressing  
2 it, and I hadn't given much thought to Laundromats. I  
3 mean, I've been clear on this commission about areas  
4 like this part of town where we oversaturate with check  
5 cashing and liquor stores and Laundromats and this type  
6 of thing, and I think you forever hold back the economic  
7 revitalization of areas, and -- and that is the policy  
8 issue, which we don't decide here, and that's a Council  
9 issue, and I think they're looking at it, and I think  
10 it's a real issue, because I think you forever condemn  
11 an area for economic deprivation, and I think that's  
12 unfortunate. Because when you do put the whole  
13 together, you create an area where people don't want to  
14 come and invest. I mean doesn't want to come in with a  
15 restaurant or a Gap store or whatever, doesn't want to  
16 come in there and build, but that is a policy decision.

17 I asked some questions tonight about the land  
18 use, and I kept looking over at the CIX zoning, and I'm  
19 not willing to predict what the Council's going to do.  
20 I think it's unfair. I'm not even sure it's legal. And  
21 so under the -- the current -- what's currently before  
22 us, I mean, I -- I feel this is allowed. I don't like  
23 it. I don't think it's the best use, that location.  
24 I -- I think -- but you are investing your personal  
25 capital, as Commissioner Gibbs said. I also believe in

1 free enterprise. It's a risk that you're going to take.  
2 You're going in with 30 neighbors you know don't want  
3 you there, and -- and it is competition. I -- I don't  
4 like these type of uses this close together, but that's  
5 a decision, I guess, the Council will address at some  
6 point.

7 I haven't seen a land use argument that was  
8 compelling enough for me to oppose it. I clearly have  
9 problems, and I guess I could probably stretch a "no"  
10 vote out of here, but I don't think it would be honest.  
11 You know, so I'll support this application, but, I mean,  
12 I hope that Council makes the right determination, the  
13 planning staff, and look into these type of uses when  
14 they're concentrated in certain neighborhoods. But when  
15 I do read the CIX zoning over there, I mean, it -- it is  
16 a lot of industrial. It's buffered from residential. I  
17 mean, it's -- it's kind of hard for me to say that this  
18 Applicant, under the current conditions, can't have this  
19 conditional use permit, so I'm willing to support it  
20 tonight.

21 CHAIR HUNTSMAN: Vice Chair Boxer.

22 VICE CHAIR BOXER: Thank you, Chair Huntsman.

23 You know, I've listened to this  
24 overconcentration argument, but there's no evidence of  
25 it. I drove the neighborhood today. In fact, I drove

1 around the block three times for a mile in each  
2 direction. The Staff Report, if Staff is really  
3 concerned about an overconcentration in this area for  
4 this application, in my opinion, having worked with the  
5 Staff now for five years, I think they would have  
6 indicated there was a problem. There's no evidence in  
7 the record that there's an overconcentration.

8 I received a ton of correspondence. You all  
9 mentioned eight coin-operated Laundromats in the  
10 corridor. I was going to ask someone. I didn't want to  
11 belabor it, and maybe, Mr. Miller, you know. Do you  
12 know how the definition -- what the definition of  
13 "corridor" is? I saw -- I saw the Applicant's facility  
14 on 2424 East 12th, and obviously there was a reference  
15 by the other property owner here, the landlord who's got  
16 the facility on 14th. But do we know how many there are  
17 within . . .

18 MR. MILLER: We do not. I -- I am aware of  
19 the one at 1400 14th Avenue, and that one --

20 VICE CHAIR BOXER: Okay.

21 MR. MILLER: -- you heard a couple of  
22 distances bantered around.

23 VICE CHAIR BOXER: Right.

24 MR. MILLER: We've measured it at about 390 or  
25 400 feet, and that's facility to facility, not property

1 line to property line.

2 VICE CHAIR BOXER: Okay. So, I mean, again,  
3 I'm trying to -- you know, I listened very intently upon  
4 what the opposition to this application was trying to  
5 say, and I'm trying to jive that with the City Council  
6 ordinance, which obviously expresses this city's policy  
7 with regard to these things, and I really strongly feel  
8 that if Staff thought that this particular application  
9 was somehow violating the spirit of what Council voted  
10 on last September, that they would have indicated to us  
11 that they have problems with this -- with making the  
12 findings for the CUP. The fact remains that they --  
13 that they didn't, and, you know, look, I don't want to  
14 get in -- I don't think we're in the right position to  
15 debate the policy of Laundromat use.

