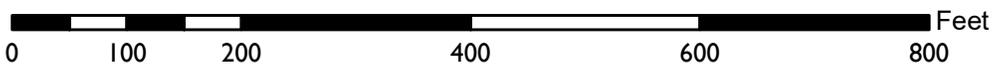
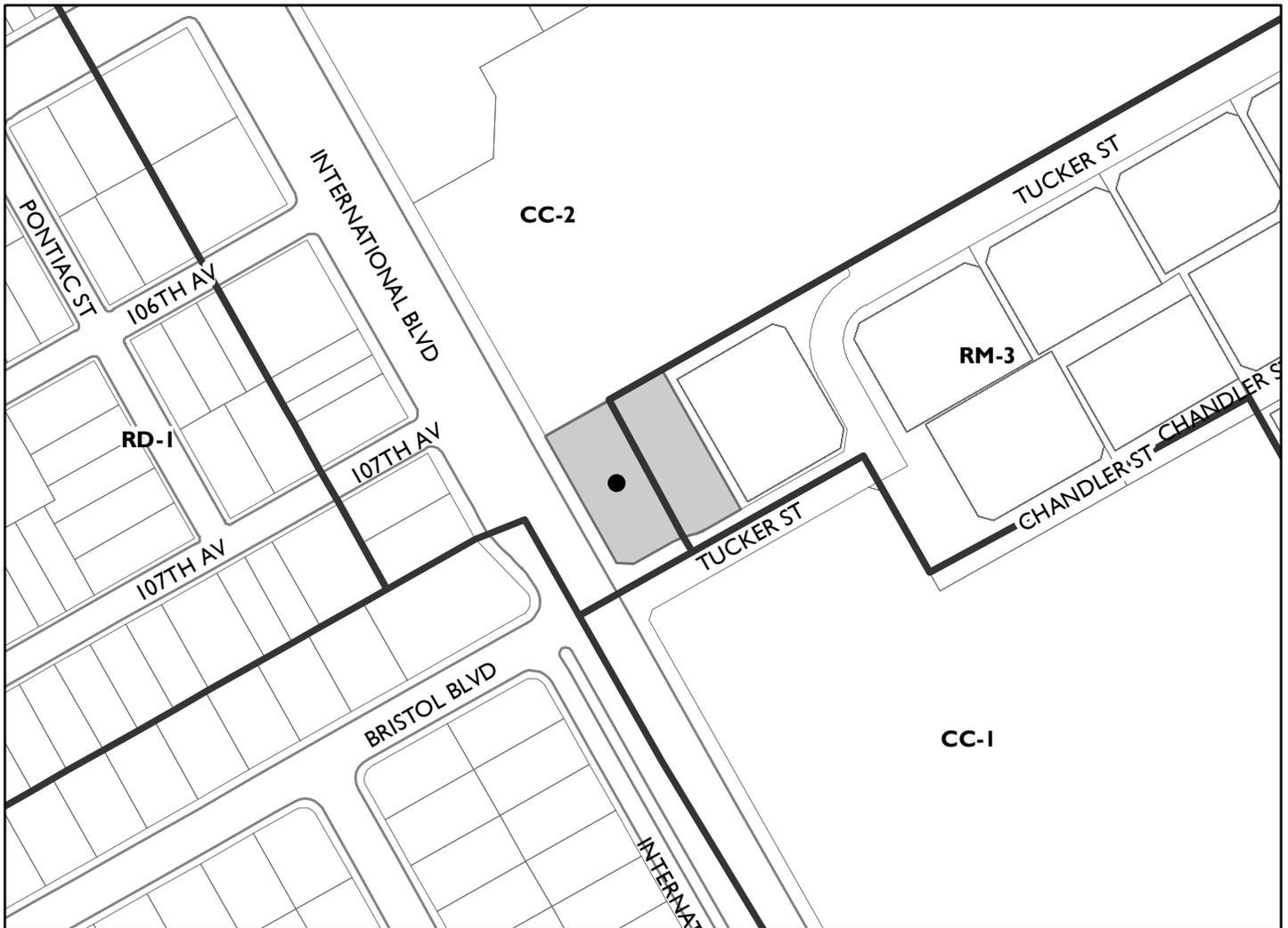


<b>Location:</b>	<b>Surface Parking lot on Tucker Street (APN 047 -5596-005-00)</b>
<b>Proposal:</b>	Construction of a one-story 2,200 square-foot commercial building and associated site improvements.
<b>Contact Person/Phone Number:</b>	Frank Code / Green Farrow (914) 393-8293
<b>Owner:</b>	Durant Commercial, LLC
<b>Case File Number:</b>	<b>PLN20074</b>
<b>Planning Permits Required:</b>	Regular Design Review for new construction (O.P.C.17.136.050(B)). Major Conditional Use Permit for a “Drive-Through Non-Residential Facility (O.P.C.17.134.020 (A) (2)(b). Minor Conditional Use Permit to allow activities listed as prohibited but permitted or conditionally permitted on nearby lots in adjacent zone (17.35.01). Minor Variance to allow a 33’ front setback where 10’ is the maximum allowable (17.148.050).
<b>General Plan:</b>	Community Commercial
<b>Zoning:</b>	CC-2 Community Commercial 2 Zone / RM-2 Mixed Housing Types Residential 2 Zone
<b>Environmental Determination:</b>	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303, New Construction Small Structures; 15183, Projects consistent with community plan, general plan or zoning
<b>Historic Status:</b>	Not Potential Designated Historic Property (PDHP)
<b>City Council District:</b>	VII
<b>Recommendation:</b>	Approve with Conditions
<b>Finality of Action:</b>	Appealable to City Council
<b>For Further Information:</b>	Contact <b>Jose M. Herrera-Preza</b> at <b>(510) 238-3808</b> or <a href="mailto:jherrera@oaklandca.gov">jherrera@oaklandca.gov</a>

**SUMMARY**

The applicant proposes to demolish an existing 19,904 square-foot open surface parking lot and construct a free-standing, one-story 2,200 square-foot commercial building. Site improvements include a reconfiguring of the site circulation to accommodate a “Drive-Through Non-Residential Facility, repaving of the site, and installing new landscaping and signage. The subject property is located at the north-east corner of the intersection of International Boulevard and Tucker Street adjacent to the Durant Square Commercial Shopping Center.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN20074  
Applicant: Frank Coda / Green Farrow  
Address: Vacant lot on Tucker Street  
Zone: CC-2

**PROJECT DESCRIPTION**

The primary objective of the project is to construct a free-standing, one-story 2,200 square-foot “Starbucks” coffeeshop. The subject parcel is a remainder from the Durant Square Planned Unit Development (PUDF00-60) that was to be developed with a commercial building but instead was developed as an open surface parking lot. The proposed commercial building has a contemporary design in keeping with the most recent developments in the Durant Square Shopping Center. Some key elements of the proposed design include decorative brick details and steel storefront. Landscape improvements would include a low (4-foot tall) brick wall with decorative columns that echoes the building designs along International Boulevard, new lighting, perimeter plantings, street trees, and plantings in the parking lot. Attachments C and D contain architectural and landscape plans for the project.

