

CITY OF OAKLAND



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

Planning and Building Department
Bureau of Planning

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Sent Via Email

May 8, 2025

Jonathan Cruz
Cruz Collaborative
132 Mont St. Michell Way
Martinez, CA 94553
jonthan@cruzcollaborative.com

RE: Case File No. PLN23164; 0 (7243) Thorndale Drive; 048G744804600

Dear Jonathan Cruz:

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

The following table summarizes the proposed project:

Proposal:	Construction of a 2,965 square-foot, five-story single-family residence with two off-street, covered parking spaces on a 60% upslope lot.
Planning Permits Required:	Regular Design Review for new residential construction
General Plan:	Hillside Residential
Zoning:	RH-3, S-9, S-11 Zones
Environmental Determination:	Per the state CEQA Guidelines Section 15303 – Construction or conversion of small structures; and Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	Not a historic property; vacant parcel
City Council District:	4

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten (10) calendar days from the date of this letter, by **4:00 p.m. on May 19, 2025**. An appeal shall be on a form provided by the Bureau of Planning of the Planning and Building Department, and submitted via email to: (1) **Heather Klein, Planner IV**, hklein@oaklandca.gov, (2) **Robert Merkamp, Zoning Manager**, at Rmerkamp@oaklandca.gov, and (3) Catherine Payne, Development Planning Manager, at Cpayne@oaklandca.gov. The appeal form is available online at <https://www.oaklandca.gov/documents/appeal-application-form>. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or decision-making body or wherein the decision is not supported by substantial evidence. Applicable appeal fees in the amount of **\$10,193.51**, in accordance with the City of Oakland Master Fee Schedule must be paid within five (5) calendar days (**May 27, 2025**) of filing the appeal.

If the fifth (5th) calendar day falls on a weekend or City holiday, appellant will have until the end of the following City business day to pay the appeal fee. Failure to timely appeal (or to timely pay all appeal fees) will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter.

If the ten (10) day appeal period expires without an appeal, you are expected to contact **Heather Klein** in order to receive the signed Notice of Exemption (NOE) certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of **\$50.00** made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Bureau of Planning, to the attention of **Heather Klein, Planner IV**. Pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines, recordation of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA. The NOE will also be posted on the City website at <https://aca.accela.com/OAKLAND/Welcome.aspx>.

If you have any questions, please contact the case planner, **Heather Klein, Planner IV** at (510) 238-3659 or hklein@oaklandca.gov, however, this does not substitute for filing of an appeal as described above.

Very Truly Yours,



ROBERT D. MERKAMP
Zoning Manager

cc: Jill Heffron jillheffron@hotmail.com

Attachments:

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

ATTACHMENT A: FINDINGS

This proposal meets all the required findings under the 17.136.050(A) (Regular design review criteria) of the Oakland Planning Code (OMC Title 17) and the No Net Loss findings of California Government Code Section 65863 (B)(2) 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.

17.136.050(A) REGULAR DESIGN REVIEW CRITERIA

- 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 is the construction of a five-story, 2,965 square-foot, single-family residence with a two-car parking area on a vacant 12,907 square-foot upslope lot. The subject property has an approximate 60% building footprint slope and 0.21 floor area ratio. The architectural style is largely contemporary with stucco and wood siding. This selection compliments the diverse architectural styles and materials in the neighborhood.

Although many lots in the area are currently vacant, the surrounding area's character on both sides of the street is of multi-story single-family residences with short front setbacks and a variety of styles and exterior finishes. Residential buildings in the vicinity are typically positioned close to the street, adapting to the terrain with stepped designs. This setting and stepping of building volumes to mimic the hillside is also seen in the project.

As such, the overall siting, scale, bulk, and massing of the building is compatible with the neighborhood residences.

- 2. That the proposed design will be sensitive to the topography and landscape;**

The proposed project is sensitive to the topography and landscape. The proposed building is pushed toward the front of the lot to reduce grading while meeting the Planning Code setback requirements. The building volumes step up with the hillside to minimize grading. The footprint area is only approximately 2,200 square-feet or 17% of the lot. Further, as shown on the right elevation, except for at the front, the project is generally at grade, again reducing the need for a lot of grading.

A tree removal permit was approved to remove four trees and protect one tree close to the development. All the trees above the footprint will be retained as outlined in the North Oakland Specific Plan. The front will be landscaped. As such, the project is sensitive to topography and landscape.