16 There is -- there was also no testimony by any  
17 of the public or Staff that this operator or even coin  
18 Laundromats in general, other than Mr. Handa, that they  
19 create a tremendous amount of problems in the  
20 neighborhood. Mr. Plazola talked about the conflicts  
21 between pedestrians and vehicles, but in this  
22 application, on corner of East 12th and Solano, I mean,  
23 Commissioner Galvez is right. There's going to be a  
24 parking lot there. There isn't anyone walking on the  
25 street, because it's mostly auto repair shops, and

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1 unless those auto repair shops go out of business  
2 anytime soon, that area I don't think is going to be  
3 transitioning as quickly as maybe everyone would like,  
4 but -- so I just -- I don't see that compatibility  
5 problem on this application. And the policy  
6 decisions and ideas that are implicated by -- by this  
7 may well very -- may -- may be real and are real, but  
8 they weren't referencing this application.

9 I just want to comment -- Mr. Plazola and I  
10 went back and forth on whether or not there's an analogy  
11 between what we are doing in the central business  
12 district with a temporary conditional use permit and  
13 asking an applicant to wait to pursue that application  
14 and this and waiting because, in some period of time,  
15 let's just agree to disagree. Could be as soon as two  
16 weeks before we're going to hear. It could be longer.

17 Quite honestly, I see them as very different.  
18 In one case, we made a policy decision as a board that  
19 we weren't going to allow surface parking lots in our  
20 central business district. Then Staff came forward to  
21 us with their idea about a temporary conditional use  
22 permit, which we didn't particularly like at ZUC, and  
23 then the application was brought forward, and then Staff  
24 was going to give them a negative recommendation, and  
25 they pulled it -- Staff asked.

1           In this case, we made a determination to allow  
2 it. In fact, it's allowed by right, and Council passed  
3 an ordinance which says it's still allowed  
4 conditionally. As far as I can say, all they say is, it  
5 should be the subject of a major conditional use permit,  
6 and that's what we're doing tonight. So I don't want  
7 to -- I've already belabored it.

8           I think I'm looking at it -- I'm looking at  
9 this application on the four corners of this particular  
10 location, and I don't see anything in the record that  
11 would allow us not to make the findings. I -- I -- I've  
12 never -- I've never heard this commission discuss an  
13 impact on a competitor as a -- as a reason for not  
14 making a conditional use finding. It's just bad policy,  
15 so I'm going to support the application.

16           CHAIR HUNTSMAN: Thank you, Vice Chair Boxer.

17           I will certainly be, hopefully, two things:  
18 clear and brief. I -- I want to be clear that, you  
19 know, this body does not -- our intention is not to wait  
20 on policy of City Council or other -- we have to deal  
21 exactly with what's in front of us. What's in front of  
22 us is a land use issue that's permitted. We also have  
23 an Applicant that has actually been a -- is an  
24 experienced vendor and has -- has been -- even  
25 opposition has said runs a very good operation.

1 I -- and -- and -- and I'm very familiar with  
2 the area. I drove the site as well. I could see a  
3 significant saturation, but it wasn't Laundromats that I  
4 saw. I -- I also believe it's important that we don't  
5 minimize the fact that a Laundromat is one use in a  
6 large facility with multiple opportunities for growth.  
7 I don't know why -- oh, I know why. It's -- you know, I  
8 mean, I -- I have my own ideas why, but it would seem  
9 that some of the business community that spoke very,  
10 very passionately about limiting this one use really  
11 didn't say anything about the opportunity for other  
12 multiple uses that this facility or application would  
13 bring to the area. I would be in agreeance that I don't  
14 see this area, you know, turning as fast as we'd all  
15 like, you know, but I see this being a turn certainly in  
16 the right direction.

17 I -- the rendering that is before us is --  
18 it's a very nice-looking facility that was thoughtfully  
19 designed, and -- and it was actually the -- the scape of  
20 other adjacent -- other properties were considered,  
21 and -- and, also, it was considered that it was viewed  
22 from the highway. I -- I don't see anything that  
23 would -- and I'm not going to get into the surface  
24 parking issue, because, you know, I -- I -- I -- I don't  
25 see the parallel.

