

# Residential Appeals Committee

## STAFF REPORT

Case File Number: PLN20-164-A01

September 14, 2021

<b>Location:</b>	6142 Ruthland Road; APN: 048G-7415-031-00
<b>Proposal:</b>	Appeal of Zoning Manager's approval of development application to construct a new single-family dwelling with an Accessory Dwelling Unit (ADU) on a vacant upsloping lot
<b>Appellant:</b>	Laura Campbell (415)926-7617
<b>Applicant:</b>	Shan Masuda (415)314-3198
<b>Owner:</b>	Robert Anderson & Kimberly Clement TRS
<b>Case File Number:</b>	PLN20164-A01
<b>Planning Permits Required:</b>	Appeal of Zoning Manager's approval of Regular Design Review to construct a new single-family dwelling with an Accessory Dwelling Unit (ADU).
<b>General Plan:</b>	Hillside Residential
<b>Zoning:</b>	RH-4 Hillside Residential
<b>Environmental Determination:</b>	Categorically Exempt: Section 15303, new construction of small structures; and 15183 – Projects consistent with a community plan, general plan, or zoning
<b>Historic Status:</b>	Vacant Lot -X
<b>City Council district</b>	1
<b>Status:</b>	Appeal Pending Application was approved by the Zoning Manager on 6/11/2021.
<b>Staff Recommendation</b>	Deny appeal and uphold Zoning Manager's decision
<b>Finality of Decision:</b>	Final Decision
<b>For further information:</b>	Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at <a href="mailto:mbrenvah@oaklandnet.com">mbrenvah@oaklandnet.com</a>

### SUMMARY

On June 11, 2021, the Zoning Manager approved an application to construct a new single-family dwelling with an Accessory Dwelling Unit (ADU), proposed for a vacant upsloping parcel located at 6142 Ruthland Road in the Oakland Hills area (See Attachment C). The subject site is located within the RH-4 Hillside Residential zone and General Plan (GP) land-use classification, where detached residential developments (that may include ADUs) in hillside settings are permitted with a Regular Design Review Permit.

The proposed project was subject to the Regular Design Review criteria of the Oakland Municipal Code and complied with the applicable development standards including but not limited to permitted density, minimum front and rear yard setbacks, maximum height limits, required off-street parking, driveway width and slopes, and landscaping. Staff worked with the applicant to refine the design so that it complied with all the applicable developments standards, codes and

regulations and later held a Zoom meeting with interested community members to discuss the project before approving the project.

On June 21, 2021, Laura Campbell (Appellant and representative of Eric Lee and Judy Chang, owners of adjacent property located at 6132 Ruthland Road) appealed the Zoning Manager's approval of the project, citing various reasons, (See Attachment A for details) with key points summarized as follows:

**A. The Appellant Claims the Project fails to comply with the Design Review Criteria:**

- 1) The proposed design's drastic departure in style from its immediately adjacent neighboring building indicates that the findings are thus unsupported by substantial evidence in the record;
- 2) The project does not maintain the single-family residential character of the neighborhood; Second, the proposed design has minimal landscaping and noticeable large amounts of charcoal, stucco and metal. The off-street parking is only for two cars; Third, this finding ignores Appellant's initial commentary of impacts on the Lee/Chang property value;
- 3) Failure to be sensitive to the site topography and landscape;
- 4) The proposed design's planes are stacked in a manner illogical to the human eye, where higher levels appear to be bulkier than larger (*lower?*) levels. The resulting imagery emphasizes the bulk of the upper levels, especially as compared with lower neighboring units;
- 5) The findings state that simply by virtue of being a single-family residence on a vacant upsloping site, that it confirms in "all significant respects to the General Plan." To begin with, the proposed plan is not merely for a single-family residence, but rather for two residences; the primary home and the additional dwelling unit.