The building would be perpendicular to International Boulevard and 33 feet from the front property line, and the entrance would face the parking lot. Generally, a better design for commercial buildings is to be close to the sidewalk with an entrance facing the street, but this is not practical due to site constraints. This issue is further discussed in the “Key Issues and Impacts” section of this report.

The proposed development would continue to utilize the existing curb cut and driveway on Tucker Street. The drive-through would start at the eastern portion of the lot, travel between the front of the café and the International Boulevard right of way, and loop to the Tucker Street curb cut. Site circulation and parking areas would be repaved, and a full landscape and signage plan would be implemented. New signs include wall and monument signs, parking area signs, and order boards near the drive-through lanes.

The proposal would contain ten parking spaces (no parking is required in the CC-2 zone). In addition, the drive-through will not create queuing into the street because it provides spaces for eight vehicles. The driveways will have the same site configuration as existing, with one, 24’ wide entry and exit point onto adjacent to Tucker Street. This design conforms to the proposed Bus Rapid Transit route on International Boulevard by maintaining all existing bus stops and bus shelters on the route on International Boulevard.

The site includes the incorporation of a landscape plan that incorporates all of the large existing “London Plane” trees and 5 smaller trees on the site. The preservation of the existing trees was paramount in the landscape design which will further incorporate three 24” box trees and complimentary shrubs and ground covers. A part of the landscape plan a 4’ brick site wall will be constructed along International Boulevard that will serve as a screen for the “Drive-Through” and replicate a historic brick element found at Durant Square.

**PROPERTY DESCRIPTION**

The site is a 19,904 square-foot, flat parcel at the north-east corner of International Boulevard and Tucker Street, adjacent to the historic “Durant Square Commercial Shopping Center” to the South, the Alameda Contra Costa Transit District (AC Transit) Maintenance Facility to the North, and multi-family residential buildings to the East. Nearby properties include one-to-two story commercial activities occupied by various small-scale neighborhood businesses, civic activities and residential buildings typical of a primary commercial corridor.

This part of International Boulevard in East Oakland is characterized by small-scale ground floor commercial spaces under upper story residential units and freestanding commercial and civic buildings. Residential buildings along and behind the commercial area include two-story apartments, as well as newer five-story residential buildings. Construction materials in the area include primarily stucco buildings with glass transoms and tile roof details; brick with wood details, wood shiplap and shingle walls with composite roofs, and other early-to- mid-20<sup>th</sup> Century materials.

Both properties adjacent to the site contain parking in front of buildings originally constructed for industrial activities that have been converted for retail use.

### **GENERAL PLAN ANALYSIS**

The property is in the Community Commercial Land Use category of the Land Use and Transportation Element (LUTE) of the General Plan. This designation is intended “to create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City's major corridors and in shopping districts or centers.” International Boulevard is a “Growth and Change” corridor under the LUTE designation. The application is consistent with the following LUTE policies:

LUTE Policy I/C1.2 states that “Existing Businesses and jobs within Oakland which are consistent with the long-range objectives of this Plan should, whenever possible, be retained.”

Policy I/C3.4 states that “The vitality of existing neighborhood mixed use and community commercial areas should be strengthened and preserved.”

Staff finds that the proposed café is consistent with the intent of the General Plan because it implements these policies and intent.

### **ZONING ANALYSIS**

The property has a split zone designation. The first 75’ of frontage from International Boulevard is located within the CC-2 Community Commercial-2 Zoning District and the remaining 50’ of the parcel is within the RM-2 Mixed Housing Type Residential-2 Zone. The proposed café and drive-through is not permitted in the RM-2 Zone. However, in cases of split zoning, the Planning Code conditionally permits generally prohibited activities that are permitted or conditionally permitted in an adjacent zone. In this case, the drive-through is conditionally permitted and the café is permitted by right in CC-2 Zone, which allows the proposal to be conditionally permitted in the RM-2 Zone area of the lot.

The proposed free-standing commercial building and drive-through facilities are conditionally permitted in the CC-2 zone and are subject to Planning Commission review. The uses are consistent with the intent of the zone to allow a wide range of commercial activities.

The project requires the following planning permits:

- Regular Design Review for new construction in the CC-2 zone;
- Major Conditional Use Permit for a Drive-Through Non-Residential Facility;
- Minor Conditional Use Permit to allow activities listed as prohibited but permitted or conditionally permitted on nearby lots in adjacent zone (17.35.01).
- Minor Variance to allow a 20’ front setback, where there is a maximum 10’ required.

Further analysis is described in the “Key Issues and Impacts” Section of the report below. The findings required for approval of these permits are set forth in **Attachment A**.

### **KEY ISSUES AND IMPACTS**

#### Design

The most significant design review issues involve the positioning of the drive-through and its effects on the overall site plan. Staff encouraged the applicant to place the drive-through lane behind the building and exit from the north side of the lot onto International Boulevard and place the building near the sidewalk with a pedestrian entrance oriented toward the street. This configuration would have created a better street

presence, pedestrian orientation, and street edge. Unfortunately, a large street tree and utilities in the sidewalk made this scheme infeasible. Curling the drive-through behind the café with the vehicle entrance and on Tucker Street would force pedestrians to cross the drive-through lane, which would be a safety issue. Staff also encouraged the applicant to turn the building parallel to International Boulevard, but the applicant was unable to fit the parking, a drive-through that enables an eight-car queueing, and garbage truck access into the relatively shallow, 130' deep lot.

Staff recommends approval of the design of the project due to the site constraints described above. Further, the neighboring converted industrial buildings are setback from the front property line similar to that proposed. As described above, the landscaping will be a significant improvement to the property.

