



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 NOV 15 AM 9:39

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: William A. Gilchrist
Director, PBD

SUBJECT: Rezoning of 601 MacArthur Boulevard

DATE: November 5, 2018

City Administrator Approval

Date:

11/15/18

RECOMMENDATION

Staff Recommends That The City Council Conduct A Public Hearing And, Upon Conclusion, Consider Adopting, As Recommended By The Oakland City Planning Commission: 1) An Ordinance To Rezone Three Vacant Parcels Located At 601 MacArthur Boulevard From The RM-3 Mixed Housing Type Residential Zone To The RU-2 Urban Residential Zone; And 2) Related California Environmental Quality Act (CEQA) Findings.

EXECUTIVE SUMMARY

The applicant proposes to rezone three vacant parcels located at 601 MacArthur Boulevard from the RM-3 Mixed Housing Type Residential Zone (RM-3 Zone) to the RU-2 Urban Residential Zone (RU-2 Zone). The rezoning would affect an existing 20,478 square foot corner property, comprised of three parcels, located at the intersection of MacArthur Boulevard and Wesley Avenue. The purpose of the rezoning is to increase the allowable density. In the existing RM-3 zone, up to 14 residential units would be conditionally permitted. In the proposed RU-2 Zone, up to 25 residential units would be outright permitted. The proposal is to extend the adjacent RU-2 zoning approximately 130 feet east along MacArthur Boulevard.

The proposal to rezone to the RU-2 Zone would allow the affected property to change from a low-density to a medium-density zone to accommodate planned residential development. The proposal would create a zoning transition between the medium-density RU-3 residential zone to the west, and the lower-density RM-3 Zone to the east of the project. The surrounding properties have a mix density that ranges from four residential units up to 32 residential units, located along MacArthur Boulevard and Wesley Avenue.

BACKGROUND / LEGISLATIVE HISTORY

On December 20, 2017, the Planning Commission conducted a public hearing, and heard public testimony in support of the application. The Planning Commission voted 4-0 to recommend the application move forward to the City Council for adoption of the California Environmental Quality

Item: _____
City Council
November 27, 2018

Act (CEQA) findings and approval of the rezoning, subject to the findings and conditions of approval. The Planning Commission finds that the building size and density are appropriate for this site. The Planning Commission also supports a front yard setback variance. The Planning Commission supports the proposed building being built closer to the street because it relates to the existing pattern of urban design found on the proximity of MacArthur Boulevard. The Planning Commission also recommended that the application be heard by the Design Review Committee (DRC) prior to the City Council. The DRC believed that further development was needed to improve the building facades, balconies and colors (**Attachment A**).

On January 31, 2018, the DRC conducted a public hearing and supported the design revisions, finding that the building facades had more articulation and the colors were better composed. The Committee then recommended that the application move to the City Council for final determination.

ANALYSIS AND POLICY ALTERNATIVES

The project proposal would rezone the 20,478 square foot vacant property from the RM-3 Zone to the RU-2 Zone. The proposal would create and enhance the development of multi-unit residential buildings in an area that has transportation accessibility. The property is also located along MacArthur Boulevard, a designated key corridor and travel link that supports the intensification of residential development. The combination of medium-and high-density zones, residential facilities and concentration of nearby commercial neighborhoods reflect the intent of the higher-density RU-2 Zone.

The rezoning proposal would:

- 1) Create a transition between the high-density and low-density zones located to the west and east of the project site respectively;
- 2) Intensify and allow a mix of residential units similarly to nearby properties located to the west of MacArthur Boulevard;
- 3) Relate to previous Planning permits that were granted for similar residential projects; and
- 4) Increase the supply of new housing, which is considered a high priority.

FISCAL IMPACT

The rezoning does not have a fiscal impact because the site is privately owned and will not require or result in direct costs to the City. Furthermore, it is possible that the rezoning could result in a positive fiscal impact as the parcels would be merged into one and allow the development of 25 new additional residential units.

PUBLIC OUTREACH / INTEREST

The project rezoning and development proposal was publicly noticed for a Planning Commission meeting. Public Notices were sent to all property owners within a 300-foot radius

Item: _____
City Council
November 27, 2018

from the property and to interested parties. In addition, a public notice ad was placed in the local newspaper at least 17-days prior to the meeting, and a public notice sign was posted on the site (**Attachment C**). The proposal was considered at a public hearing before the Planning Commission on December 20, 2017. No public comments were received in opposition to the project. Thereafter, the Planning Commission recommended the application be forwarded for final review and determination to the City Council. Consideration by City Council was noticed to the local newspaper on November 9, 2018.

COORDINATION

This staff report was reviewed by different City Departments including the Planning & Building Department's Bureau of Planning, the City Attorney's Office, the Finance Department, and the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic: The proposed rezoning will likely result in a positive fiscal impact because the long time vacant property would be developed with medium-density multi-family residential dwellings.

Environmental: The proposed rezoning will meet the intent of the RU-2 Urban Residential Zone because it would create and enhance residential development in medium-density areas. The proposal would also enhance the urban setting because the site will be located on MacArthur Boulevard, a major thoroughfare with good access to transportation.

Social Equity: The proposed rezoning will contribute to the supply of much-needed residential units and will provide housing opportunities for Oakland residents. The project would improve the vacant site with a building design that will be appealing, and enhance the public safety, security and appearance of the neighborhood. The improvements will include new street trees planted in front of the property along MacArthur Boulevard and Wesley Avenue.

CEQA

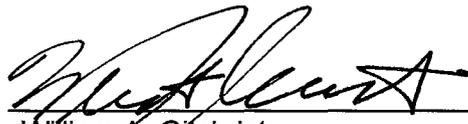
The project proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use Transportation Element (LUTE) 1998. On a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Section 15183: "Projects Consistent with a Community Plan, General Plan or Zoning"; 15332 "Infill Development" and 15303 "New Construction".

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council conduct a public hearing and, upon conclusion, consider adopting, as recommended by the Oakland City Planning Commission: 1) An Ordinance To Rezone Three Vacant Parcels Located At 601 MacArthur Boulevard From The RM-3 Mixed Housing Type Residential Zone To The RU-2 Urban Residential Zone; And 2) Related California Environmental Quality Act (CEQA) Findings.

For questions regarding this report, please contact the project case Planner, Mike Rivera at (510) 238-6417.

Respectfully submitted,



William A. Gilchrist
Director, Department of Planning and Building

Reviewed by:
Ed Manasse, Deputy Director
Bureau of Planning

Prepared by:
Mike Rivera, Planner II
Bureau of Planning/Major Projects

Attachments (3):

- A: *December 20, 2017 Planning Commission Staff Report including Findings for Approval and Conditions of Approval (without attachments)*
- B: *Site Maps*
- C: *Public Notices*