**B. The Appellant Claims There Are Omissions From the Regular Design Review Findings Which Otherwise Preclude Approval of Plan**

The Regular Design Review Findings contain no reference as to Appellant's commentary on:

- (1) The Subject Parcel's location in a Very High Fire Hazard Severity Zone and Earthquake Induced Landslide Zone;
- (2) The Project's inclusion of a structure dangerously close to at least one non-wildfire safety compliant oak tree would remain;
- (3) The findings contain no response to Appellant's commentary regarding CEQA.
- (4) The findings omit the issue of parking completely.
- (5) Neither the findings nor the plans show the calculation for the FAR.

- (6) Based on the greater than 20% slope of the Property on an upslope lot, the maximum height of the structure is 32 feet. (Planning Code Table 17.13.05.) It appears the project exceeds this limit, however, the plan set does not provide enough detail to determine whether the height actually does exceed this limit.

## **BACKGROUND**

On November 20, 2020, the applicant applied for a Regular Design Review permit to construct a new single family dwelling at the subject site. Staff worked with the applicant to revise the project to comply with all applicable development standards and regulations, particularly for the project to better fit the steep upsloping hillside.

On April 6, 2021, as part of the project review process, the applicant sent out through certified mail public notices to owners of properties located within three hundred feet of the subject site for comments. In response to the neighbors' comments, the applicant organized a Zoom meeting on May 6, 2021 for both staff and the project applicant to address their concerns. On June 11, 2021 Staff approved the project subject to standard conditions of approval applicable to single-family home projects in this zoning district.

Not only does the Regular Design Review Findings for approval outlined in the attached June 11, 2021 decision letter (See Attachment B) explain the reasons why the project complies with the applicable regulations and Regular Design Review criteria and adequately articulate the evidence supporting the Zoning Manager's approval of the project, but Staff has also provided a point-by-point response to the appeal points summarized above in the following paragraphs.

Further, the appeal does not list any valid instance of purported error or abuse of discretion by the Zoning Manager. Staff, therefore, recommends that the Residential Appeals Committee deny the appeal and uphold the Zoning Manager's approval of the project for the proposed new single family development.

### **Appellants' Bases for Appeal and Staff's Responses**

Below are excerpts of the key points of the appeal, followed by staff's responses. *As detailed in the supporting Attachments included as part of this Appeal.* (See Attachment A for details)

#### **A. Appellant's Assertions Design Review Criteria Has Not Been Met With This Project.**

- 1) The findings contained in paragraph 1 are the result of error or abuse of discretion, and are not supported by substantial evidence in the record. Specifically, paragraph 1 of Attachment A states that the proposed design will create a building well related to the surrounding area in setting, scale, bulk, height, materials (specifically, exterior materials) and textures, and that the proposed project has a design that harmonizes with adjacent properties and surroundings... It is plain error for the finding to have concluded that "the final design is composed of moderately-scaled geometric volumes" when the proposed plan is so aggressively different than that of its neighbor. Similarly, it is either error, abuse of discretion, or simply unsupported by evidence in record to conclude that the design harmonizes with adjacent properties in setting, scale, bulk, height, exterior materials or treatments. The proposed design has a completely different setting and intensely larger scale. The

bulk is more dramatically apportioned and out of sync with its neighbor, and the height dwarfs its neighbor and appears to be double. The exterior materials and treatments are completely apposite to its neighbor and to other properties in the neighborhood. There is no evidence in the record that these factors of the design harmonize with other designs in the surrounding neighborhood, nor is there evidence in the record that the design is moderately scaled.