Front Setback

The CC-2 Zone requires a maximum 10' front setback new construction because the site is on a primary commercial corridor where the City desires a street edge and commercial presence for pedestrians. The applicant has demonstrated that site constraints require the café to be setback 33' from the front property line. Staff believes this setback is acceptable because it is consistent with the neighboring converted industrial buildings to the north and south of the site.

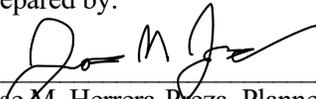
**ENVIRONMENTAL DETERMINATION**

The project is categorically exempt under Section 15303 of the California Environmental Quality Act Guidelines for construction of small structures and Section 15183, projects consistent with a community plan, general plan or zoning.

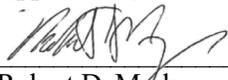
**RECOMMENDATIONS:**

1. Affirm staff's environmental determination.
2. Approve the Major Conditional Use Permit, Minor Variance and Regular Design Review subject to the attached findings and conditions.

Prepared by:

  
\_\_\_\_\_  
Jose M. Herrera-Peza, Planner III

Approved by:

  
\_\_\_\_\_  
Robert D. Merkamp  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:

*Ed Manasse*

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Ed Manasse  
Deputy Director  
Planning and Zoning

**ATTACHMENTS:**

- A. Findings
- B. Conditions
- C. Plans and Elevations
- D. Landscape Plans

**ATTACHMENT A**

**FINDINGS FOR APPROVAL:**

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

**Section 17.136.050(B) Regular Design Review Criteria, Nonresidential Facilities:**

1. **That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060:**

The proposed contemporary façade is consistent with other buildings on International Boulevard and directly taking elements from the Durant Square Storefronts through the incorporation of steel storefronts, metal awnings and brick details at the bulkhead and parapet marquees.

A low brick wall with decorative columns at the front of the lot, perimeter plantings, street trees, and plantings in the parking lot would also significantly improve the site and provide an edge to the street.

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

The proposed project will enhance an area of East Oakland through the investment in a parcel intended for commercial development. The development is designed to occupy a cafe that draws customers to the Durant Square shopping district. The proposed building is incorporating high quality materials and significant landscaping to improve the site. The proposal will not conflict with the Bus Rapid Transit (BRT) line currently being constructed on International Boulevard.

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

Fulfillment of General Plan and Zoning criteria is demonstrated by the “General Plan Analysis Section,” above.

**Section 17.134.050 General Use Permit Criteria:**

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

The Conditional Use Permit is for the proposed “drive-through” facility. The design accommodates eight cars, which will prevent queuing into the street. This design will also not conflict the Bus Rapid Transit route on International Boulevard because the it will not interfere with existing bus stops or infrastructure in the public right-of-way. The relatively small, 2,200 square-foot facility will not generate a significant amount of traffic.

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

The drive-through will avoid on-street queuing by accommodating eight cars and the geometry of the drive-through lane will allow for the turns required to travel in and out of the facility. The proposed setback will be consistent with properties to the north and south of the site. Landscaping will significantly upgrade the appearance of the site.

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

Construction of a cafe will increase the vitality of the area as a shopping district and enhance the commercial corridor as a dining and social gathering destination for the neighborhood.

- D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.050(B) for non-residential facilities.**

See Design Review Criteria, below.

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

Fulfillment of General Plan and Zoning criteria is demonstrated by the “General Plan Analysis Section,” above.

**Section 17.102.290: Drive-through Nonresidential Facilities Findings**

- A.1. The proposed facility will not impair a generally continuous wall of building facades.**

The proposed facility is designed to screen vehicles and vehicle queuing behind the proposed building and therefore not impair any building facades. The proposed location is along the north-eastern rear property line adjacent to a AC Transit maintenance office and multi-family residences. The drive-thru would be visually screened from International Boulevard with exception to the existing aisle which runs parallel to international but will exit onto Tucker Street. Pedestrian access would be provided along International Boulevard.

- A.2. The proposed facility will not result in weakening the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of a shopping frontage.**

The proposal will not impair a consistent shopping frontage because the buildings on adjacent properties are significantly set back from the street. The surrounding area contains automotive oriented commercial uses.

**A.3. The proposed facility will not directly result in a significant reduction in the circulation level of service of adjacent streets.**

The existing site has one, 24' curb cut and driveway from Tucker Street, without noticeable reduction in circulation levels of adjacent streets. International Boulevard has non-residential uses near the site at this end of its right-of-way. The relatively small increase in vehicle traffic to the site would be adequately absorbed by International Boulevard.

**B. Standards. A driveway serving as a vehicle stacking or queuing lane for a drive-through window shall be separated from parking areas and shall not be the only entry or exit lane on the premises. Such facility shall be so situated that any vehicle overflow from it shall not spill onto public streets or the major circulation aisles of any parking lot. Such facility shall have durable, all-weather surface; shall have reasonable disposal of surface waters by grading and drainage; and shall be permanently maintained in good condition.**

The driveways for stacking or queuing lanes for the drive-through windows are separated from parking areas and are not the only entry or exit lanes on the premises. Vehicles not using the drive-through lane can completely bypass that portion of the site and use non-dedicated parking spaces. The overflow will not spill into public streets because the drive through will accommodate a queue of eight cars. The surface will be durable and all-weather, well drained and maintained as required.

**C. Dimensions. Each vehicle space comprising a stacking or queuing lane for a drive-through window shall be a minimum of ten (10) feet in width by twenty (20) feet in length. Such a stacking or queuing lane shall have a maximum capacity of eight (8) vehicles.**

The project contains eight vehicle spaces between the order stations and the merchandise pickup station. The "Drive-Through" aisle is approximately 12 feet in width and 140 feet in length.

**Section 17.148.050 - Variance Criteria:**

**A) Strict compliance with the specified regulations would result in practical difficulty or unnecessary hardship inconsistent with the purpose of the Zoning Regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance:**

The Variance is required because the proposed free-standing 2,200 square-foot one-story commercial building is sited 33 feet from the front property line, 23 feet beyond the 10-foot maximum setback required by the Planning Code. Strict compliance would require the building to be setback much less than those on adjacent parcels, which would create a discontinuity in the streetscape. Further, due to site constraints, compliance with the regulation would require an exit to International Boulevard, which is infeasible due to the existing infrastructure in the right of way.

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

Strict compliance would deprive the applicant of privileges enjoyed by adjacent properties, which have buildings with similar setbacks as that proposed.