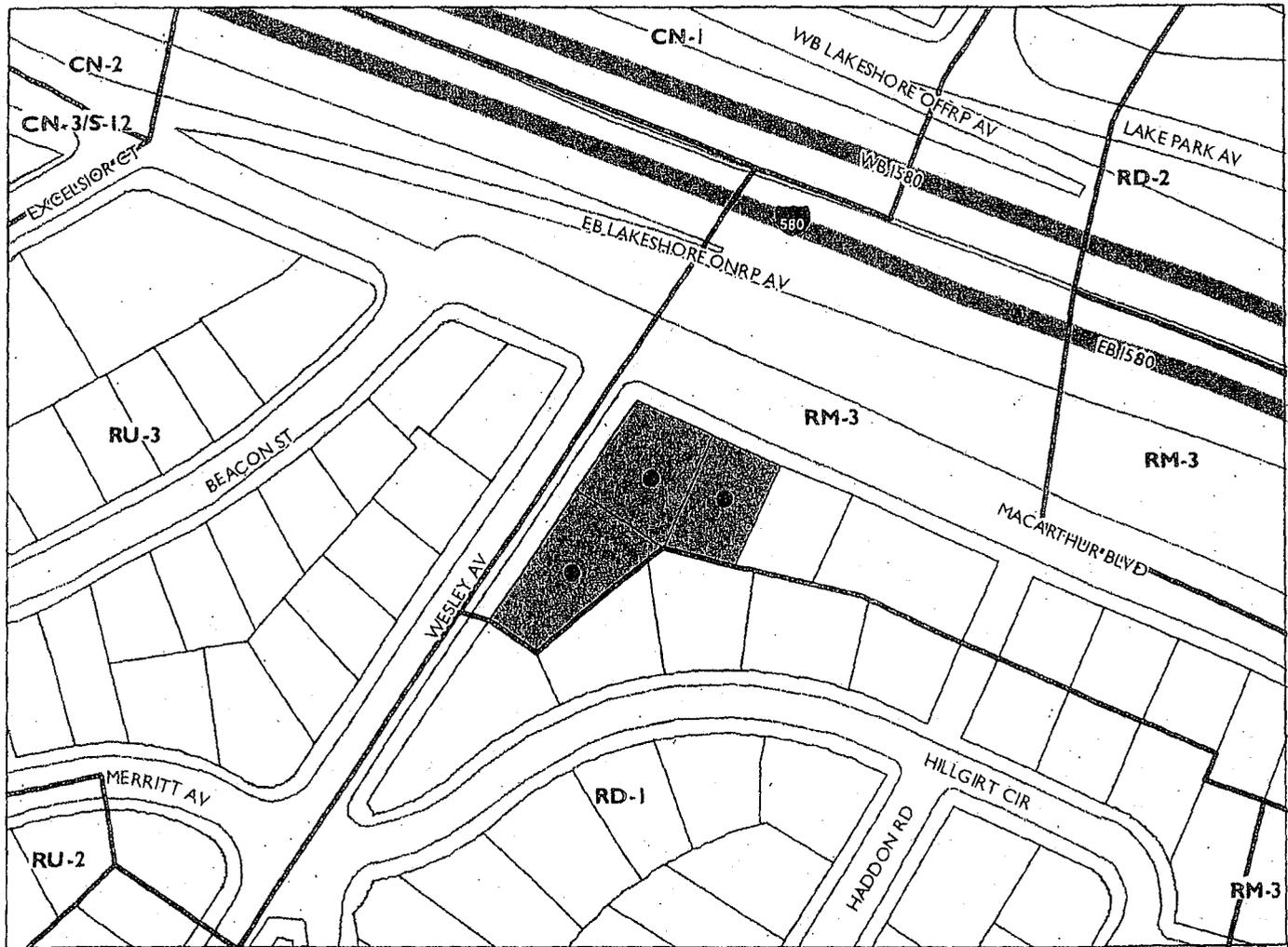
Item: _____
City Council
November 27, 2018

Project Location:	601 MacArthur Boulevard (the vacant parcel is located at the southeast corner of Wesley Avenue).
Assessor's Parcel No:	023 042700200, 023 042700100, 023 042700803
Development Proposal:	To rezone vacant property from residential RM-3 zone to residential RU-2 zone, construct a four-story 25-unit residential building with an underground parking garage, and subdivision for residential condominiums and merging lots into one.
Project Applicant / Phone Number:	James Branch / (415) 678-0427
Property Owner:	Yila Properties
Case File Number:	PLN17281
Planning Permits Required:	1) Rezoning of RM-3 Zone (Mixed Housing Type Residential) to RU-2 Zone (Urban Residential); 2) Regular Design Review for construction of a residential building; and 3) Tentative Parcel Map Subdivision for condominiums and merging lots.
General Plan:	Mixed Housing Type
Zoning District:	RM-3 Mixed Housing Type Residential (existing) RU-2 Urban Residential (proposed)
Environmental Determination/ State CEQA Guidelines:	The project proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element (LUTE) of the 1998 General Plan. On a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections: 15183-Projects Consistent with a Community Plan, General Plan or Zoning; 15332-In Fill Development; and 15303-New Construction
Historic Status:	Non-Historic Property
City Council District:	2
Date Filed:	07/25/17 (revised plans submitted on October 2, 2017)
Action to be Taken:	Receive public comments and (1) Recommend to the City Council approval of the rezoning; (2) Recommend to the City Council approval of the project's planning-related permits; and (3) Recommend to the City Council adoption of staff's environmental determination. All of the Planning Commission's recommendations will automatically be considered by the City Council at a later scheduled date, for its independent review, consideration, and final action, and thus no appeal of these actions is necessary. However, all interested parties must exhaust their administrative remedies by raising any and all issues and/or evidence at this public hearing or in writing received by the Project Planner no later than 4:00 p.m. on December 20, 2017.
For Further Information:	Contact Project Case Planner, Mike Rivera at (510) 238-6417 or by email at mriviera@oaklandnet.com

SUMMARY

The project applicant proposes to rezone a vacant residential parcel and construct a residential building, located at the corner of MacArthur Boulevard and Wesley Avenue. The rezoning would replace the existing RM-3 Mixed Housing Type Residential Zone to RU-2 Urban Residential Zone for the construction of a four-story building with 25 units and an underground parking garage. The proposal includes a subdivision map for new residential condominiums and to merge three vacant parcels into one parcel. A tree removal permit is also required to remove nine trees within the property including

CITY OF OAKLAND PLANNING COMMISSION



0 80 160 320 480 640 Feet



Case File: PLN17281

Applicant: James Branch

Address: 601 MacArthur Blvd (vacant parcel located
at the SE corner of Wesley Ave)

Zone: RM-3 (existing); RU-2 (proposed)

two street trees along Wesley Avenue. The applicant and project development team have indicated to staff that they have conducted outreach to surrounding neighbors and engaged in community meetings to present the proposal and receive feedback. This application is presented to the Planning Commission for a recommendation to the City Council who will make a final determination on the proposal at a future public meeting.

PROJECT SITE AND SURROUNDINGS

The project site is located on a 20,478 square foot property that contains three vacant parcels that will be merged through a subdivision Parcel Map Permit under this application proposal. The property is level in the front, and gently slopes up towards the rear. The residential property has a chain-link fence along its boundary, except for a partial building encroachment within the project site by the neighboring property located at 620 Hillgirt Circle. The development site is bounded by two public streets, two-story and four-story single-family and multi-unit residential buildings. To the west and north of Wesley Avenue and MacArthur Boulevard, the property fronts I-580 freeway. The AC Transit 57 and 29 bus lines travel along MacArthur Boulevard and has a bus stop in front of this property. The east-bound/west-bound freeway ramps for I-580 are located within distance from the proposed project. The project is also near the Lakeshore Avenue neighborhood commercial district and Lake Merritt.

PROPERTY BACKGROUND

In 1991 and 2002, two separate Planning development permits were approved by the Planning Commission. The 1991 development project was for the construction of a 34-unit residential facility. The 2002 development project was also for the construction of a 32-unit residential facility. Subsequently, the applicant for these two approved residential projects was not able to complete the projects and the building permits expired. Eventually, the vacant property was sold and is currently owned by the new project applicant who is seeking to construct a 25-unit residential facility.