Finally, paragraph 1 of Attachment A concludes the design is consistent with design review criteria for hillside developments with no consideration, assessment or commentary as to specific criteria. Criterion 1 requires that a project make a reasonable effort to protect significant views from living spaces of existing residences, while the proposed design is angled toward the Lee/Chang Property in a manner not conducive to protecting views, as compared with alternative options. Criterion 3 requires that a project shall be designed to minimize privacy impacts on neighboring properties, while the proposed design does not take privacy of the adjoining lot into consideration, as described in the commentary submitted on April 15, 2021. Criterion 4 requires that the building shall be sited in a manner compatible with adjacent site features, while the proposed design is a departure from the architectural composition of the adjacent property as described in the commentary submitted on April 15, 2021. Similarly, Criterion 5 that buildings shall have architectural composition of forms well related to one another/ Criterion 7 requires that hillside projects shall use methods that blend with the hillside and minimize the building's prominence, while the proposed design contrasts with the hillside by increasing bulk on the upper levels. Criterion requires that new construction shall relate well to visual patterns or "contexts," while the proposed design is entirely unique within the existing communities' characteristics. Each of these items and the arguments and evidence related thereto are contained in Appellant's initial commentary submitted on April 15, 2021, attached hereto for reference.

**Staff's Response:** The appellant erroneously uses the one adjacent property located at 6132 Ruthland Road (her client's house), as the main standard for the proposed development instead of the entire neighborhood, which is characterized by diverse types of hillside designs, each tailored to their specific site's topographies. Since no two hillside properties are exactly the same, designs and styles are permitted to be drastically different from one other as long as they comply with the development standards and design review criteria. The adjacent building is a contemporary building with traditional overtones that has a relatively broad width and orientation towards the street and located at the lower slopes of the site and closer to the street. The proposed design on the other hand has a contemporary design that breaks the building into distinct geometric volumes that are narrower in width and step up with the site slopes of the site and further away from the street, minimizing its prominence on the street as required by the Design Review guidelines.

The proposed project complies with all the Design Review guidelines in that it included a view and privacy impact analysis that shows it neither obstructs any significant views nor negatively impact the privacy of adjacent properties. Apart from mere claims, the appellant has not demonstrated in any tangible way, with any technical analysis, how the proposal impacts their protected views or compromises their privacy as per the established guidelines. Similarly, the siting of the proposed structure is a direct function of the site's cross-sloped topography on the upper slopes, where aligning the structure walls with the site contours not only minimizes grading but also reduces the need for taller retaining walls. The architectural composition, and massing of the building elements, apply distinct geometric volumes skillfully organized along the site contours. The building steps incrementally up with the slopes of the steep hillside, and with

predominantly shrouded in wood and earth-tone finishes, fully complies with the development standards and applicable guidelines.

- 2) First, this finding erroneously states that the project maintains the single-family residential character of the neighborhood; however, the proposed design contemplates two residential units; one primary unit and one additional dwelling unit. Second, this finding states that it will complement neighborhood characteristics, and then proceeds to summarize these characteristics as simply “detached single-family houses with useable outdoor spaces, off-street parking, and attractive landscaping.” The proposed design has minimal landscaping and noticeable large amounts of charcoal, stucco and metal. The only usable outdoor spaces are simply paved patios. The off-street parking is only for two cars, while the proposed design is for two residential units. While the attractiveness of the landscaping may be subjective, it is at least certainly a departure from the existing landscaping of the neighborhood. Third, this finding states that the proposed design will “improve property values in the area.” This finding ignores Appellant’s initial commentary as to the impact it may have on the Lee/Chang Property value and is not substantiated by any evidence in record. Each of these items and the arguments and evidence related thereto are contained in Appellant’s initial commentary submitted on April 15, 2021, attached hereto for reference.

**Staff’s Response:** The proposal is for one primary dwelling unit that contains a 610 square-foot “Secondary Unit” also known as Accessory Dwelling Unit (ADU) within the building envelope. ADUs are ministerially permitted by State law in California in Single Family zones, and do not count towards residential density. ADUs are not independent of the primary unit and do not result in duplexes or two independent units; therefore, the ADU is consistent with, and does not change, the one-family zoning of the site.