- C) The variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy:**

The subject property is surrounded by commercial buildings or commercial activities in an urban setting. The proposed building will not adversely affect the character of the neighborhood or the commercial corridor. The proposal will allow the operators to provide a much-needed upgrade to the existing facilities while providing a restaurant option for the community.

- D) The variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the Zoning Regulations:**

The purpose of the regulation is to provide a consistent street “wall” of commercial storefronts. This street design is not feasible in for this project because adjacent buildings are significantly setback from the street. Setting the building back to be consistent with the neighboring buildings would provide the most effective streetscape.

- E) That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with Regular Design review Criteria set forth in the design review procedures at section 17.136.050:**

As shown above, the proposed project meets all the required regular design review criteria set forth in chapter 17.136.050.

**ATTACHMENT B**

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 **February 17, 2020**, 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. Unless a different termination date is prescribed, this Approval shall expire **two 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 a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

**3. Compliance with Other Requirements**

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Bureau of Building, Fire Marshal, 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. Regulatory Permits and Authorizations from Other Agencies**

Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

**13. 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

**14. 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

**15. 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 <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, 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

**16. 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

**17. 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 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. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**18. Criteria Air Pollutant Controls - Construction Related**

Requirement: The project applicant shall implement all of the following applicable basic control 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

**19. 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

**20. 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

**21. 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

**22. 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

**23. 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

**24. 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

**25. NPDES C.3 Stormwater Requirements for Regulated Projects**

**a. Post-Construction Stormwater Management Plan Required**

Requirement: The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:

- i. Location and size of new and replaced impervious surface;
- ii. Directional surface flow of stormwater runoff;
- iii. Location of proposed on-site storm drain lines;
- iv. Site design measures to reduce the amount of impervious surface area;
- v. Source control measures to limit stormwater pollution;
- vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and
- vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

**b. Maintenance Agreement Required**

Requirement: The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:

- i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.

***CONDITIONS OF APPROVAL***

The maintenance agreement shall be recorded at the County Recorder’s Office at the applicant’s expense.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**26. 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

**27. 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

**28. 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

**29. 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

**30. 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

**31. Bicycle Parking**

Requirement: The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**32. 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).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

**33. 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](http://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

**34. 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

**35. Recycling Collection and Storage Space**

Requirement: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings

submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**36. 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%202023%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

***CONDITIONS OF APPROVAL***

- 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

### **37. Employee Rights**

Requirement: The project applicant and business owners in the project shall comply with all state and federal laws regarding employees’ right to organize and bargain collectively with employers and shall comply with the City of Oakland Minimum Wage Ordinance (chapter 5.92 of the Oakland Municipal Code).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

### **38. Public Art for Private Development**

Requirement: The project is subject to the City’s Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. (“Ordinance”). The public art contribution requirements are equivalent to one-half percent (0.5%) for the “residential” building development costs, and one percent (1.0%) for the “non-residential” building development costs.

The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution. The applicant shall provide proof

of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit.

Proof of installation of artwork, or other alternative requirement, is required prior to the City's issuance of a final certificate of occupancy for each phase of a project unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval.

When Required: Payment of in-lieu fees and/or plans showing fulfillment of public art requirement – Prior to Issuance of Building permit

Installation of art/cultural space – Prior to Issuance of a Certificate of Occupancy.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

### **Project Specific Conditions of Approval**

#### **39. Business Hours**

Requirement: The hours of operation shall be limited to 6:00 AM to 8:00 PM. The City Planning Commission reserves the right to modify the hours of operation after holding a public hearing to consider said modification

When Required: After the issuance of a certificate of occupancy.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

#### **40. Loitering Signs**

Requirement: The applicant shall post at least five "No Loitering" signs on the building façade and other strategic locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2 inches in height. The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to leave. Persons loitering in the vicinity of the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used and are recommended by the Alcoholic Beverage Action Team.

When Required: After the issuance of a certificate of occupancy.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

#### **41. Parking Lot Lighting**

Requirement: The exterior lighting fixtures which serve the parking area shall be equipped with daylight sensors that will automatically turn the lights on at dusk and off at sunrise, and shall be adequately shielded to a point below the bulb and reflector and shall prevent unnecessary glare onto adjacent properties. Generally at least 2 ½ lumens, with an average of at least 5 lumens, but no more than an average of 10 lumens, shall light the entire parking lot.

When Required: Issuance of a final building permit.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**42. Drive-Through Lane/Pedestrian Crossing**

Requirement: The applicant shall submit for Zoning Manager approval a plan to improve the drive-through lane/ pedestrian crossing, including but not limited to marked and raised paving surfaces for the pedestrian paths as a speed-hump. The building permits shall be modified accordingly.

When Required: Prior to issuance of a final permit.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**Applicant Statement**

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

\_\_\_\_\_  
Name of Project Applicant

\_\_\_\_\_  
Signature of Project Applicant

\_\_\_\_\_  
Date

City of Oakland  
Bureau of Planning  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**NOTICE OF EXEMPTION**

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

**Project Title:** Case No. PLN20074  
**Project Applicant:** Frank Coda / Greenberg Farrow  
**Project Location:** "0" Tucker Street  
**Project Description:** Construction of a one-story commercial building

**Exempt Status:**

**Statutory Exemptions**

**Categorical Exemptions**

- Ministerial {Sec.15268}
- Feasibility/Planning Study {Sec.15262}
- Emergency Project {Sec.15269}
- Other: {Sec.\_\_\_\_\_}

- Existing Facilities {Sec.15301}
- Replacement or Reconstruction {Sec.15302}
- Small Structures {Sec.15303}
- Minor Alterations {Sec.15304}
- In-fill Development {Sec. 15332}
- General Rule {Sec.15061(b)(3)}

**Other**

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

**Reasons why project is exempt:** Construction of a small commercial structure in a commercial zone with appropriate conditions of approval is exempt.