PROJECT DESCRIPTION

The applicant proposes to change the zoning designation of the property from RM-3 Residential Zone to RU-2 Residential Zone. The applicant's request to rezone the subject property to an RU-2 zone is for a higher density development. The existing RM-3 zone on this property allows up to 14 residential units with a Conditional Use Permit. The proposal to rezone the property to the RU-2 zone would allow outright for the construction of 25 residential units (11 additional units). The property is surrounded to the east by an RM-3 Zone, to the south and up the hillside by an RD-1 Zone and to the west by an RU-3 Zone (across Wesley Avenue). To the north and directly across MacArthur Boulevard, the property fronts I-580 freeway that is in the RM-3 Zone. To the west, the RU-3 zone with its mix of higher density facilities and the proposed RU-2 zone at this corner site it would create a transition zone with the lower density properties to the east along MacArthur Boulevard.

The proposal includes the construction of a four-story 25-unit residential condominium with a semi-underground parking garage. The building footprint would cover more than seventy-five percent of the parcel, except for new outdoor areas and landscaping around the building. The proposal will contain a mix of two-bedroom and three-bedroom units measuring from 950 square feet to approximately 1,800 square feet. The main entry to the residential building will be in the middle of Wesley Avenue. The parking garage with its recessed automatic swing door will be accessed from MacArthur Boulevard. The parking garage will provide a total of 33 parking spaces including 20 spaces on a rotating parking lift system. The garage will also contain a residential storage, trash/recyclable room, bicycle storage and

utility rooms. The proposed project includes a mix of new landscaping and hardscape (plans dated September 26, 2017) that range from 24-inch to 36-inch size box trees, 5-gallon shrubs, 1-gallon groundcovers, bio-retention raised planters, located within and around the property including nine street trees along MacArthur Boulevard and Wesley Avenue.

The development proposal includes a subdivision map to merge the existing three vacant parcels into one parcel and for new residential condominiums. Because the proposed building can't cross over the existing property lines of its main Parcels 5, 6 and 7 and includes air rights for ownership of the proposed condominiums, a Tentative Parcel Map Subdivision (TPM10691) permit is required as part of this application. The City Surveyor and City Engineer have reviewed and provides preliminary comments for the applicant to meet prior to the submittal of a Final Map and Building permits. The property will also be subject to a project condition for Covenants, Conditions and Restrictions (CC&Rs) when a final determination is made by the City.

GENERAL PLAN ANALYSIS

The development site is located in the Mixed Housing Type Residential Use Classification of the Oakland General Plan Land Use and Transportation Element (LUTE). The intent of the Mixed Housing Residential Use is "to create, maintain and enhance residential areas typically located near the City's major arterials and characterized by a mix of single family homes, townhouses, small multi-unit buildings and neighborhood business where appropriate. The desired character and uses for future development should be primarily residential with live-work types of development and small commercial enterprises. The development of single family homes, townhouses and small multi-unit buildings is allowed in this classification. In general, the proposal will create and enhance the desired character of the Mixed Housing Type Residential Classification by developing a multi-unit residential facility on an underutilized vacant property. The project will be located along an arterial street, MacArthur Blvd., surrounded by a mix of residential buildings and close to neighborhoods businesses near Lake Shore Avenue, thus keeping with the intent of the General Plan. Listed below are the General Plan Policies applicable to the proposal:

Policy N3.1 / Facilitating Housing Construction: *Facilitating the construction of housing units should be considered a high priority for the City of Oakland.*

The proposal will facilitate the new construction of 25 residential units on a vacant site that has been underutilized close to 30 years. The project development will provide the much needed housing to meet population growth, especially in urban areas such as Haddon Hills in the San Antonio District area.

Policy N3.2 / Encouraging Infill Development: *In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.*

The project is located in a mix residential area, near public transit, regional transportation facility and neighborhood businesses. The development is for the construction of different size of residential units and for households with a range of income in an urbanized area that will be in character with the neighborhood.

Policy N3.8 / Required High-Quality Design: *High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.*

The project is designed to manage scale and mass that results with a cohesive urban design. The building contains high quality and interesting materials, finishes, details and landscaping to provide visual interest at this underutilized vacant site.

Policy N3.9: Orienting Residential Development. Residential development should be encouraged to face the street and to orient their units to desirable sunlight and view, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.

The project faces two different streets and the building is designed for the residential units to get the desirable sunlight. The proposal contains a multi-story building layout that provides reasonable distance to the abutting properties to maintain reasonable sunlight and privacy. The proposal includes open space for outdoor uses and includes landscaping to minimize potential noise issues to surrounding properties.

Policy N3.10: Guiding the Development of Parking. Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized.

The project provides off-street parking more than what is required and is conveniently located within the property. The proposal includes a semi-underground parking garage that minimizes its visibility from the surrounding properties and street. New landscaping around the garage will provide screening from view.

Policy N6.1: Mixing Housing Types. The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of income.

The project will provide a mix of housing types that range from two-bedroom to three-bedroom units of different sizes and would be appropriate for households of different incomes and needs.

Policy N6.2: Increased Home Ownership. Housing developments that increase home ownership opportunities for households of all incomes are desirable.

The project will develop 25 residential condominiums that would allow first-time households the opportunity to own any of the mixed type of two or three bedroom units.

Policy N7.1: Ensuring Compatible Development. New residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design and existing or desired character of surrounding development.

The project will provide new residential dwellings in the Mixed Housing Type area where a mix of different unit size is encouraged. The building contains architectural elements to provide scale and design appeal as desired in an area where similar properties fall within the character of the urban neighborhood.

Policy N7.8: Coordinating Covenants, Conditions and Restrictions.

The project applicant will be subject and required to submit to the City a copy of the property CC&Rs that binds a common interest ownership for the project development that regulates uses, aesthetics and

maintenance of the property. The CC&Rs will be prepared, managed and enforced by the homeowner's association (HOAs) of the subject property.

ZONING DESIGNATION

The applicant requests to rezone the RM-3 zone property to a RU-2 zone for the construction of 25 residential units. The intent of the RU-2 zone is to create, maintain, and enhance areas of the City that are appropriate for multi-unit, low-rise residential structures and neighborhood businesses where appropriate in locations with good access to transportation and other services. The table below summarizes the existing and proposed zoning requirements including the development standards for the project:

Development Standards	RM-3 (existing zone)	RU-2 (proposed zone)	Project Proposal
Minimum Lot Area	4,000 sq. ft.	4,000 sq. ft.	20,478 sf
Minimum Lot Width Mean	25 ft.	25 ft.	65 ft.
Minimum Lot Frontage	25 ft.	25 ft.	127 ft.
Maximum Residential Density	1 unit per 1,500 sf of lot area with a CUP *	1 unit per 800 sf of lot area	25 units
Minimum Front Setback	15 ft.	10 ft.	10 ft.
Minimum Interior Setback	4 ft.	4 ft.	5 ft.
Minimum Street Side Setback	4 ft.	4 ft.	4 ft.
Minimum Rear Setback	15 ft.	15 ft.	15 ft.
Maximum Lot Coverage	50%	N/A	N/A
Minimum Building Height	30 ft.	50 ft.	50 ft.
Minimum Parking Spaces per Unit	1 space	1 space	33 spaces
Minimum Bicycle Parking-buildings with over three residential units			
Long Term:	N/A	6 spaces	10 spaces
Short Term:	N/A	1 space	2 spaces

* Conditional Use Permit (CUP)

KEY ISSUES

Rezoning

The proposal to rezone the property from RM-3 zone to the RU-2 zone keeps with the intent of Urban Residential zone by creating and enhancing areas for multi-units in low-rise or mid-rise residential buildings in areas with high densities and in desirable settings with good access to transportation and other services. Given that the size of the 20,478 square foot corner parcel where one residential unit per 800 square feet of lot area is allowed, the proposal would be consistent with the context of the area along and near MacArthur Boulevard. As a transitional area from the higher density of the RU-3 zone to the west, the MacArthur Boulevard as a designated Key Corridor, the mix pattern of medium and few higher density properties interspersed to the east and the concentration of nearby neighborhood commercial areas, the proposal reflects the intent of the RU-2 zone. The project would be in character with the intensification of the area and would reuse an underutilized property that has been vacant close to 30 years. The proposal will be served by MacArthur Boulevard and I-580 as a link and major thoroughfare

for travel between different areas of the City. Also, the concentration of commercial uses in the immediate surroundings are desirable settings to the success for a higher density residential development.