Due to the steep sloping nature of hillsides, it is challenging to get flat useable outdoor spaces on grade without more grading and retaining walls; therefore the proposed project incorporates decks on the second level and the roof to provide usable open spaces. It also terraces portions of the front yard and incorporate planters to allow for landscaping and openness. The proposed two car garage will provide the required off-street parking while the 20-foot plus deep driveway will also accommodate guest parking for at least two more regular-sized cars. Useable open space, landscaping and off-street parking are desirable neighborhood amenities that enhance the use of each property and the proposed project incorporates all three.

All things being equal, new development in established neighborhoods built to current codes and standards tend to reflect current higher market prices that reflect value appreciation and in turn boost the “comps” realtors use in their valuation of properties. There is no evidence that the proposed project will have a negative impact on the value of any of its surrounding neighbors.

- 3) The findings state that “vegetation within the open areas are to remain.” As stated in the Appellant’s commentary of April 15, 2021, the proposed design contains excessive use of metal stairs, stucco and charcoal, in lieu of preserving natural spaces—it contains no visible yard and no significant green space to replace the lush landscape it is entirely replacing

**Staff’s Response:** The proposed project involves 24% lot coverage where 40% maximum is permitted and proposes a 47% FAR where 50% maximum is permitted and only involves removal

of vegetation within the building footprint and constructions areas. The claim that vegetation in the open areas would be compromised are therefore unfounded. For single family developments, the minimum required setbacks are designed to automatically allow for open areas that can serve as useable outdoor spaces. On hillsides where it is not always practical to have on-grade level useable spaces, decks and terraces are used to provide useable outdoor spaces such as those proposed at all levels including the roof top of the proposed project. The remaining open areas of the site retain their vegetation and topography.

- 4) The findings state that the proposed design “breaks the building envelope up into distinct geometric volumes and planes, organized to minimize perceived bulk.” However, the proposed design’s planes are stacked in a manner illogical to the human eye, where higher levels appear to be bulkier than larger levels. The resulting imagery emphasizes the bulk of the upper levels, especially as compared with lower neighboring units

**Staff’s Response:** The subject site has a severe cross slope so that the garage wing is designed to be about half the volume of the level above it. A larger base would unnecessarily grade out the left portion of the garage level and create a completely useless subterranean space. The proposed design presents a design that responds the steep cross-sloping hillside with distinct geometric volumes that not only aligns with the diagonal site contours but also rotates and steps each building volume back up the hillside with no more than two and one-half stacked stories visible at exterior at any vertical point around the building perimeter. This design approach allows the proposed building to have a moderate profile that is not too broad and not too tall. The skillful angling and rotation of the garage wing from the upper levels is necessary to respond to the severe cross slopes of the site.

- 5) *Failure to conform to General Plan;* Specifically, paragraph 1 of Attachment A states that the proposed design conforms in all significance respects with the Oakland General Plan and with any applicable district plan or development control map. Additionally, the findings state that in a conclusory manner, simply by virtue of being a single-family residence on a vacant upsloping site, that it confirms in “all significant respects to the General plan.” To begin with, the proposed plan is not merely for a single-family residence, but rather for two residences; the primary home and the additional dwelling unit

**Staff’s Response:** The General Plan is Hillside Residential that allows residential uses in the form of detached single-family dwellings (with accessory units) on hillside lots and therefore the proposed project complies with the general plan. The LUTE states that the desired character and uses of future development within the Hillside Residential classification should remain “residential in character”.

**B. Appellant’s Claims There Were Omissions From the Regular Design Review Findings Which Otherwise Preclude Approval of Plan.**

The Regular Design Review Findings contain no reference as to Appellant’s commentary on:

- (1) the Subject Parcel’s location in a Very High Fire Hazard Severity Zone and Earthquake Induced Landslide Zone, which acknowledge that the area is prone to fire risk and earthquake induced landslide risk.