1 I -- I -- I do want to say again that, you  
2 know, it just -- it's not good policy for us to wait on  
3 a process on a policy to make a decision on an  
4 application that's before us. We have to deal with what  
5 comes before us in the sequence in which they come  
6 before us. You know, we don't say, because, you know,  
7 there's something over here that may happen in two  
8 weeks, two months, two years, we're going to wait on  
9 that because there's a possibility. This application is  
10 very tangible, and there are some real implications with  
11 delaying the process. It's very extenuous to move  
12 through this process, and we believe the -- I believe  
13 Staff has certainly got -- got it right. I will support  
14 this project, and I look forward to seeing it come into  
15 fruition.

16 So, with that, Mr. Miller, would you call the  
17 vote.

18 Oh, is there a motion? I'm sorry. It seems  
19 like we've already voted, but is there a motion?

20 COMMISSIONER TRUONG: I'd like to move that we  
21 affirm the Staff's environmental determination and  
22 approve the conditional use application subject to the  
23 attached findings and conditions of approval.

24 COMMISSIONER GIBBS: Second.

25 CHAIR HUNTSMAN: Is there a second?

1 Call the vote, please, Mr. Miller.  
2 MR. MILLER: Commissioner Gibbs.  
3 COMMISSIONER GIBBS: Yes.  
4 MR. MILLER: Commissioner Truong.  
5 COMMISSIONER TRUONG: Yes.  
6 MR. MILLER: Commissioner Colbruno.  
7 COMMISSIONER COLBRUNO: Yes.  
8 MR. MILLER: Commissioner Galvez.  
9 COMMISSIONER GALVEZ: Yes.  
10 MR. MILLER: Vice Chair Boxer.  
11 VICE CHAIR BOXER: Yes.  
12 MR. MILLER: Chair Huntsman.  
13 CHAIR HUNTSMAN: Yes.  
14 MR. MILLER: This item passes by a vote of six  
15 to zero, and it is appealable to the City Council within  
16 10 days.  
17 CHAIR HUNTSMAN: Thank you.  
18 (The proceedings were concluded at  
19 approximately 8:10 p.m.)  
20 ~\*oOo\*~  
21  
22  
23  
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25

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APPROVED AS TO FORM AND LEGALITY

K. Jarn  
DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**A RESOLUTION DENYING THE APPEAL (A10-125), THEREBY UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE A MAJOR CONDITIONAL USE PERMIT AT 1500 E. 12<sup>TH</sup> STREET TO ESTABLISH A SELF-SERVE LAUNDROMAT (CONSUMER SERVICE COMMERCIAL ACTIVITY) (PLANNING CASE FILE NO. CM10-065)**

**WHEREAS**, the applicant Phil Do (the "Applicant"), filed an application on March 10, 2010 for a Major Conditional Use Permit (the "Application"), in accordance with City of Oakland Emergency Ordinance No. 12972 (the "Emergency Ordinance"), to establish a Self-Serve Laundromat (Consumer Service Commercial Activity) (the "Project"); and

**WHEREAS**, the aforementioned Application was deemed to be complete by the City of Oakland on April 9, 2010; and

**WHEREAS**, the City Planning Commission held a duly noticed public hearing, took oral and written testimony and considered the matter at its meeting held May 5, 2010, and at the close of the public hearing it voted (6-0) to determine that the Project is categorically exempt from the California Environmental Quality Act and to approve the Project, subject to conditions of approval; and

**WHEREAS**, on May 17, 2010, an appeal of the Planning Commission's decision to approve the Project (the "Appeal") was filed by Bruce Vuong, Bill Phua, Ramesh Patel, Louis Lam, Nancy Chung, and Enoch Shin, ("Appellants"); and

**WHEREAS**, after the filing of the Appeal and prior to the City Council hearing on the Appeal, three of the Appellants (Bruce Vuong, Louis Lam and Nancy Chung) withdrew in writing from the Appeal such that only Bill Phua, Ramesh Patel, and Enoch Shin remain as Appellants; and