Building Design

The development proposal contains architectural elements to manage building mass by applying a variety of roof and wall planes, floor-to-ceiling bay windows, inward angled upper walls, recessed balconies with tempered glass railings, mix of window pattern, and materials such as cast concrete with wood form boards, stained cedar siding, painted cement plaster, aluminum panels, horizontal metal fencing, vibrant colors and a mix of interesting landscaping along the streets and within the courtyards of the property. Overall, the proposed contemporary building design provides architectural features that create a rhythm pattern and an attractive design to relate to the context of similar urban multi-story residential buildings. The development proposal contributes to the best qualities for an urban setting, and meets the vision of the City's General Plan for growth and change in residential areas and near the City's major arterials.

CONCLUSION

Staff believes that the project proposal meets the primary goal of providing new residential housing and an attractive design on an underutilized site that has been vacant for a long time. The current proposal conforms to the City's General Plan Policies and the RU-2 zoning standards by creating and concentrating residential development in higher densities and within transit corridors which is a critical success in an urban setting. Staff determines that the proposed development application meet the required findings (See Attachment A), and recommends approval and forward the project to the City Council for final determination, subject to the Conditions of Approval. (See Attachment B)

RECOMMENDATION FOR PLANNING COMMISSION:

Staff recommends that the Planning Commission:

1. Recommend to the City Council adoption of staff's environmental determination;
2. Recommend to the City Council approval of the project's Planning permits for Regular Design Review and Tentative Parcel Map Subdivision, subject to the conditions and findings contained in this staff report; and
3. Recommend to the City Council approval of the rezoning from RM-3 to RU-2, subject to the requirements and findings contained in this staff report.

Prepared by:



Mike Rivera
Planner II, Major Projects Development
Bureau of Planning

Reviewed by:



Robert D. Merkamp
Development Planning Manager
Bureau of Planning

Approved for forwarding to the
City Planning Commission:



Darin Ranelletti, Deputy Director
Bureau of Planning

ATTACHMENTS

- A. Project Findings
- B. Conditions of Approval
- C. Revised Design Plans, submitted on October 2, 2017
- D. City Surveyor and City Engineer Memorandums, dated November 9th and October 19th 2017

ATTACHMENT A

SECTION 17.136.050 (A) DESIGN REVIEW FINDINGS

1. **That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures.**

The proposal relates to the site configuration by following the topography, and with its footprint stepping up to the rear hillside. The multi-level building manages mass through the use of different roof and wall planes, bay windows, recessed balconies, window patterns and stepped front planters. The design incorporates quality materials to emphasize the contemporary style of the building by using cast concrete with wood form boards, stained cedar siding, painted cement plaster, aluminum panels, horizontal metal fencing and vibrant colors.

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

The proposal will enhance the neighborhood setting by creating a well-designed multi-story residential facility along MacArthur Boulevard. The project contains interesting architectural elements and will contribute to the enhancement of the urban setting context. The building is designed to break up mass by applying different roof and wall planes to reduce visual scale.

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

The development will require some grading towards the rear of the property to accommodate the building. The proposal includes a Tree Permit to remove trees within the property and in the public right-of-way. As part of the development, the proposal contains a mix of new landscaping such as street trees, raised bio-retention planter boxes in front of building including a mix of trees, shrubs, groundcover and hardscape in the courtyards and around the property.

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

The development proposal is designed to gently slope towards the rear of the property. The project is designed to break up building mass through the use of roof and wall articulation and design features.

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

The development conforms in all respects to the Oakland General Plan and is consistent with the City's policy framework for providing infill project for residential development in an underutilized vacant site. The project proposal will facilitate with new additional housing in economically viable neighborhoods. The development meets the Design Review guidelines per the above design findings.

SECTION 15332- STATE CEQA GUIDELINES FOR IN-FILL DEVELOPMENT PROJECTS

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

The proposal is compatible with the general plan and consistent with the applicable general plan policies because the project fits with the desired character and uses for multi-unit buildings in an urbanized area. The proposal relates to the classification of Mixed Housing Type Residential as it would meet the intent for creating new units and enhancing an undeveloped site that is close to corridors and neighborhood commercial areas. The project would also meet with the development standards and designation of the proposed RU-2 zone regulations.

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

The development proposal takes place within the City limits and the entire site measures approximately 20,478 square feet in area. The project is located near multi-family housing of various densities to the east and west and is within proximity to neighborhood commercial urban uses.

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

The development is on a site that has been previously developed for residential uses and is also located in an urban area with similar density properties. The proposal is also located in a traditional lower density neighborhood and is across the street from the I-580 freeway. The proposal does not pose a value for habitat to endangered, rare or threatened species.

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

The development proposal for 25 residential units would not significantly affect traffic because the project does not exceed the threshold for the development of a transportation analysis. Given that the project meets more than the required off-street parking regulations and is located near public transportation (AC transit), staff does not anticipate traffic issues. The proposal will also be subject to the implementation of the standard conditions of approval that are related to construction management, air and water quality including noise reduction measures.

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

The development proposal is located in an urbanized area that contain a mix of multi-family facilities and relies on the grid system of the City and utility entities. The redevelopment of the vacant residential zoned property can be served by existing and/or new improved utility and public services as deemed necessary by the City and/or any appropriate agencies.

SECTION 16.08.030 – TENTATIVE MAP FINDINGS (Pursuant to California Government Code Section 66474, Chapter 4 of the Subdivision Map Act).

1. **That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.**

The subdivision proposal is consistent with the General Plan as the project will provide the density that conforms with the proposed zoning district. The project will create 25 residential dwelling units that is compatible with the densities in the surrounding mixed-housing and urban type residential.

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

The subdivision proposal for 25 new residential condominiums meets the required findings for design review, and is consistent with the Policies of the General Plan for constructing new housing and providing ownership opportunities to first-time home buyers.

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

The project site is physically suitable for a condominium development because it will meet the subdivision regulations, and will be subject to all of the requirements from the City Surveyor, Building, Fire and Public Work Divisions including any other applicable city divisions.

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

The proposal will be subject and meet all applicable development regulations. The requested number of residential units meets the maximum density allowed by the new RU-2 Zoning District.

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

The proposal is located in an urbanized area where similar residential facilities exist. The residential condominium development would not cause any significant environmental damages to fish or wildlife habitat because the site has already been developed and there are no signs of habitat.

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

The subdivision proposal for residential condominium on this vacant parcel is not likely to cause serious public health problems because based on information provided by the applicant, the site is not known to have any contaminated soils or other toxic substances that would pose a threat to public health.

7. **That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to**

easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

The subdivision proposal for new residential condominiums will not conflict with public easement because any alterations to existing utility easements will require review and determination by the City Engineer and other governmental entity and upon prior final map approval and recordation.

8. Lot design shall be consistent with the provisions of Section 16.04.010, Purpose, and the following provisions:
- A. No lot shall be created without frontage on a public street.
 - B. The side lines of lots shall run at right angles or radially to the street upon which the lot fronts, except where impractical by reason of unusual topography.
 - C. All applicable requirements of the zoning regulations shall be met.
 - D. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding.
 - E. Lots shall be designed in a manner to preserve and enhance natural out-croppings of rock, specimen trees or group of trees, creeks or other amenities.