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

The project is situated on a 60% up-sloped lot. The project is five-stories, but each story is set back from each other and steps up the hillside so that the upper two levels will be barely visible from the street. Each level also includes recessed volumes further reducing the bulk and mass of the building. As such, the building relates to the grade of the hill.

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

The subject site is located within the Hillside Residential (RH) area of the General Plan's Land Use and Transportation Element of the General Plan (LUTE). The intent of the RH Zones is "to create, maintain, and enhance residential areas that are primarily characterized by detached, single unit structures on hillside lots." Furthermore, the property is within the RH-3, S-9, and S-11 Zones. The intent of the RH-3 Zone is to create, maintain, and enhance areas for single-family dwellings on lots of at least twelve thousand (12,000) square feet and is appropriate

in portions of the Oakland Hills. The intent of the S-9 Fire Safety Protection Combining Zone is to promote the public health, safety and welfare by ensuring that activities and facilities that are located, in whole or part, within or adjacent to Very High Fire Hazard Severity Zones (VHFHSZs) as designated by the California Department of Forestry and Fire Protection (CAL FIRE), and accessed from streets that are less than 26 feet in width at any point or cul-de-sacs that do not meet emergency access standards, develop in such a manner as not to be a serious threat to public health or safety. The S-11 Zone is intended to create, preserve, and enhance areas subject to the North Oakland Hill Area Specific Plan adopted by the City Council and to assure that development there is sensitively integrated with the land-forms, view corridors, and vegetation masses. The proposed project is consistent with this intent and meets the following General Plan policies:

Objective N3 states: "Encourage the construction, conservation, and enhancement of housing resources to meet the current and future needs of the Oakland community." This proposal, to construct a new single-family dwelling, will enhance housing resources consistent with the Zoning regulations.

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

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

Policy N3.8 Required High Quality Design states: "High-quality design standards should be required of all new residential construction." The proposal includes high-quality materials in its architectural design, style, and materials which will blend with the neighborhood context. Furthermore, the proposal is complementary to the existing variety of high-quality single-family homes in the neighborhood.

Policy N3.9 Orienting Residential Development states: "Residential developments should be encouraged to face the street and to orient their units to desirable sunlight and views, 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 is designed to step with the terrain. The proposed single-family dwelling will face the street and will not unreasonably block the sunlight of neighbors. There will not be privacy issues with the proposed single-family dwelling.

Objective N6.1 states: "The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes." The project proposes a single-family house with a useable floorplan. The project is within the Zoning regulations in terms of floor area, building footprint, and floor area ratio, and is consistent with other neighboring properties within the context area in terms of building height, scale, and bulk.

The proposed design for the single-family home aligns with the criteria outlined in the *Design Review Manual for One- and Two-Unit Residences*. The manual details the standards for reviewing residential construction, encompassing views, solar access, privacy, site design, building design, bulk, neighborhood compatibility, landscaping, and parking. To adhere to these criteria, the proposal employs techniques to appropriately scale the building in accordance with its location and topography. Additionally, it utilizes elevations that are thoughtfully composed and ordered, aiming to minimize a bulky appearance while reflecting the design style consistent with the neighborhood style. The exterior materials for the new residence include stucco and wood siding to blend the proposal into its contextual environment. The design of the proposed project harmonizes with the neighborhood characteristics and satisfies the criterions in the *Design Review Manual for One – and Two-Unit Residences*

As such the proposed project proposed design conforms in all significant respects with the Oakland General Plan and with applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

17.92.050 S-11 Design review criteria

- A. That the siting, clearing, landscaping, and other relevant features of the proposal will conform in all significant respects with the Vegetation Management Prescriptions of the North Oakland Hill Area Specific Plan;**

The Site Map calls for protecting the existing vegetation. Aside from the front area where the development is proposed, the project proposes to do that for the remainder of the lot.

- B. That the proposal will conform in all significant respects with the Site Development Map of the North Oakland Hill Area Specific Plan with respect to the protection of view corridors and vegetation masses;**

The Site Map does not note view corridor protection for this lot. The Map calls for protecting the existing vegetation. Aside from the front area, the project proposes to do that for the remainder of the lot.

- C. That, after due consideration has been given to other criteria, any proposed vehicular access will be provided at the safest point of entry from the appropriate street;**

The driveway is generally located in the middle of the lot. No other vehicular access point other than the lot frontage is available.