**Lead Agency:** City of Oakland, Planning and Building Department, Bureau of Planning, 250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612

**Department/Contact Person:** Jose M. Herrera-Preza

**Phone:** 510-238-6283

Signature (Robert D. Merkamp for Ed Manasse, Environmental Review Officer)

Date:

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

**APPROVED BY:** City Planning Commission: August 5, 2020 (date) \_\_\_\_\_ (vote)  
City Council: \_\_\_\_\_ (date) \_\_\_\_\_ (vote)

INTERNATIONAL BLVD

(E) WROUGHT IRON FENCE ON CMU BASE

(E) ACORN LIGHT POLE

(N) RAILING

(N) ADA WALK

(E) ACORN LIGHT POLE

(N) DIRECTIONAL SIGN

(N) LANDSCAPE

(E) LIGHT POLE

EXISTING SIGNAL

ADJACENT COMMERCIAL USE

(E) PROPERTY LINE

STARBUCKS  
±2,200 SF

(N) BIKE LOCKER & BIKE RACK

(N) ORDER SCREEN & 5 PANEL MENU BOARD

(N) PRE-MENU BOARD

(N) DIRECTIONAL SIGN

ADJACENT MULTI-FAMILY RESIDENTIAL

(N) CLEARANCE BAR

(N) RAILING

(N) PATIO

(N) STRIPING

(N) CURB

(E) STRIPING

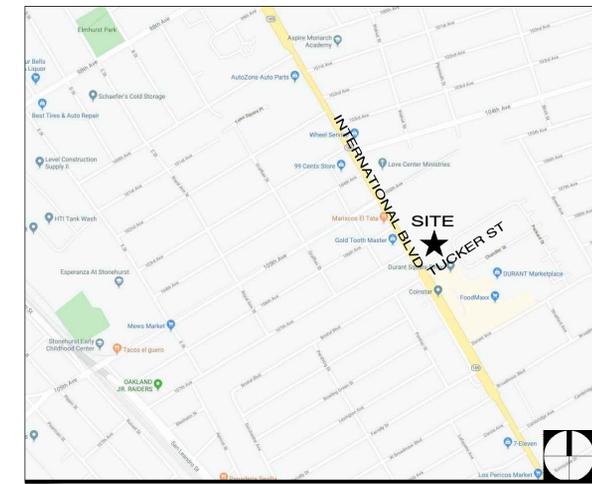
(E) ZONING LINE

(N) CURB

(N) TRASH ENCLOSURE

24' EXISTING DRIVE

TUCKER STREET



KEY MAP

**PROJECT INFORMATION**

<b>ZONING CLASSIFICATION</b>	
JURISDICTION	CITY OF OAKLAND, CA
EXISTING ZONE	CC-2 (COMMUNITY COMMERCIAL) & RM-3 (MIXED HOUSING)
REQUIRED ZONE	CC-2 (COMMUNITY COMMERCIAL)

<b>SITE AREA</b>	
STARBUCKS TOTAL SITE AREA:	±0.457 AC

<b>BUILDING INFORMATION</b>	
STARBUCKS BUILDING AREA	2,200 SF
SITE COVERAGE	±11.1 % (±4,814 SF/AC)

<b>PARKING SUMMARY</b>			
USER	RATIO REQUIRED	SPACES REQUIRED	SPACES PROVIDED
STARBUCKS STANDARD	0 REQUIRED	0	10
ACCESSIBLE			1+1
TOTAL			12
TOTAL STACKING PROVIDED:			8 VEHICLES

<b>DRAWING ISSUE/REVISION RECORD</b>		
DATE	NARRATIVE	INITIALS
11.26.19	PREP SP-1	AM
02.14.20	PREP SP-2	JN

<b>GREENBERG FARROW CONTACTS</b>	
PROJECT MANAGER	I.BRAHIMBEGOVIC
SITE DEV. COORDINATOR	F. CODA

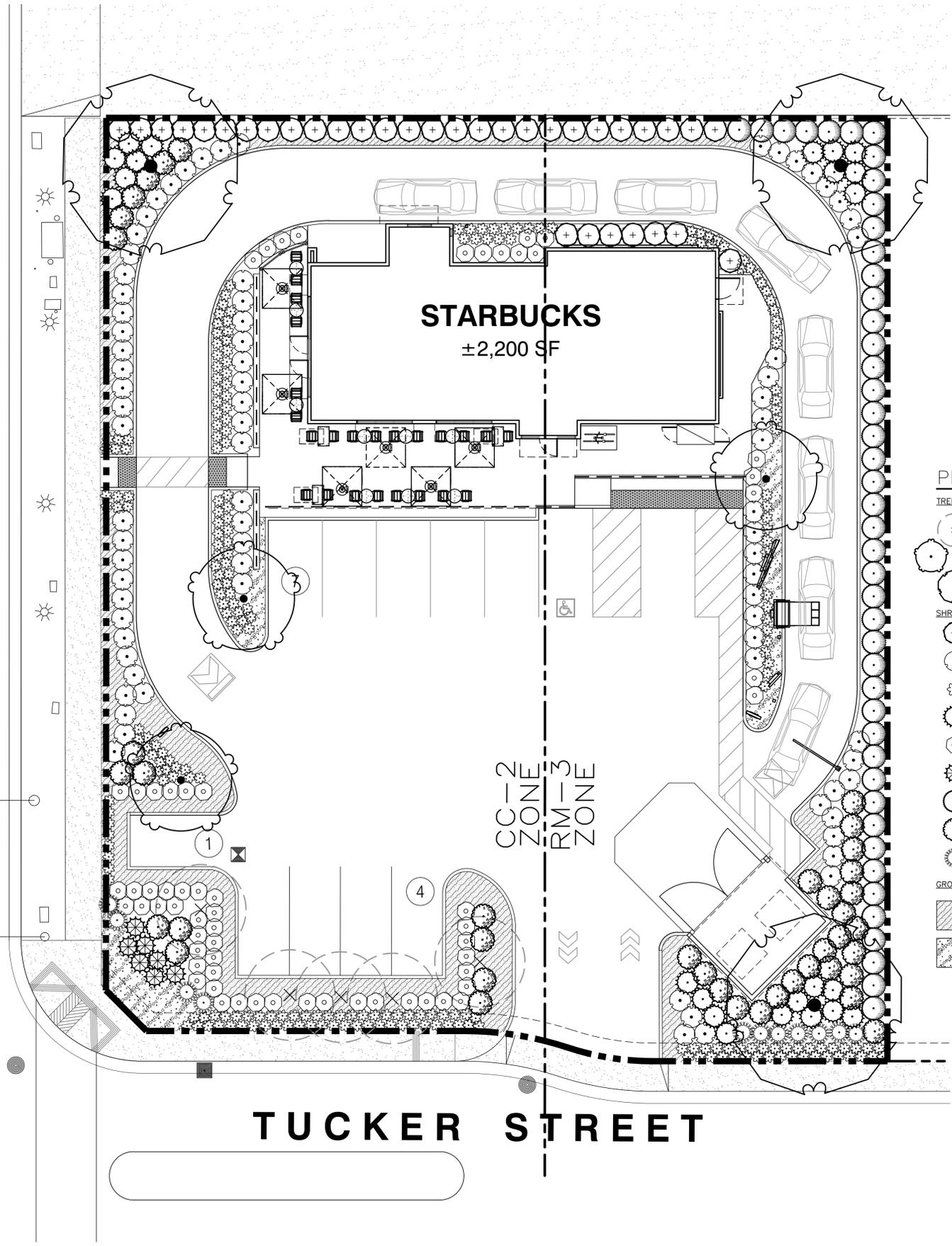


TRUE NORTH

SCALE: 1"=10'-0"