The development proposal for a Tentative Parcel Map will merge three parcels and will result with a new single parcel subdivision for 25 residential units as a condominium project. Therefore, this application does not require any changes to the lot configuration and will have street frontage.

SECTION 16.24.040- LOT DESIGN STANDARDS

- A. No lot shall be created without frontage on a public street, as defined by Section 16.04.030, except:
- 1. Lots created in conjunction with approved private easements.
 - 2. A single lot with frontage on a public street by means of a vehicular access corridor provided that in all cases the corridor shall have a minimum width of twenty (20) feet and shall not exceed three hundred (300) feet in length. Provided further, the corridor shall be a portion of the lot it serves, except that its area (square footage) shall not be included in computing the minimum lot area requirements of the zoning district.

This finding is not applicable as the proposal will not create new lots but rather 25 residential condominium units.

- B. The side lines of lots shall run at right angles or radially to the street upon which the lot fronts, except where impractical by reason of unusual topography.

This finding is not applicable as the proposal will not create new lots, but rather residential condominium units.

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

The subdivision proposal for residential condominium development will meet the zoning regulations of the RU-2 Zone as discussed earlier in this staff report.

- D. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area except:**
- 1. Where the area is still considered acreage.**
 - 2. Where a deliberate change in the character of the area has been initiated by the adoption of a specific plan, a change in zone, a development control map, or a planned unit development.**

This finding is not applicable as the proposal will not create new lots, but rather new residential condominium units.

- E. Lots shall be designed in a manner to preserve and enhance natural out-croppings of rock, specimen trees or group of trees, creeks or other amenities.**

This finding is not applicable as the proposal will not create new lots, but rather residential condominium units on a vacant parcel.

ATTACHMENT B

CONDITIONS OF APPROVAL

1. **Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the revised and approved plans received on October 2, 2017, as amended by the following conditions of approval and mitigation measures, if applicable ("Conditions of Approval" or "Conditions").

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

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire within two (2) years from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. **Compliance with Other Requirements**

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

4. **Minor and Major Changes**

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

5. **Compliance with Conditions of Approval**

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the "project applicant" or "applicant") shall be responsible for compliance with all the

Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

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

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project

applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

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

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

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

11. Public Improvements

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

12. Compliance Matrix

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

13. Construction Management Plan

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural

resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

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

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

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.
- e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").
- i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.

15. Exposure to Air Pollution (Toxic Air Contaminants)

a. Health Risk Reduction Measures

Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose one of the following methods:

i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.

- or -

ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:

- Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
- Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).
- Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
- The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.
- Sensitive receptors shall be located on the upper floors of buildings, if feasible.
- Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwood (*Sequoia sempervirens*).
- Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.
- Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.
- Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:

- Installing electrical hook-ups for diesel trucks at loading docks.
- Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
- Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.
- Prohibiting trucks from idling for more than two minutes.
- Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

b. *Maintenance of Health Risk Reduction Measures*

Requirement: The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. Construction Days/Hours

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

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

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

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

duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

17. **Construction Noise**

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. **Extreme Construction Noise**

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

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

- i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. *Public Notification Required*

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

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

19. Operational Noise

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

20. Construction Activity in the Public Right-of-Way

a. *Obstruction Permit Required*

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Traffic Control Plan Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

c. Repair of City Streets

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

21. Underground Utilities

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

Project Specific Conditions

22. Public Art for Private Development Condition of Approval

Prior to issuance of Final Certificate of Occupancy and Ongoing

The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one percent (1.0%) for the "non-residential" building development costs. The contribution requirement can be met through the commission or acquisition and installation of publicly accessible art fund, or satisfaction of alternative compliance methods described in the Ordinance. The applicant shall provide proof of full payment of the in-lieu contribution, or provide

proof of installation of artwork on the development site prior to the City's issuance of a final certificate of occupancy for each phase unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval. On-site art installation shall be designed by independent artists, or artists working in conjunction with arts or community organizations that are verified by the City to either hold a valid Oakland business license and/or be an Oakland-based 501(c) (3) tax designated organization in good standing.

23. **Screening of PG&E Transformers, Utility Meters, HVAC or other related Equipment**

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

The applicant shall submit plans for City review and approval that show within the property and not within the public right-of-way the placement and details for screening from public view all exterior PG&E transformers, utility meters, HVAC or any other related equipment.

24. **Final Parcel Map Subdivision for Lot Merge and Residential Condominiums**

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

Prior to the submittal of building permits for the project, the applicant shall file with the City a Final Map subdivision for lot merge and residential condominiums, and shall incorporate all of the prescribed conditions provided by the City Surveyor and City Engineer for final review.

25. **Covenants, Conditions and Restrictions & Homeowner's Association.**

Prior to certificate of occupancy.

The Covenants, Conditions and Restrictions (CC&Rs) for the units shall be submitted to the Planning and Zoning Division for review. The CC&Rs shall provide for the establishment of a non-profit homeowners' association for the maintenance and operation of all on-site sidewalks, pathways, common open space and all common landscaping, driveways, and other facilities, in accordance with approved plans. Membership in the association shall be made a condition of ownership. The developer shall be a member of such association until all units are sold.

26. **Installation of New Street Trees in Front of the Property**

Prior to issuance of a demolition, grading, or building permit to construct/Ongoing

The plans shall indicate a minimum of nine (9) street trees along the frontage of MacArthur Boulevard and Wesley Avenue. Said trees shall meet the City's standard specifications for tree planting of the Public Works/Tree Division.