- D. That the proposal will duly take into account any special geotechnical or similar constraint affecting the property;**

The project is located in an area subject to landslides. A soils report is required per Condition 25. A site-specific geotechnical report may be required at building permit.

- E. That the proposal will involve the minimum possible amount of grading, consistent with the attainment of other criteria set forth in this Section, and that an acceptable grading and/or erosion and sedimentation control plan, where required, has been or will be submitted;**

The project is pushed toward the front of the lot to reduce grading while meeting the Planning Code setback requirements. The project volumes step with the hillside to minimize grading. As shown on the right elevation, except for at the front, the project is generally at grade. Per Condition 28, an acceptable Erosion Control Plan must be submitted.

- F. That, in conjunction with criterion E of this Section, retaining walls of excessive height and/or length will be avoided. Projects involving retaining walls over eight (8) feet in height and/or grading or removal of material in excess of five hundred (500) cubic yards shall be referred to the Director of City Planning for Regular design review pursuant to Chapter 17.136;**

Retaining walls are under 8' height.

- G. That fire hydrants will be provided consistent with the City of Oakland Fire Prevention Bureau's requirements;**

The fire hydrants will be provided if necessary.

- H. That, where feasible, solar orientation and energy conservation techniques will be suitably incorporated in the overall design;**

The project will meet the City’s local green building ordinance as well as the state Code which includes energy conservation measures.

- I. That if the proposal involves developing dwelling units on a property for which the site development map of the North Oakland Hill Area Specific Plan depicts siting of those facilities, the provisions of section 17.92.040 will be met;**

No depiction of a dwelling unit siting was provided for this lot.

- J. That if the proposal involves creating driveway access to Grizzly Peak Boulevard, Skyline Boulevard, Tunnel Road, or Shepherd Canyon Road, it will meet the same criteria as are specified in subsections a. And b. Of section 17.90.040.**

The proposal is not on any of the roads mentioned.

No Net Loss Findings (California Government Code Section 65863 (b)(2))

If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction’s housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction’s share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction’s share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

No Net Loss Finding 1: The City of Oakland adopted its current 2023-2031 Housing Element on January 31, 2023. The Housing Element identifies the realistic capacity for housing production throughout the current 2023-2031 Planning Period. This capacity accommodates the Regional Housing Needs Allocation, as well as a buffer, which ensures that if certain identified sites are not developed at the realistic capacity, that there would remain a sufficient number of units available to meet Oakland's Housing Needs. (See Housing Element, Appendix C, Table C-2.) For purposes of this finding, the buffer is calculated on a quarterly basis according to progress made during the 2023-2031 Planning Period.

Oakland's remaining lower income regional housing needs assessment is 6,424 dwelling units while Oakland's current capacity is 9,695 lower income units, a surplus of 3,271 units. [“Lower income” includes very low income (VLI) and low income (LI) units.]

Oakland’s remaining moderate income regional housing needs assessment is 3,986 dwelling units, while Oakland's current capacity is 4,909 moderate income units, a surplus of 923 units.

Oakland's remaining above moderate-income regional housing needs assessment is 6,966 dwelling units, while Oakland's current capacity is 15,067 above moderate-income units, a surplus of 8,101 units.

No Net Loss Finding 2: The proposed project is located on a site that is identified in the City of Oakland 2023-2031 Housing Element as a Housing Element Opportunity Site.

- () YES
- (X) NO

No Net Loss Finding 3: The proposed project meets the following criteria.

- () The proposed project is a non-residential development located on a site that **was not** identified in the City of Oakland 2023-2031 Housing Element. Therefore, the project has no impact on the City’s housing capacity.

(X) The proposed project includes residential development and is located on a site that **was not** identified in the City of Oakland 2023-2031 Housing Element. Therefore, the project results in an increase in the City's housing capacity equal to the total units proposed.