**Staff's Response:** The City of Oakland has adopted Standard Conditions of Approval that specifically address various environmental issues including both High Fire Hazard Severity Zones and Earthquake Induced Landslide zones among several others. Conditions of Approval #26 and #28 of the June 11, 2021 approval letter has details of these conditions that were added to address any potential for these issues.

- (2) The Project's inclusion of a structure dangerously close to at least one non-wildfire safety compliant oak tree would remain. Appellants remain doubtful that a project of this size, with the earthwork that will be required, can take place without damaging or killing the existing protected oak trees.

**Staff's Response:** The project involved a Tree Removal/Preservation Permit that involves review and approval by the Oakland Tree Services with qualified professional arborists who evaluate all tree removal and preservation of others within proximity of construction activities for compliance with applicable tree protection ordinance prior to approval of tree permits. The Tree Services reviewed and approved the associated Tree Permit (T20-101) for the project.

- (3) The findings contain no response to Appellant's commentary regarding CEQA. Specifically, the CEQA Guidelines explain that a project may not use a categorical exemption when there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines § 15300.2(c).) Here, the high wildfire risk and earthquake landslide risk create a reasonable possibility that the Project will have a significant effect on the environment, namely that it will increase the risk of the safety to the neighborhood.

**Staff's Response:** The Wildfire and Earthquake Induced Landslide risk for the Oakland Hills area is not a special circumstance for the subject site. The City of Oakland, through its Land Use and Transportation Element (LUTE) and Housing Element EIRs, has identified all potential impacts and necessary mitigations and adopted Standard Conditions of Approval that address all those impacts to less than significant levels. Conditions # 26 and #28 of the approval letter include those Standard Conditions that adequately addresses wild fire and earthquake induced liquefaction and landslides so that individual developments such as the proposed single family dwellings can be categorically exempted from any further environmental review. Also, pursuant to Section 15303 of the CEQA Guidelines, the proposal of a one-family dwelling on a vacant lot is categorically exempt from environmental review. In addition, the City has adopted a comprehensive Standard Conditions of Approval (SCAs) that are designed to address all other potential negative environmental impacts. Finally, the City's established thresholds of significance provide guidance as to when environmental review analysis are necessary, and the project does not trigger any such threshold to warrant environmental review.

- (4) The findings omit the issue of parking completely. The Project Data table on the first page of the proposed design claims to propose adding three spaces for parking; yet this is unsupported by the evidence, as the plans proceed to outline what appears to be only a two car garage. The Project Data table similarly appears to claim that two parking spaces are required per unit, which would by their own calculations require four parking spaces. Section 17.13.050 requires more than the two spaces visible in the proposed plans. The lack of this information and supporting evidence was addressed in Appellant's Commentary of April 15, 2021.

**Staff's Response:** The findings mention that the project provides off-street parking. The project plans show a two-car garage that provides the two required off-street parking spaces, while the 20-foot deep driveway will also accommodate additional parking spaces for at least two more regular-sized cars. In any event, this argument is irrelevant. The Planning Code sets requirements for parking in the RH-4 zone, two spaces are required, and the proposal meets the regulations. While section 17.13.050 does reference a requirement for an additional parking space for ADUs in this zone, it does so with the clear exemption that this additional space is NOT required if another code section, such as Planning Code, Section 17.103.080, sets a different standard. It does. Indeed, section 17.103.080(C)(3)(a)(i) stipulates that additional parking is not required for a Category II ADU, (Secondary Units) that are located on sites within one-half (½) mile of a public Transit Stop, which is what the applicant is proposing. It may be that the appellant reached this erroneous conclusion as they incorrectly refer to this proposal as a "two unit" (i.e., a duplex) project when it is not. Duplexes are simply not allowed in this zone at all, but single family dwellings with Secondary Units) ADU's (detached or attached) are permitted, with the ADU being ministerially permitted pursuant to State law.