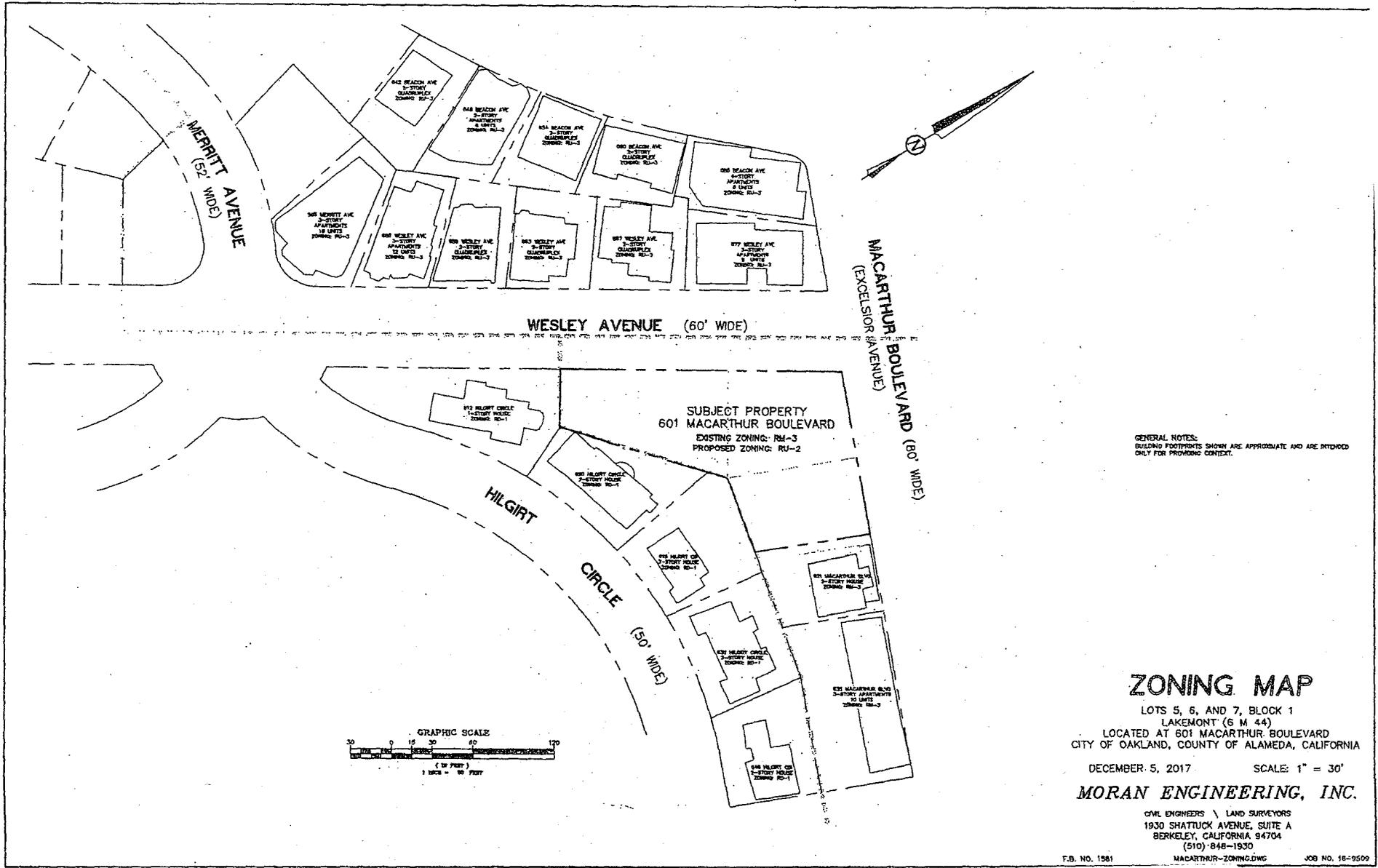
Applicant Statement

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

Name of Project Applicant

Signature of Project Applicant

Date



GENERAL NOTES:
 BUILDING FOOTPRINTS SHOWN ARE APPROPRIATE AND ARE INTENDED
 ONLY FOR PROMOTING CONTEXT.

ZONING MAP

LOTS 5, 6, AND 7, BLOCK 1
 LAKEMONT (6 M 44)
 LOCATED AT 601 MACARTHUR BOULEVARD
 CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA

DECEMBER 5, 2017 SCALE: 1" = 30'

MORAN ENGINEERING, INC.

CIVIL ENGINEERS \ LAND SURVEYORS
 1930 SHATTUCK AVENUE, SUITE A
 BERKELEY, CALIFORNIA 94704
 (510) 848-1930

F.B. NO. 1561 MACARTHUR-ZONING.DWG JOB NO. 16-9509

Attachment B



**CITY OF OAKLAND
BUREAU OF PLANNING**

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031
Phone: 510-238-3911 Fax: 510-238-4730

PLANNING COMMISSION PUBLIC NOTICE

Attachment C

Location:	601 MacArthur Blvd (vacant parcel located at the SE corner of Wesley Ave)
Assessor's Parcel Number(s):	023-0427-002-00; 023-0427-001-00; 023-0427-008-03
Proposal:	To rezone a vacant property from Residential RM-3 zone to Residential RU-2 zone construct a four-story 25-unit residential building with an underground parking garage; and subdivision for residential condominiums and merging lots into one.
Applicant / Phone Number:	James Branch (415) 678-0427
Owner:	Yila Properties
Case File Number:	PLN17281
Planning Permits Required:	1) Rezoning of RM-3 Zone (Mixed Housing Type Residential) to RU-2 Zone (Urban Residential); 2) Regular Design Review for construction of a residential building; and 3) Tentative Parcel Map Subdivision for condominiums and merging lots.
General Plan:	Mixed Housing Type
Zoning:	RM-3 Mixed Housing Type Residential (existing) RU-2 Urban Residential (proposed)
Environmental Determination:	The project proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element (LUTE) of the 1998 General Plan. On a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines sections 15183 – Projects consistent with a Community Plan, General Plan, or Zoning; 15332 – Infill Development; 15303 – New Construction
Historic Status:	Non-Historic Property
City Council District:	2
Date Filed:	07/25/17 (revisions submitted 11/16/17)
Action to be Taken:	Refer project proposal to City Council for final determination
For Further Information:	Contact Case Planner Mike Rivera at (510) 238-6417 or by email at mriviera@oaklandnet.com .

Your comments and questions, if any, should be directed to the Bureau of Planning, 250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, California 94612-2031 at or prior to the public hearing to be held on **December 20, 2017**, at Oakland City Hall, Council Chambers, 1 Frank H. Ogawa Plaza, Oakland, California 94612. The public hearing will start at 6:00 p.m.

If you challenge the Planning Commission decision on appeal and/or in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Bureau of Planning, at, or prior to, the public hearing on this case. If you wish to be notified of the decision of any of these cases, please provide the case planner with a regular mail or email address.

Please note that the description of the application found above is preliminary in nature and that the project and/or such description may change prior to a decision being made. Except where noted, once a decision is reached by the Planning Commission on these cases, they are appealable to the City Council. **Such appeals must be filed within ten (10) calendar days of the date of decision by the Planning Commission and by 4:00p.m.** An appeal shall be on a form provided by the Bureau of Planning, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Case Planner. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the City of Oakland or wherein the decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to file a timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise every issue that is contested along with all the arguments and evidence previously entered into the record prior to or at the public hearing mentioned above. Failure to do so will preclude you from raising such issues during the appeal hearing and/or in court.

POSTING DATE: December 1, 2017

IT IS UNLAWFUL TO ALTER OR REMOVE THIS NOTICE WHEN POSTED ON SITE

CITY OF OAKLAND NOTICE OF PUBLIC HEARING

**PROPOSED REZONING OF VACANT PARCELS AT
601 MACARTHUR BOULEVARD, OAKLAND, CA 94610**

Notice is hereby given that on **December 20, 2017, at 6:00 p.m. in the City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza**, the Oakland City Planning Commission will conduct a public hearing to consider and make recommendations to the City Council for the proposed Rezoning of three privately-owned vacant parcels and project development approvals, located at 601 MacArthur Boulevard and at the intersection with Wesley Avenue.

The project sponsor proposes to Rezone three vacant parcels from RM-3 Mixed Housing Type Residential Zone to RU-2 Urban Residential Zone fronting two public streets. The project proposal includes a new development to construct a four-story residential condominium facility with 25-units and an underground parking garage to be accessed from MacArthur Boulevard.

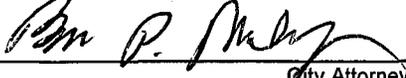
Members of the public are welcome to attend the hearing, and provide either written or oral comments regarding this proposal (Planning Case: PLN17281). If you challenge the environmental determination or other actions in court, you may be limited to raising only those issues raised at the public hearing described above or in written correspondence directed to the case City Planner, Mike Rivera at the City of Oakland, Bureau of Planning, located at 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, CA 94612, or by email at mrivera@oaklandnet.com, and received by 4:00 p.m. on Wednesday, December 20, 2017.

Copies of the Staff Report and related project documents are available for distribution to interested parties at no charge at the City of Oakland Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 4:00 p.m., except Wednesday 9:30 a.m. to 4:00 p.m.