No Net Loss Finding 5: The proposed project includes the following residential unit count:

Lower income units (VLI/LI): _____
Moderate income units: _____
Above moderate-income units: 1 _____
Total units: 1 _____

The project therefore will result in a net increase or net loss of units as compared to the City's Housing Element projections as follows [if there is a net increase in units by income category or total units, the unit numbers are shown with a plus sign (+); if there is a net loss in units by income category or total units, the unit numbers are shown with a negative sign (-)]:

Lower income units (VLI/LI): _____
Moderate income units: _____
Above moderate income units: +1 _____
Total units: +1 _____

ATTACHMENT B: CONDITIONS OF APPROVAL

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

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans dated 12/13/2024, 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 (10) calendar days unless an appeal is filed. This Approval shall expire five (5) years from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, 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 up to three, one-calendar year extensions or a one, three-calendar year extension. 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, Department of Transportation, 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 sixty (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 Engineering Services and/or the Bureau of Building, if directed by the Director of Public Works, Building Official, Director of City Planning, Director of Transportation, 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, Engineering Services, Department of Transportation, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

12. Trash and Blight Removal

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

13. Graffiti Control

Requirement:

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

14. Landscape Plan

a. Landscape Plan Required

Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at:

<https://www.oaklandca.gov/documents/oakland-street-tree-species-list-august-2023> and <https://www.oaklandca.gov/documents/standard-specifications-for-street-tree-planting>, respectively), and with any applicable streetscape plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. Landscape Installation

Requirement: The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. Landscape Maintenance

Requirement: All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

15. Lighting

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. Dust Controls – Construction Related

Requirement: The project applicant shall implement all of the following applicable dust 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. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- e. All excavation, grading, and/or demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.
- f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- g. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

- h. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

17. Criteria Air Pollutant Controls - Construction and Operation Related

Requirement: The project applicant shall implement all of the following applicable basic control and enhanced measures for criteria air pollutants during construction of the project as applicable:

- a. 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 two 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.
- b. 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 two 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”).
- c. 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. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.
- d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
- e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
- f. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. Avoid and Minimize Impacts on Nesting Birds

Requirement: To avoid and minimize impacts on nesting birds, the project applicant shall comply with the following requirements:

- a) If construction begins during the nesting season (February 1 to August 15), a pre-construction survey for nesting raptors and other migratory birds shall be conducted by a qualified biologist within seven (7) days prior to the onset of construction, to identify any active nests. The surveys shall be submitted to the City for review and approval.
 - i. For projects subject to this condition containing structures that have been unoccupied/vacant for 12 months or more, surveys shall be performed for the project site to locate any active passerine (e.g. songbird) or raptor (bird of prey) nests.

- ii. For projects subject to this condition within 200 feet of a substantial vegetated area, surveys shall be performed within 50 feet of the substantial vegetated area to locate any active passerine (e.g. songbird) nests and within 200 feet of the substantial vegetated area to locate any active raptor (bird of prey) nests.
- b) If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (August 16 to January 31), construction may proceed with no restrictions.
 - c) If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.
 - d) Any birds that begin nesting amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no work exclusion zones shall be established around active nests in these cases.
 - e) Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer shall halt until the nest occupants have fledged.

When Required: Prior to construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

19. Avoid and Minimize Impacts on Special-Status Roosting Bats in Trees

Requirement: To avoid and minimize impacts on special-status roosting bats in trees, the project applicant shall comply with the following requirements:

- a) A qualified biologist (as defined by California Department of Fish and Wildlife) who is experienced with bat surveying techniques (including auditory sampling methods), behavior, and roosting habitat shall conduct a pre-construction habitat assessment of the subject tree to characterize potential bat habitat and identify potentially active roost sites.
- b) Trees with potential bat roosting habitat or active bat roost sites shall follow a two-step removal process which shall occur outside of the bat maternity roosting season and period of winter torpor (April 15 to August 15, and October 15 to March 1).
- c) On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws or other handheld equipment.
- d) On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe).
- e) All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches. The tree will be removed on or after the third day.

When Required: Prior to removal of trees

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

20. Tree Removal During Bird Breeding Season

Requirement: To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of birds shall not occur during the bird breeding season of February 1 to August 15 (or during December 15 to August 15 for trees located in or near marsh, wetland, or aquatic habitats). If tree removal must occur during the bird breeding season, all trees to be removed shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to the start of work and shall be submitted to the City for review and approval. If the survey indicates the potential presence of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the California Department of Fish and Wildlife, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

When Required: Prior to removal of trees

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

21. Tree Permit

a. Tree Permit Required

Requirement: Pursuant to the City's Tree Protection Ordinance (OMC chapter 12.36), the project applicant shall obtain a tree permit and abide by the conditions of that permit.

When Required: Prior to approval of construction-related permit

Initial Approval: Permit approval by Public Works Department, Tree Division; evidence of approval submitted to Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Tree Protection During Construction

Requirement: Adequate protection shall be provided during the construction period for any trees which are to remain standing, including the following, plus any recommendations of an arborist:

- i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
- iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.

- iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

c. Tree Replacement Plantings

Requirement: Replacement plantings shall be required for tree removals for the purposes of erosion control, groundwater replenishment, visual screening, wildlife habitat, and preventing excessive loss of shade, in accordance with the following criteria:

- i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- ii. Replacement tree species shall consist of Sequoia sempervirens (Coast Redwood), Quercus agrifolia (Coast Live Oak), Arbutus menziesii (Madrone), Aesculus californica (California Buckeye), Umbellularia californica (California Bay Laurel), or other tree species acceptable to the Tree Division.
- iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- iv. Minimum planting areas must be available on site as follows:
 - a. For Sequoia sempervirens, three hundred fifteen (315) square feet per tree;
 - b. For other species listed, seven hundred (700) square feet per tree.
- v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

22. Archaeological and Paleontological Resources – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as

applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

23. Human Remains – Discovery During Construction

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

24. Construction-Related Permit(s)

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

25. Soils Report

Requirement: The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

26. Hazardous Materials Related to Construction

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

27. Designated Very High Fire Severity Zone – Vegetation Management

a. Vegetation Management Plan Required

Requirement: The project applicant shall submit a Vegetation Management Plan for City review and approval, and shall implement the approved Plan prior to, during, and after construction of the project. The Vegetation Management Plan may be combined with the Landscape Plan otherwise required by the Conditions of Approval. The Vegetation Management Plan shall include, at a minimum, the following measures:

- i. Removal of all tree branches and vegetation that overhang the horizontal building roof line and chimney areas within 10 feet vertically;
- ii. Removal of leaves and needles from roofs and rain gutters;
- iii. Planting and placement of fire-resistant plants around the house and phasing out flammable vegetation, however, ornamental vegetation shall not be planted within 5 feet of the foundation of the residential structure;
- iv. Trimming back vegetation around windows;

- v. Removal of flammable vegetation on hillside slopes greater than 20%; Defensible space requirements shall clear all hillsides of non-ornamental vegetation within 30 feet of the residential structure on slopes of 5% or less, within 50 feet on slopes of 5 to 20% and within 100 feet or to the property line on slopes greater than 20%.
- vi. All trees shall be pruned up at least $\frac{1}{4}$ the height of the tree from the ground at the base of the trunk;
- vii. Clearing out ground-level brush and debris; and All non-ornamental plants, seasonal weeds & grasses, brush, leaf litter and debris within 30 feet of the residential structure shall be cut, raked and removed from the parcel.
- viii. Stacking woodpiles away from structures at least 20 feet from residential structures.
- ix. If a biological report, prepared by a qualified biologist and reviewed by the Bureau of Planning, identifies threatened or endangered species on the parcel, the Vegetation Management Plan shall include islands of habitat refuge for the species noted on a site plan and appropriate fencing for the species shall be installed. Clearing of vegetation within these islands of refuge shall occur solely for the purpose of fire suppression within a designated Very High Fire Severity Zone and only upon the Fire Code Official approving specific methods and timeframes for clearing that take into account the specific flora and fauna species.

When Required: Prior to approval of construction-related permit

Initial Approval: Oakland Fire Department

Monitoring/Inspection: Oakland Fire Department

b. Fire Safety Prior to Construction

Requirement: The project plans shall specify that prior to construction, the project applicant shall ensure that the project contractor cuts, rakes and removes all combustible ground level vegetation project to a height of 6" or less from the construction, access and staging areas to reduce the threat of fire ignition per Sections 304.1.1 and 304.1.2 of the California Fire Code.

When Required: Prior to approval of construction-related permit

Initial Approval: Oakland Fire Department

Monitoring/Inspection: Oakland Fire Department

c. Fire Safety During Construction

Requirement: The project applicant shall require the construction contractor to implement spark arrestors on all construction vehicles and equipment to minimize accidental ignition of dry construction debris and surrounding dry vegetation. Per section 906 of the California Fire Code, during construction, the contractor shall have at minimum three (3) type 2A10BC fire extinguishers present on the job site, with current SFM service tags attached and these extinguishers shall be deployed in the immediate presence of workers for use in the event of an ignition.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

d. Smoking Prohibition

Requirement: The project applicant shall require the construction contractor to implement a no smoking policy on the site and surrounding area during construction per Section 310.8 of the California Fire Code.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building and Oakland Fire Department