INTERNATIONAL BLVD



STARBUCKS  
±2,200 SF

TUCKER STREET

PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME	CONT.	WUCOLS IV	
(x)	Arbutus x 'Marina'	Arbutus Standard	Existing	Protect in Place	
(circle with dot)	Cercis canadensis 'Oklahoma'	Oklahoma Redbud	24"box	M	
(circle with cross)	Pistacia chinensis 'Keith Davey'	Keith Davey Chinese Pistache	24"box	L	
SHRUBS	BOTANICAL NAME	COMMON NAME	CONT.	WUCOLS	
(circle with plus)	Arctostaphylos x 'Sunset'	Sunset Manzanita	5 gal	L	
(circle with dot)	Callistemon viminalis 'Little John'	Dwarf Weeping Bottlebrush	5 gal	L	
(circle with cross)	Diets iridioides 'John's Runner'	Fortnight Lily	5 gal	L	
(circle with dot)	Muhlenbergia rigens	Deer Grass	1 gal	L	
(circle with cross)	Myrtus communis 'Compacta'	Dwarf Myrtle	5 gal	L	
(circle with dot)	Phormium tenax 'Rubrum'	New Zealand Flax	1 gal	L	
(circle with cross)	Podocarpus macrophyllus 'Maki'	Maki Shrubby Yew Podocarpus	5 gal	M	
(circle with dot)	Rhaphiolepis indica 'Clara'	Clara Indian Hawthorn	5 gal	L	
(circle with cross)	Salvia leucantha 'Midnight'	Mexican Bush Sage	5 gal	L	
GROUND COVERS	BOTANICAL NAME	COMMON NAME	ROOT	WUCOLS	SPACING
(diagonal lines)	Arctostaphylos edmundsii 'Carmel Sur'	Carmel Sur Manzanita	1 gal	L	60" o.c.
(stippled)	Lantana camara 'Rainbow' TM	Rainbow Lantana	1 gal	L	15" o.c.



PROJECT INFORMATION

<b>ZONING CLASSIFICATION</b>	JURISDICTION	CITY OF OAKLAND, CA
	EXISTING ZONE	CC-2 (COMMUNITY COMMERCIAL) & RM-3 (MIXED HOUSING)
	REQUIRED ZONE	CC-2 (COMMUNITY COMMERCIAL)

<b>SITE AREA</b>	STARBUCKS TOTAL SITE AREA:	±0.457 AC
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<b>BUILDING INFORMATION</b>	STARBUCKS BUILDING AREA	2,200 SF
	SITE COVERAGE	±11.1 % (±4,814 SF/AC)

**LANDSCAPE SUMMARY**  
 CITY OF OAKLAND LANDSCAPE REQUIREMENTS:  
 - SHADE TREES SHALL BE PROVIDED AT A RATIO ONE (1) TREE FOR EVERY TEN (10) SPACES THROUGH PARKING LOT  
 - A MINIMUM OF TEN PERCENT (10%) OF SURFACE PARKING LOT SHALL BE LANDSCAPED

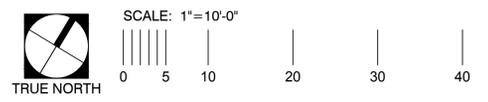
**CALCULATIONS:**  
 REQUIRED:  
 - 12 PARKING SPACES / 1 TREE FOR EVERY 10 PARKING SPACES = 2 TREES NEEDED  
 - 1,782 SQ.FT. OF SURFACE PARKING X .10 = 178.2 SQ.FT. OF PARKING LANDSCAPE NEEDED  
 GIVEN:  
 - 7 TREES THROUGHOUT PARKING LOT  
 - 411 SQ.FT. OF LANDSCAPED PARKING AREA  
 TOTAL LANDSCAPE AREA: ±5,363