**WHEREAS**, Appellants failed to exhaust their administrative remedies because they did not (nor did anyone else) present to the Planning Commission at or prior to the May 5, 2010 public hearing on the Project the specific objections they now raise in the Appeal, even though

the Notice of such hearing expressly required that "[i]f you challenge a Commission decision in court, you will be limited to issues raised at th[is] public hearing or in correspondence delivered . . . at, or prior to, the public hearing." Thus the Appeal raised for the first time the specific objections to the Project when such objections are required to have been raised before the Planning Commission in order to be considered as part of an appeal; and

**WHEREAS**, after giving due notice to the Appellants, the Applicant, all interested parties, and the public, the Appeal came before the City Council in a duly noticed public hearing on July 20, 2010; and

**WHEREAS**, the Appellants, Applicant and all other interested parties were given the opportunity to participate in the public hearing by submittal of oral and written comments; and

**WHEREAS**, The City Council independently finds and determines that this Resolution complies with CEQA, as the Project is categorically exempt from the California Environmental Quality Act ("CEQA"), pursuant to, without limitation, CEQA Guideline Section 15301, 15332, and Section 15183, "Projects Consistent with a Community Plan, General Plan or Zoning" of the State CEQA Guidelines; and

**WHEREAS**, the public hearing on the Appeal was closed by the City Council on July 20, 2010; now, therefore, be it

**RESOLVED:** That the City Council, having independently heard, considered, and weighed all the evidence in the record presented on behalf of all parties and being fully informed of the Project and the Application, the Planning Commission's decision, and the Appeal, finds that the Appellant has **not** shown, by reliance on evidence in the record, that the Planning Commission's decision was made in error, that there was an abuse of discretion by the Commission, and/or that the Commission's decision was not supported by sufficient, substantial evidence in the record. This decision is based, in part, on the July 20, 2010, City Council Agenda Report and the May 5, 2010, Approved Planning Commission Report, which are hereby incorporated by reference as if fully set forth herein. Accordingly, the Appeal is denied, the Planning Commission's decision approving a Major Conditional Use Permit for the Project to establish a Self-Serve Laundromat (Consumer Service Commercial Activity) required by the Emergency Ordinance and the Oakland Planning Code, is upheld and the Application is approved; and be it

**FURTHER RESOLVED:** That the Project is exempt from CEQA for the reasons set forth in the foregoing Recitals. The Environmental Review Officer as defined in Code Section 17.158.090 is directed to cause to be filed a Notice of Exemption with the appropriate agencies; and be it

**FURTHER RESOLVED:** That, in further support of the City Council's decision to deny the Appeal and approve the Project, the City Council affirms and adopts as its findings and determinations (i) the July 20, 2010, City Council Agenda Report including without limitation the discussion, findings, conclusions and conditions of approval (each of which is hereby separately and independently adopted by this Council in full), and (ii) the May 5, 2010, Approved City Planning Commission Report, including without limitation the discussion

findings, conclusions and conditions of approval (each of which is hereby separately and independently adopted by this Council in full), except where otherwise expressly stated in this Resolution; and be it

**FURTHER RESOLVED:** That the City Council, separately and independently, denies the Appeal because the Appellants failed to exhaust their administrative remedies; and be it

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

1. the Project Application, including all accompanying maps and papers;
2. all plans submitted by the Applicant and his representatives;
3. all final staff reports, decision letters and other documentation and information produced by or on behalf of the City.
4. all oral and written evidence received by the City staff, Planning Commission and City Council before and during the public hearings on the Project and Appeal, including without limitation the transcript of the May 5, 2010 Planning Commission hearing on the Project;
5. all matters of common knowledge and all official enactments and acts of the City, such as (a) the General Plan and the General Plan Conformity Guidelines; (b) Oakland Municipal Code, including, without limitation, the Oakland real estate regulations, (c) Oakland Fire Code; (d) Oakland Planning Code; (e) other applicable City policies and regulations; and, (f) all applicable state and federal laws, rules and regulations; and be it

**FURTHER RESOLVED:** That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: (a) Community & Economic Development Agency, Planning & Zoning Division, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA.; and (b) Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1<sup>st</sup> floor, Oakland, CA; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California

**LEGAL NOTICE:**

**ANY PARTY SEEKING TO CHALLENGE THIS FINAL DECISION IN COURT MUST DO SO WITHIN NINETY (90) DAYS OF THE DATE OF THE ANNOUNCEMENT OF THIS DECISION, PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 1094.6, UNLESS A SHORTER PERIOD APPLIES.**