28. Erosion and Sedimentation Control Plan for Construction

a. Erosion and Sedimentation Control Plan Required

Requirement: The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction

operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. Erosion and Sedimentation Control During Construction

Requirement: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

29. Drainage Plan for Post-Construction Stormwater Runoff on Hillside Properties

Requirement: The project applicant shall submit and implement a Drainage Plan to be reviewed and approved by the City. The Drainage Plan shall include measures to reduce the volume and velocity of post-construction stormwater runoff to the maximum extent practicable. Stormwater runoff shall not be augmented to adjacent properties, creeks, or storm drains. The Drainage Plan shall be included with the project drawings submitted to the City for site improvements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

30. Site Design Measures to Reduce Stormwater Runoff

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

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

31. Source Control Measures to Limit Stormwater Pollution

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

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

32. NPDES C.3 Stormwater Requirements for Small Projects

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate one or more of the following site design measures into the project:

- a. Direct roof runoff into cisterns or rain barrels for reuse;
- b. Direct roof runoff onto vegetated areas;
- c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas;
- d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas;
- e. Construct sidewalks, walkways, and/or patios with permeable surfaces; or
- f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

The project drawings submitted for construction-related permits shall include the proposed site design measure(s) and the approved measure(s) shall be installed during construction. The design and installation of the measure(s) shall comply with all applicable City requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

33. 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

34. 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

35. 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

36. 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

37. Affordable Housing Impact Fee

Requirement: The project applicant shall comply with the requirements of the City of Oakland Affordable Housing Impact Fee Ordinance (chapter 15.72 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit; subsequent milestones pursuant to ordinance

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

38. Capital Improvements Impact Fee

Requirement: The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

39. 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, sidewalks, bicycle facilities, and bus stops.

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

b. Traffic Control Plan Required

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, 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 accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

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: Department of Transportation

40. Transportation Impact Fee

Requirement: The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code). The amount of the fee shall be as listed in the City of Oakland Master Fee Schedule. This condition serves as notice that the 90-day approval period in which the applicant may protest applicability of the impact fee has begun pursuant to California Government Code Section 66020(d)(1).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

41. Construction and Demolition Waste Reduction and Recycling

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

manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

42. 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

43. Green Building Requirements

a. Compliance with Green Building Requirements During Plan-Check

Requirement: The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).

- i. The following information shall be submitted to the City for review and approval with the application for a building permit:
 - Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
 - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
 - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
 - Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
 - Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
 - Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- ii. The set of plans in subsection (i) shall demonstrate compliance with the following:
 - CALGreen mandatory measures.
 - **Green building points** per the appropriate checklist approved during the Planning entitlement process.
 - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
 - The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. Compliance with Green Building Requirements During Construction

Requirement: The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.

The following information shall be submitted to the City for review and approval:

- i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
- ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
- iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

c. Compliance with Green Building Requirements After Construction

Requirement: Prior to the finaling the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

44. Water Efficient Landscape Ordinance (WELO)

Requirement: The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For the specific ordinance requirements, see the link below:

<http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf>

For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less, the project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.

- a. **Prescriptive Measures:** Prior to construction, the project applicant shall submit the Project Information (detailed below) and documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance (see website below starting on page 38.14(g) in the link above):
- b. **Performance Measures:** Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following
 - i. Project Information:
 - Date,
 - Applicant and property owner name,
 - Project address,
 - Total landscape area,
 - Project type (new, rehabilitated, cemetery, or home owner installed),
 - Water supply type and water purveyor,

- Checklist of documents in the package,
 - Project contacts, and
 - Applicant signature and date with the statement: “I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package.”
- ii. Water Efficient Landscape Worksheet
 - Hydrozone Information Table
 - Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use
 - iii. Soil Management Report
 - iv. Landscape Design Plan
 - v. Irrigation Design Plan, and
 - vi. Grading Plan

Upon installation of the landscaping and irrigation systems, and prior to the final of a construction-related permit, the Project applicant shall submit a Certificate of Completion (see page 38.6 in the link above) and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Completion shall also be submitted to the local water purveyor and property owner or his or her designee.

For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below:

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

45. Hillside Construction Staging and Traffic Control Plan

Requirement: In order to reduce impacts of construction truck traffic, the applicant shall apply for a Traffic Control Plan complying with requirements established with Transportation Services Division and shall include the following measures.