If you have any questions regarding this proposal, please contact the project case Planner, Mike Rivera at (510) 238-6417 or mrivera@oaklandnet.com

City of Oakland, Bureau of Planning
November 27, 2017

OT #6069609; Dec. 1, 2017


City Attorney

2018 NOV 15 AM 9: 39

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

AN ORDINANCE TO REZONE THREE VACANT PARCELS LOCATED AT 601 MACARTHUR BOULEVARD FROM RM-3 MIXED HOUSING TYPE RESIDENTIAL ZONE TO RU-2 URBAN RESIDENTIAL ZONE AND TO ADOPT RELATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

WHEREAS, the applicant owns three vacant parcels located at 601 MacArthur Boulevard in the City of Oakland, Alameda County with APNs: 023 042700200, 023 042700100 and 023 042700803 (the “property”); and

WHEREAS, the applicant proposes to rezone the property from the RM-3 Mixed Housing Type Residential Zone (RM-3 Zone) to the RU-2 Urban Residential Type Zone (RU-2 Zone); and

WHEREAS, prior to 2011, the property was zoned R-70 High Density Residential Zone (R-70 Zone), and Planning permits were issued for similar residential development; and

WHEREAS, in 2011, the Oakland City Council adopted new Zoning districts for most of the City to conform to the Land Use and Transportation Element (LUTE) of the General Plan and as part of the Zoning update effort, extensive field work was conducted as part of the mapping process resulting generally in a much finer-grained Zoning map and new Zoning text that considered what was occurring “on the ground” and the parcel-specific Zoning; and

WHEREAS, the property measures approximately 20,478 square feet in size, and is located at the intersection of MacArthur Boulevard and Wesley Avenue and fronts I-580 freeway; and

WHEREAS, the rezoning of the property would serve as a transitional medium-density zone from the high-density zone, located to the west and across Wesley Avenue and MacArthur Boulevard, and the low-density zone located to the east of the site; and

WHEREAS, on December 20, 2017 the City Planning Commission conducted a duly noticed public hearing to consider the rezoning and residential development and after conducting and closing the public hearing, the Planning Commission recommended that the City Council approve the rezoning and adopt the California Environmental Quality Act (CEQA) findings, subject to the requirements and findings contained in the staff report, (“City Planning Commission Report”); and

WHEREAS, on January 31, 2018 the Design Review Committee as a referral body of the Planning Commission, conducted a duly noticed public hearing to review the project for a 25-unit residential development in relation to the rezoning and supported the improved design plans; and

WHEREAS, on November 8, 2018 the Rules and Legislation Committee of the City Council held a public hearing to review and schedule the proposed rezoning to the City Council to be heard on November 27, 2018; and

WHEREAS, on November 27, 2018, the City Council held a duly noticed public hearing and independently reviewed and considered the project findings made by the Planning Commission for approval of the rezoning of the properties from the RM-3 Mixed Housing Type Residential Zone to the RU-2 Urban Residential Zone, and hereby affirms said findings; and

WHEREAS, the project proposal relies on the previously certified Final Environmental Impact Report (EIR) for the LUTE (1998), and on a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning"; and now, therefore

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

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

Section 2. The City Council hereby adopts the proposed rezoning of the three vacant parcels, and development located at 601 MacArthur Boulevard from the RM-3 Mixed Housing Type Residential Zone to the RU-2 Urban Residential Zone, as detailed in *Exhibit A*, attached hereto and hereby incorporated by reference, based in part upon the findings contained in the approved City Planning Commission Report and the City Council Agenda Report.

Section 3. The City Council has reviewed the proposal and the CEQA exemptions described in the approved City Planning Commission Report and the City Council Agenda Report and independently finds and determines that this action relies on the previously certified Final Environmental Impact Report (EIR) for the LUTE and on a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning". The Environmental Review Officer or designee shall file a Notice of Exemption with the appropriate agencies.

Section 4. The provisions of this Ordinance are severable, and if any section, subsection, sentence, clause, phrase, paragraph, provision, or part of this Ordinance, or the application of this Ordinance to any person, is for any reason held to be invalid, preempted by state or federal law, or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. It is hereby declared to be the legislative intent of the City Council that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from its coverage.

Section 5. The record before this Council relating to this Ordinance include, without limitation, the following:

1. The July 25, 2017 Rezoning application, as may be amended or supplemented, and all related materials, including all accompanying maps, papers and appendices;

2. All final staff reports, final decision letters, and other final documentation and information produced by or on behalf of the City, including all related/supporting final materials, and all final notices relating to the Project and attendant hearings;
3. All oral and written evidence received by the Oakland Planning Commission, City Administrator's Office, and City Council during the public hearings on the Project as well as all written evidence received by the relevant City Staff before and during the public hearings on the Project; and
4. All matters of common knowledge and all official enactments and acts of the City, such as: (a) the General Plan; (b) Oakland Municipal Code; (c) Oakland Planning Code; (d) other applicable City policies and regulations; and (e) all applicable state and federal laws, rules and regulations.

Section 6. Except as specifically set forth herein, this ordinance suspends and supersedes all conflicting resolutions, ordinances, plans, codes, maps, laws and regulations except for those involving general or specific plans.

Section 7. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application of provisions to the other persons or circumstances shall not be affected thereby.

Section 8. Pursuant to Section 216 of the Charter of the City of Oakland, this Ordinance shall become effective immediately upon final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption by the Council of the City of Oakland.

Section 9. 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) Planning and Building Department, Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, California; (b) City Administrator's Office, One Frank H. Ogawa Plaza, 1st Floor, Oakland, California; and (c) Office of the City Clerk, One Frank H. Ogawa Plaza, 1st Floor, Oakland, California.

Section 10. The recitals contained in this Ordinance 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, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

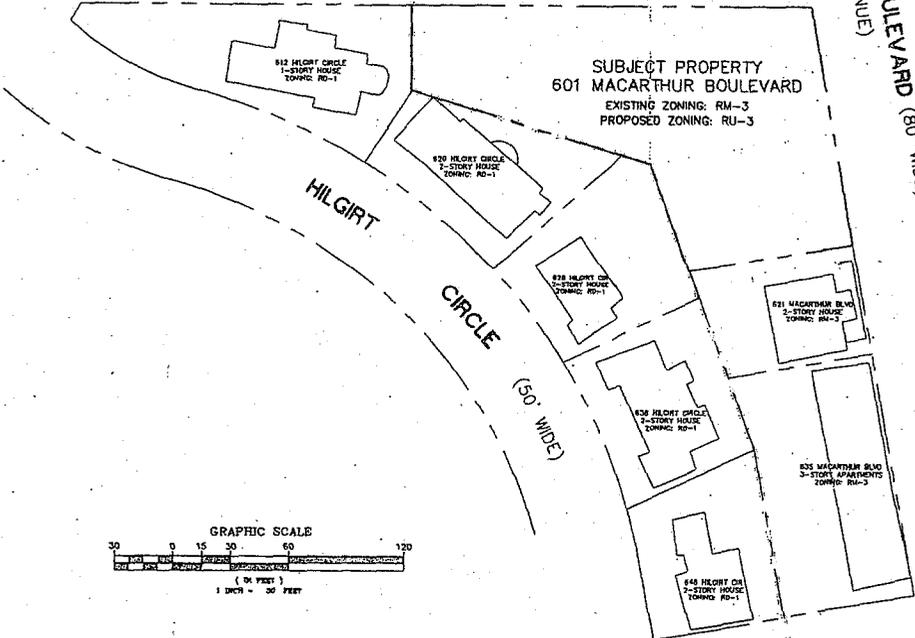
DATE OF ATTESTATION: _____

MERRITT AVENUE
(52' WIDE)



WESLEY AVENUE (60' WIDE)

MACARTHUR BOULEVARD (80' WIDE)
(EXCELSIOR AVENUE)



SUBJECT PROPERTY
601 MACARTHUR BOULEVARD
EXISTING ZONING: RM-3
PROPOSED ZONING: RU-3

HILGIRT
CIRCLE
(50' WIDE)

MACARTHUR BLVD
3-STORY APARTMENTS
ZONING: RU-3

812 HILGIRT CIRCLE
1-STORY HOUSE
ZONING: RD-1

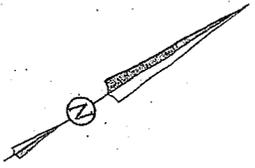
813 HILGIRT CIRCLE
2-STORY HOUSE
ZONING: RD-1

814 HILGIRT CIRCLE
2-STORY HOUSE
ZONING: RD-1

815 HILGIRT CIRCLE
2-STORY HOUSE
ZONING: RD-1

816 HILGIRT CIRCLE
2-STORY HOUSE
ZONING: RD-1

817 HILGIRT CIRCLE
2-STORY HOUSE
ZONING: RD-1



GENERAL NOTES:
BUILDING FOOTPRINTS SHOWN ARE APPROXIMATE AND ARE INTENDED ONLY FOR PROVIDING CONTEXT.