- (5) Neither the findings nor the plans show the calculation for the FAR. It is unclear whether the total floor area is correct because the plan set does not show how the total floor area is calculated; it appears not to include the portion of the garage over 440 SF. (Plan Set, page 1.)

**Staff's Response:** The proposed project involves a 3,895 square-foot building at a 8,280 square-foot site which results in of Floor Area Ratio (FAR) 47% and therefore complies with the maximum allowed FAR of 50%.

- (6) Based on the greater than 20% slope of the Property on an upslope lot, the maximum height of the structure is 32 feet. (Planning Code Table 17.13.05.) It appears the project exceeds this limit, however, the plan set does not provide enough detail to determine whether the height actually does exceed this limit. The image below is an illustration of a proper plan set that track the finished grate and shows an imaginary surface above grade. (Id.) The maximum height from the finished or existing grade (whichever is lower) within twenty feet of the front property line cannot exceed twenty-four feet. (Planning Code Section Table 17.13.05.) The plan set does not clearly show this detail, and the Department cannot make a determination of compliance until the Applicant revises these plans.

**Staff's response:** The project complies with the 24/32-foot height limit and building envelope. Attachment "C" includes an illustration that clarifies how the project complies with the height limits.

## CONCLUSION

The appeal fails to substantiate instances of purported error or abuse of discretion by the Zoning Manager. As demonstrated in the approval Findings and Staff's responses above, the proposed new single family dwelling complies with all the applicable development standards and Regular Design Review Criteria with regard to permitted uses, density, setbacks, height limits, off street parking, landscaping, exterior materials, and neighborhood compatibility. The proposed project will improve a currently vacant hillside site and contribute to the City's goal of increasing the housing stock in Oakland. The proposed development will provide a convenient and functional living space for



future residents, and serve as a new investment that would contribute to high-quality buildings in the area.

**RECOMMENDATIONS:**

Staff recommends that the Planning Commission:

1. Deny the Appeal; and
2. Uphold the Zoning Manager's approval of the Regular Design Review permit for a new single family dwelling and ADU subject to the attached Zoning Manager's Decision Letter with Findings dated June 11, 2021 (Attachment B).

Prepared by:

*Maurice B Addow*

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MAURICE BRENYAH-ADDOW  
Planner IV

Reviewed by:



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ROBERT D. MERKAMP, Zoning Manager  
Bureau of Planning

**Attachment:**

- A. Appeal Documents
- B. June 11, 2021 Decision Letter and Conditions of Approval
- C. Approved Plans dated May 18, 2021 and clarifying illustrations

June 21, 2021

**Via Email Only**

Attn: Maurice Brenyah-Addow  
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Planning & Building Dept.  
City of Oakland

Robert Merkamp, Zoning Manager  
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Catherine Payne, Development Planning Manager  
([Cpayne@oaklandca.gov](mailto:Cpayne@oaklandca.gov))

**Re: 6142 Ruthland Road, Oakland (APN: 048G-7415-031-00)  
Case File No. PLN20164**

Dear Mr. Brenyah-Addow, Mr. Merkamp and Ms. Payne

Our office represents Eric Lee and Judy Chang (“**Clients**”), the owners of the property located 6132 Ruthland Road, Oakland, California 94611 (the “**Lee/Chang Property**”). Our clients hereby appeal the decision issued by the City of Oakland Planning and Building Department Bureau of Planning approving of the proposal for Case File No. PLN20-164.

**Section 17.136.050(a) Regular Design Review Findings**

1. The findings contained in paragraph 1 are the result of error or abuse of discretion, and are not supported by substantial evidence in the record. Specifically, paragraph 1 of Attachment A states that the proposed design will create a building well related to the surrounding area in setting, scale, bulk, height, materials (specifically, exterior materials) and textures, and that the proposed project has a design that harmonizes with adjacent properties and surroundings. For ease of reference, the following page contains first (1) a rendering of the original plan, followed secondly by (2) a rendering of the revised plan. The two plans cannot be differentiated, and both reveal an immediately startling representation of the proposed design’s drastic departure in style from its immediately adjacent neighboring building, indicating that the findings are thus unsupported by substantial evidence in the record.