- a) One lane shall remain open at all times for emergency apparatus vehicles.
- b) Emergency traffic shall have priority at all times, including medical professionals, and all service vehicles relating to police, fire, nursing, and health care needs.
- c) Limit the size of trucks used to remove debris and excavation spoils to 10 cubic yard loading capacity.
- d) No Parking' signs shall be installed on the property frontages opposite the construction activity.
- e) Coordinate limited employee parking on-site and/or off the road edge so as not to cause undue delays or obstruction to through-traffic or emergency apparatus vehicle access. If necessary, the project applicant shall provide off-site parking and car pool employees to the job site.
- f) Construction vehicles, materials, and other equipment shall not block the road so as to cause substantial disruption to neighbors.
- g) Notify adjacent property owners (48 hours) when detours or road closures over 15 minutes are required by construction activities.
- h) If necessary, the mitigation measures shall be adjusted, subject to the review and approval of the City Traffic Engineer, to address any issues raised during the course of construction. At the discretion of the City Traffic Engineer, additional flagmen, warning signs for vehicles to slow speed or signs posting speeds limits at the curve may be necessary.
- i) If necessary, the mitigation measures shall be adjusted, subject to the review and approval of the City Traffic Engineer, to address any issues raised during the course of construction. At the discretion of the City Traffic Engineer, additional flagmen, warning signs for vehicles to slow speed or signs posting speeds limits at the curve may be necessary.

- j) The property owner shall provide two (2) flagmen equipped with 2-way radios at the site to ensure safe traffic operation during loading and unloading construction material delivery or excavation of the subject site.

When Required: Prior to issuance of any building permit application

Initial Approval: N/A

Monitoring/Inspection: N/A

46. Fire Protection and Road Widening

Requirement: The applicant shall install fire hydrants consistent with the City of Oakland Fire Prevention Bureau's requirements if deemed necessary by that Bureau. The road pavement in front of the property is subject to widening at the time of construction to 26 feet or as directed by the Fire Prevention Bureau.

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

47. Meter Shielding

Requirement: The applicant shall submit for review and approval by the Bureau of Planning, plans showing the location of any and all utility meters, transformers, and the like located within a box set within the building, located on a non-street facing elevation, or screened from view from any public right of way.

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

48. Hillside Construction Staging and Traffic Control Plan

Requirement: In order to reduce impacts of construction truck traffic, the applicant shall apply for a Traffic Control Plan complying with requirements established with Transportation Services Division and shall include the following measures.

- a) One lane shall remain open at all times for emergency apparatus vehicles.
- b) Emergency traffic shall have priority at all times, including medical professionals, and all service vehicles relating to police, fire, nursing, and health care needs.
- c) Limit the size of trucks used to remove debris and excavation spoils to 10 cubic yard loading capacity.
- d) No Parking' signs shall be installed on the property frontages opposite the construction activity.
- e) Coordinate limited employee parking on-site and/or off the road edge so as not to cause undue delays or obstruction to through-traffic or emergency apparatus vehicle access. If necessary, the project applicant shall provide off-site parking and car pool employees to the job site.
- f) Construction vehicles, materials, and other equipment shall not block the road so as to cause substantial disruption to neighbors.
- g) Notify adjacent property owners (48 hours) when detours or road closures over 15 minutes are required by construction activities.
- h) If necessary, the mitigation measures shall be adjusted, subject to the review and approval of the City Traffic Engineer, to address any issues raised during the course of construction. At the discretion of the City Traffic Engineer, additional flagmen, warning signs for vehicles to slow speed or signs posting speeds limits at the curve may be necessary.
- i) If necessary, the mitigation measures shall be adjusted, subject to the review and approval of the City Traffic Engineer, to address any issues raised during the course of construction. At the discretion of the City Traffic Engineer, additional flagmen, warning signs for vehicles to slow speed or signs posting speeds limits at the curve may be necessary.
- j) The property owner shall provide two (2) flagmen equipped with 2-way radios at the site to ensure safe traffic operation during loading and unloading construction material delivery or excavation of the subject site.

When Required: Prior to issuance of any building permit application

Initial Approval: N/A

Monitoring/Inspection: N/A

49. Additional Public Improvements

- a. Due to the length and narrowness of the street, if necessary per the Fire Prevention Bureau, the applicant shall install a fire hydrant or hydrants as part of the street improvements.
 - b. Due to the length of the dead-end street, the project plans will show a minimum of 20' wide edge of pavement along the entire frontage of the proposed development.
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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