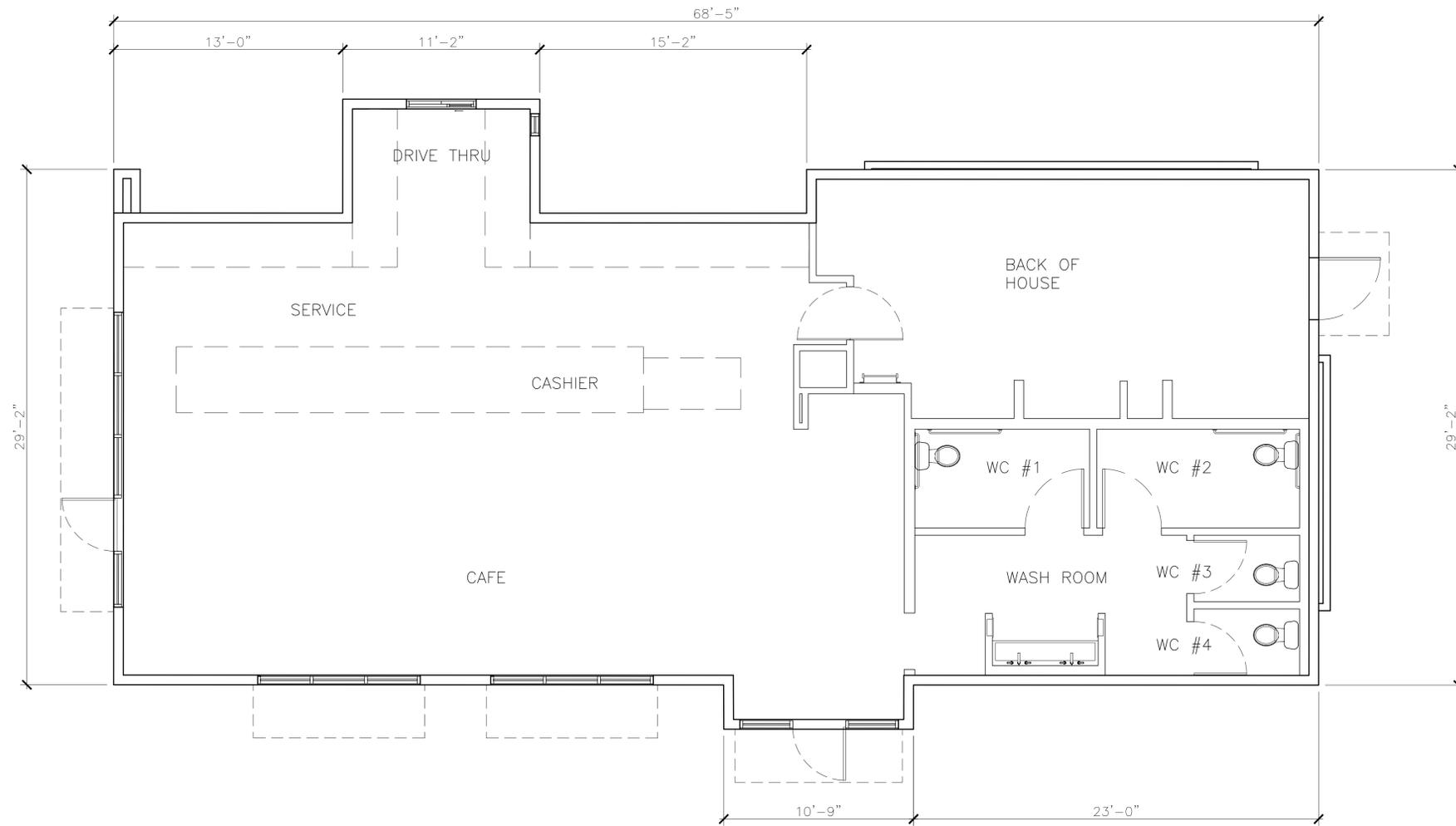
**NOTES:**  
 ALL LANDSCAPE AREAS SHALL RECEIVE AUTOMATIC IRRIGATION SYSTEM. ALL LANDSCAPE INSTALLATION SHALL BE PERMANENTLY MAINTAINED.  
 A LANDSCAPE DOCUMENT PACKAGE AS PER A.B. 1881 SHALL BE PROVIDED.  
 PLANT MATERIAL NOT LISTED MAY BE USED, SUBJECT TO APPROVAL OF THE CITY.  
 ALL LANDSCAPE PLANS AND INSTALLATIONS SHALL ADHERE TO CITY DESIGN GUIDELINES, CODES AND REGULATIONS.  
 WHERE TREES ARE WITHIN 5' OF WALKWAYS AND / OR PAVING SURFACES, ROOT BARRIERS SHALL BE INSTALLED.  
 ON-SITE AND PARKWAY LANDSCAPE SHALL BE MAINTAINED BY BUSINESS OWNERS.