Image from the original plan:



Image from the revised plan:



It is plain error for the finding to have concluded that “the final design is composed of moderately-scaled geometric volumes” when the proposed plan is so aggressively different than that of its neighbor. Similarly, it is either error, abuse of discretion, or simply unsupported by evidence in record to conclude that the design harmonizes with adjacent properties in setting, scale, bulk, height, exterior materials or treatments. The proposed design has a completely different setting and intensely larger scale. The bulk is more dramatically apportioned and out of sync with its neighbor, and the height dwarfs its neighbor and appears to be double. The exterior materials and treatments are completely apposite to its neighbor and to other properties in the neighborhood. There is no evidence in the record that these factors of the design harmonize with other designs in the surrounding neighborhood, nor is there evidence in the record that the design is moderately scaled.

Moreover, the second level appears to the observer vastly larger than the lower level. It is therefore plain error for the findings to have concluded that the planes are hierarchically organized and stepped to minimize perceived bulk.

Finally, paragraph 1 of Attachment A concludes the design is consistent with design review criteria for hillside developments with no consideration, assessment or commentary as to specific criteria.

Criterion 1 requires that a project make a reasonable effort to protect significant views from living spaces of existing residences, while the proposed design is angled toward the Lee/Chang Property in a manner not conducive to protecting views, as compared with alternative options. Criterion 3 requires that a project shall be designed to minimize privacy impacts on neighboring properties, while the proposed design does not take privacy of the adjoining lot into consideration, as described in the commentary submitted on April 15, 2021. Criterion 4 requires that the building shall be sited in a manner compatible with adjacent site features, while the proposed design is a departure from the architectural composition of the adjacent property as described in the commentary submitted on April 15, 2021. Similarly, Criterion 5 that buildings shall have architectural composition of forms well related to one another/ Criterion 7 requires that hillside projects shall use methods that blend with the hillside and minimize the building's prominence, while the proposed design contrasts with the hillside by increasing bulk on the upper levels. Criterion requires that new construction shall relate well to visual patterns or "contexts," while the proposed design is entirely unique within the existing communities' characteristics.

Each of these items and the arguments and evidence related thereto are contained in Appellant's initial commentary submitted on April 15, 2021, attached hereto for reference.

2. The findings contained in paragraph 2 are the result of error and/or abuse of discretion and are not supported by substantial evidence in the record. Specifically, paragraph 2 of Attachment A states that the proposed design will protect, preserve or enhance desirable neighborhood characteristics. This finding includes multiple errors, abuses of discretion and determinations not supported by evidence.

First, this finding erroneously states that the project maintains the single-family residential character of the neighborhood; however, the proposed design contemplates two residential units; one primary unit and one additional dwelling unit.

Second, this finding states that it will complement neighborhood characteristics, and then proceeds to summarize these characteristics as simply "detached single-family houses with useable outdoor spaces, off-street parking, and attractive landscaping." The proposed design has minimal landscaping and noticeable large amounts of charcoal, stucco and metal. The only usable outdoor spaces are simply paved patios. The off-street parking is only for two cars, while the proposed design is for two residential units. While the attractiveness of the landscaping may be subjective, it is at least certainly a departure from the existing landscaping of the neighborhood.

Third, this finding states that the proposed design will "improve property values in the area." This finding ignores Appellant's initial commentary as to the impact it may have on the Lee/Chang Property value and is not substantiated by any evidence in record.

Each of these items and the arguments and evidence related thereto are contained in Appellant’s initial commentary submitted on April 15, 2021, attached hereto for reference.

3. The findings contained in paragraph 3 are the result of an abuse of discretion and are not supported by substantial evidence in the record. Specifically, paragraph 1 of Attachment A states that the proposed design will be sensitive to the topography and landscape.