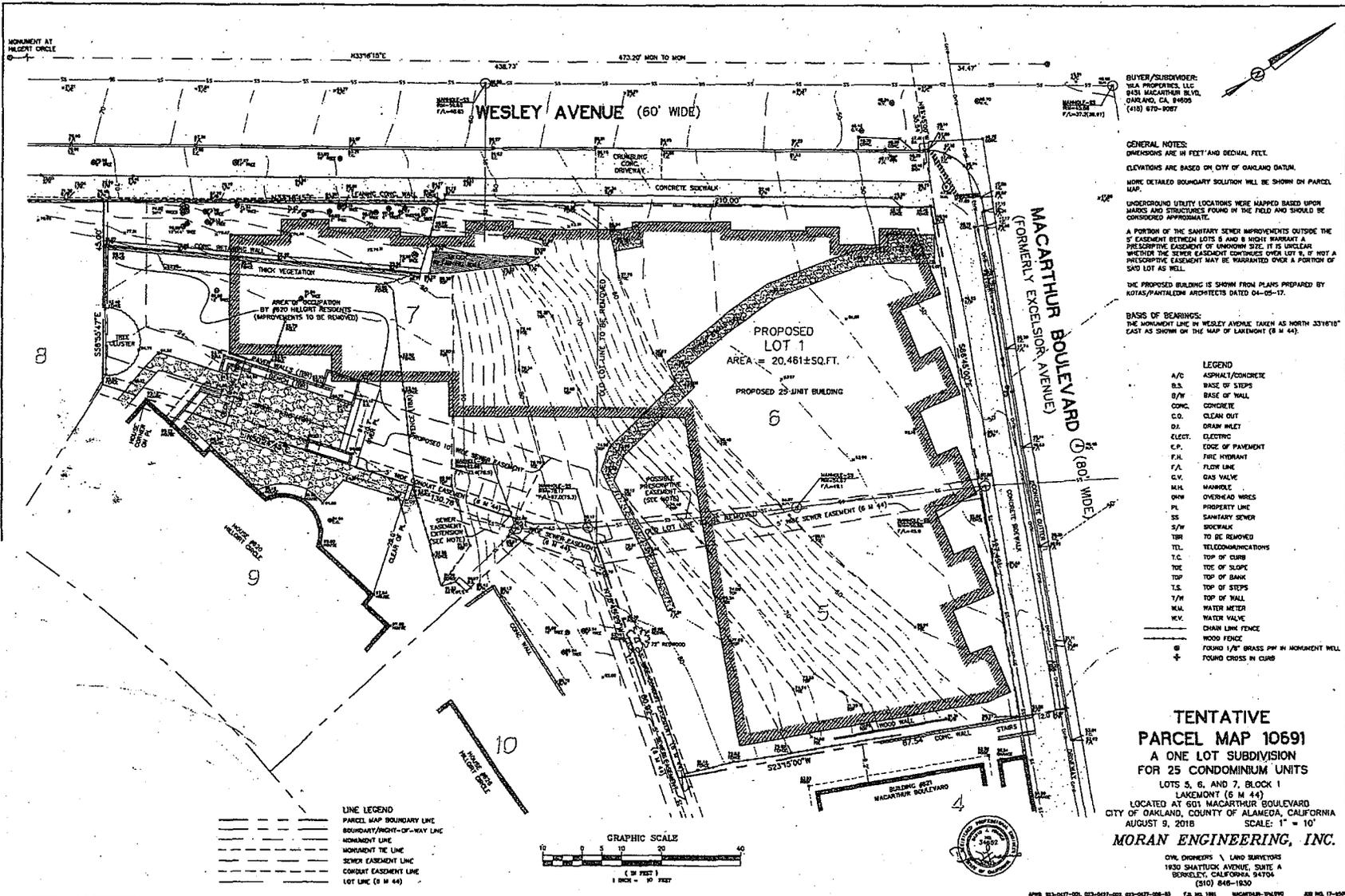
EXHIBIT A



ZONING MAP
 LOTS 5, 6, AND 7, BLOCK 1
 LAKEMONT (6 M 44)
 LOCATED AT 601 MACARTHUR BOULEVARD
 CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA
 OCTOBER 26, 2017 SCALE: 1" = 30'
MORAN ENGINEERING, INC.

CIVIL ENGINEERS \ LAND SURVEYORS
 1930 SHATTUCK AVENUE, SUITE A
 BERKELEY, CALIFORNIA 94704
 (510) 848-1930

EXHIBIT A



NOTICE & DIGEST

AN ORDINANCE TO REZONE THREE VACANT PARCELS LOCATED AT 601 MACARTHUR BOULEVARD FROM THE RM-3 MIXED HOUSING TYPE RESIDENTIAL ZONE TO THE RU-2 URBAN RESIDENTIAL ZONE, AND TO ADOPT RELATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS.

This Ordinance is to rezone the three vacant parcels located at 601 MacArthur Boulevard from the RM-3 Mixed Housing Type Residential Zone (RM-3 Zone) to the Urban Residential Zone (RU-2 Zone). The rezoning would occur on the three vacant parcels at the corner of MacArthur Boulevard and Wesley Avenue. The purpose of the rezoning is to intensify the site to allow for a medium-density development that would transition from the high-and low-residential density zones located west and east, respectively, along MacArthur Boulevard.

CITY OF OAKLAND NOTICE OF PUBLIC HEARING

PROPOSED REZONING OF THREE VACANT PARCELS, LOCATED AT 601 MACARTHUR BOULEVARD, OAKLAND, CA 94610

Notice is hereby given that **on Tuesday, November 27, 2018, at 5:30 p.m. in the City Council Chambers, City Hall, 1 Frank H. Ogawa Plaza**, the Oakland City Council will conduct a public hearing to consider adopting, as recommended by the Oakland City Planning Commission, an Ordinance for a Rezoning of three vacant parcels, located at 601 MacArthur Boulevard and at the intersection with Wesley Avenue.

The project sponsor proposes to Rezone three vacant parcels from RM-3 Mixed Housing Type Residential Zone to RU-2 Urban Residential Zone fronting two public streets. The purpose of the Rezoning is to create a density transition that would intensify the density of the site for up to 25 residential units.

Members of the public are welcome to attend the hearing, and provide either written or oral comments regarding this proposal (Planning Case: PLN17281). If you challenge the environmental determination or other actions in court, you may be limited to raising only those issues raised at the public hearing described above or in written correspondence directed to the case project Planner, Mike Rivera, at the City of Oakland, Bureau of Planning, located at 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, CA 94612, or by email at mriviera@oaklandnet.com

Copies of the Staff Report and related project documents are available for distribution to interested parties at no charge at the City of Oakland Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612, Monday through Friday, 8:30 a.m. to 4:00 p. m., except Wednesday 9:30 a.m. to 4:00 p.m.

If you have any questions regarding this proposal, please contact the project case Planner, Mike Rivera at (510) 238-6417 or mriviera@oaklandnet.com

Office of the City Administrator
November 9, 2018