DRAWING ISSUE/REVISION RECORD		
DATE	NARRATIVE	INITIALS
11.26.19	PREP SP-1	AM

**GREENBERG FARROW CONTACTS**  
 PROJECT MANAGER: I.BRAHIMBEGOVIC  
 SITE DEV. COORDINATOR: F. CODA

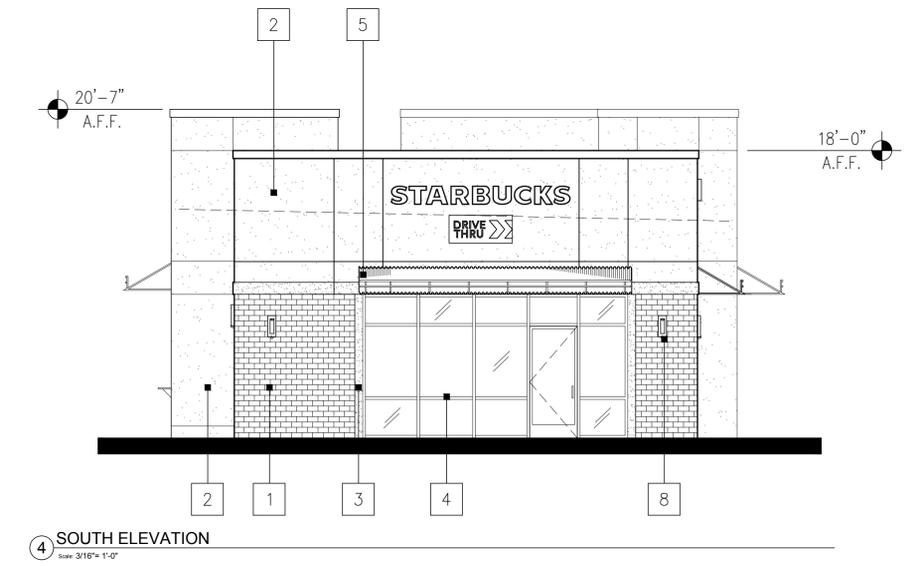
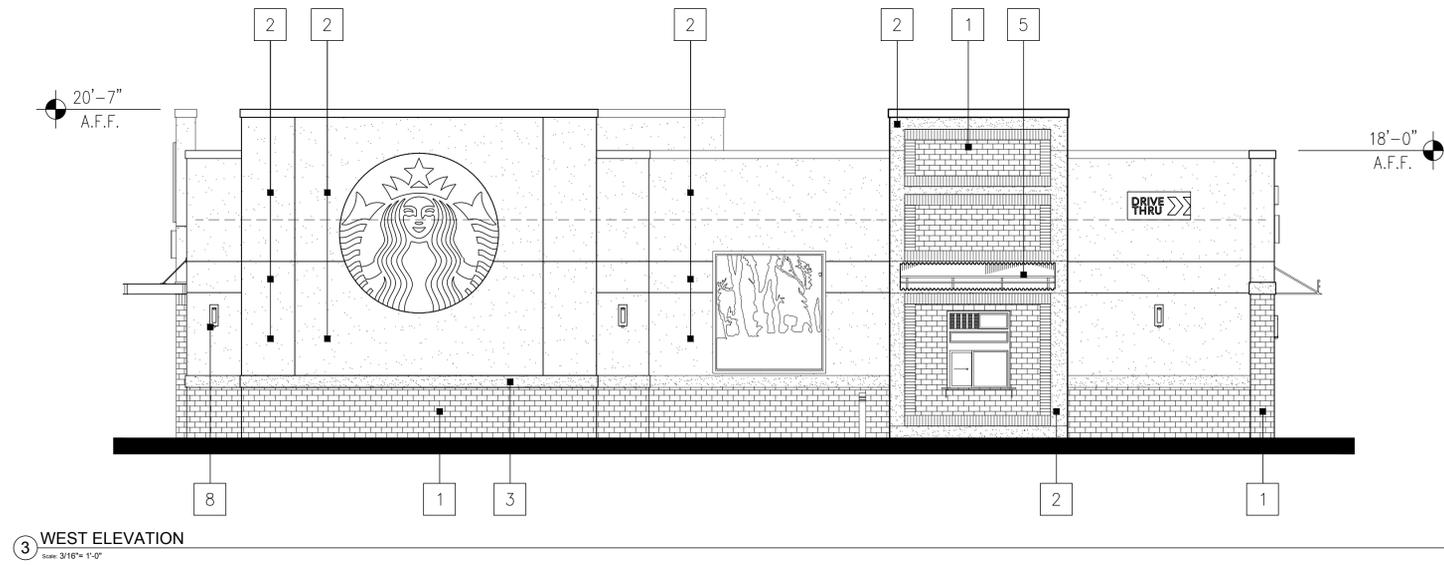
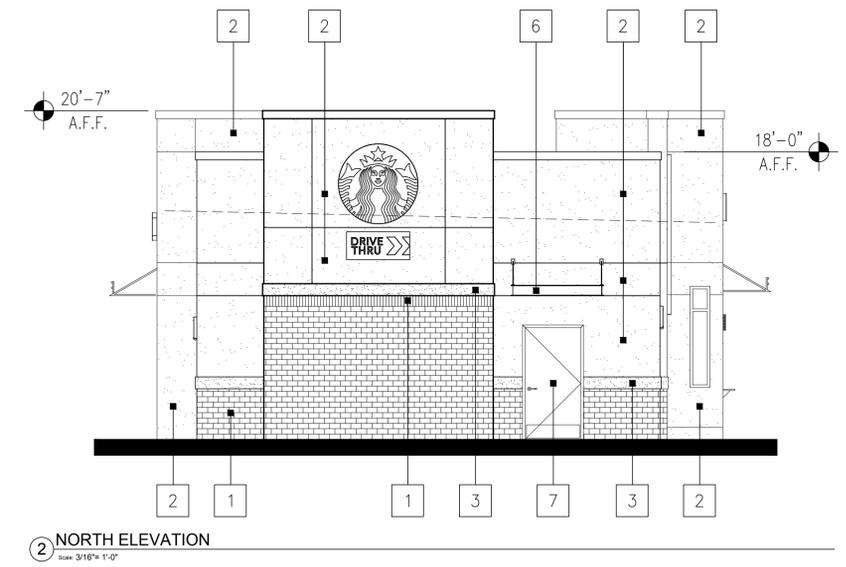
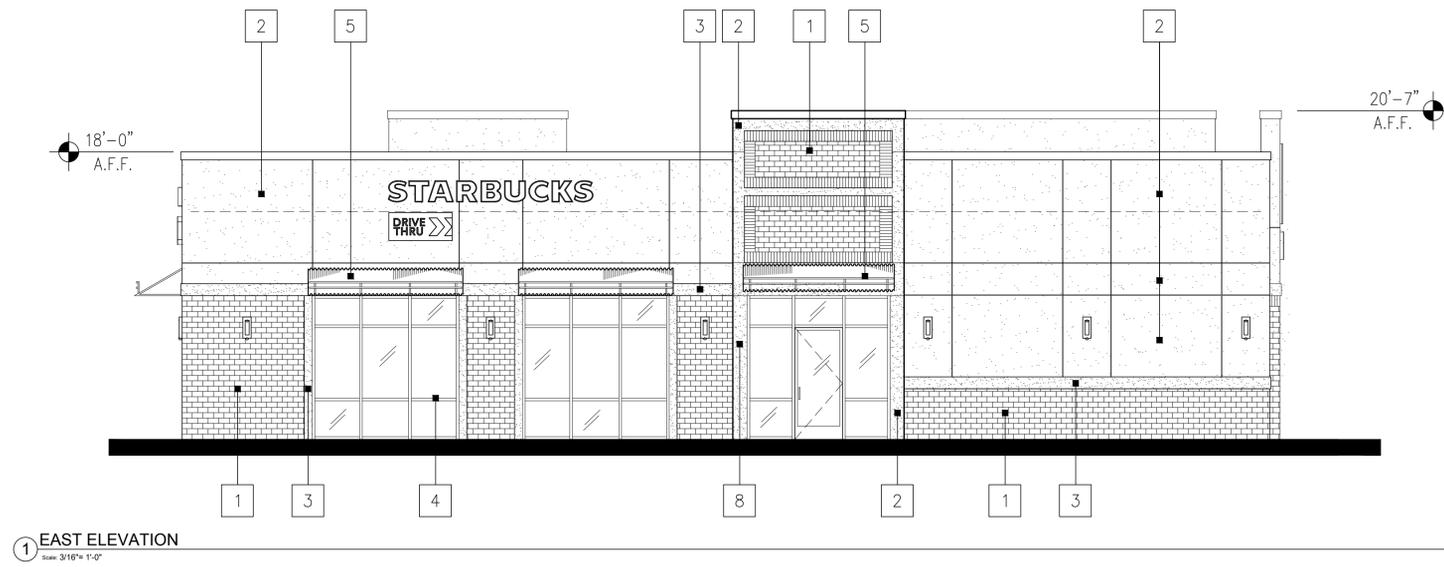
NOTE: This information is conceptual in nature and is subject to adjustments pending further verification and Client, Tenant, and Governmental Agency approval. No warranties or guarantees are given or implied by the Architect.





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





FINISH SCHEDULE	
FINISH MATERIAL	
1	THIN BRICK VENEER - CORONADO STONE: BELGIAN BRICK-BROOKSIDE
2	PAINT-CEMENT PLASTER(FIELD) - SW7507: STONE LION
3	PAINT-CEMENT PLASTER (TRIM) - SW7551: GREEK VILLA
4	STOREFRONT SYSTEM - DARK BRONZE
5	METAL AWNING
6	METAL CANOPY/METAL TRIM
7	HOLLOW METAL DOOR - PAINT TO MATCH SW7507: STONE LION
8	LIGHT FIXTURE