Specifically, the findings state that “[v]egetation within the open areas are to remain.” As stated in the Appellant’s commentary of April 15, 2021, the proposed design contains excessive use of metal stairs, stucco and charcoal, in lieu of preserving natural spaces—it contains no visible yard and no significant green space to replace the lush landscape it is entirely replacing.

This argument and evidence related thereto is contained in Appellant’s initial commentary submitted on April 15, 2021, attached hereto for reference.

4. The findings contained in paragraph 4 are the result of an abuse of discretion and are not supported by substantial evidence in the record. Specifically, paragraph 1 of Attachment A states that the design and massing of the proposed building relates to the grade of the hill on which it is situated.

Specifically, the findings state that the proposed design “breaks the building envelope up into distinct geometric volumes and planes, organized to minimize perceived bulk.” However, the proposed design’s planes are stacked in a manner illogical to the human eye, where higher levels appear to be bulkier than larger levels. The resulting imagery emphasizes the bulk of the upper levels, especially as compared with lower neighboring units. This argument and evidence related thereto is contained in Appellant’s initial commentary submitted on April 15, 2021, attached hereto for reference.

5. The findings contained in paragraph 5 are the result of error, abuse of discretion, and are not supported by substantial evidence in the record. Specifically, paragraph 1 of Attachment A states that the proposed design conforms in all significance respects with the Oakland General Plan and with any applicable district plan or development control map.

Additionally, the findings state that in a conclusory manner, simply by virtue of being a single-family residence on a vacant upsloping site, that it confirms in “*all significant* respects to the General plan.”

To begin with, the proposed plan is not merely for a single-family residence, but rather for two residences; the primary home and the additional dwelling unit.

Each of these items and the arguments and evidence related thereto are contained in Appellant’s initial commentary submitted on April 15, 2021, attached hereto for reference.

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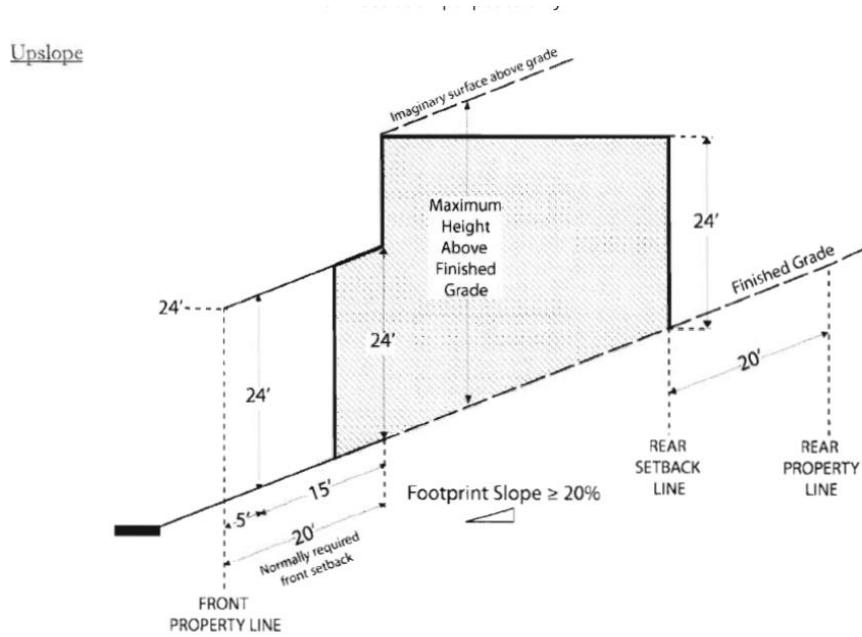
## Omissions From the Regular Design Review Findings Which Otherwise Preclude Approval of Plan

The Regular Design Review Findings contain no reference as to Appellant's commentary on:

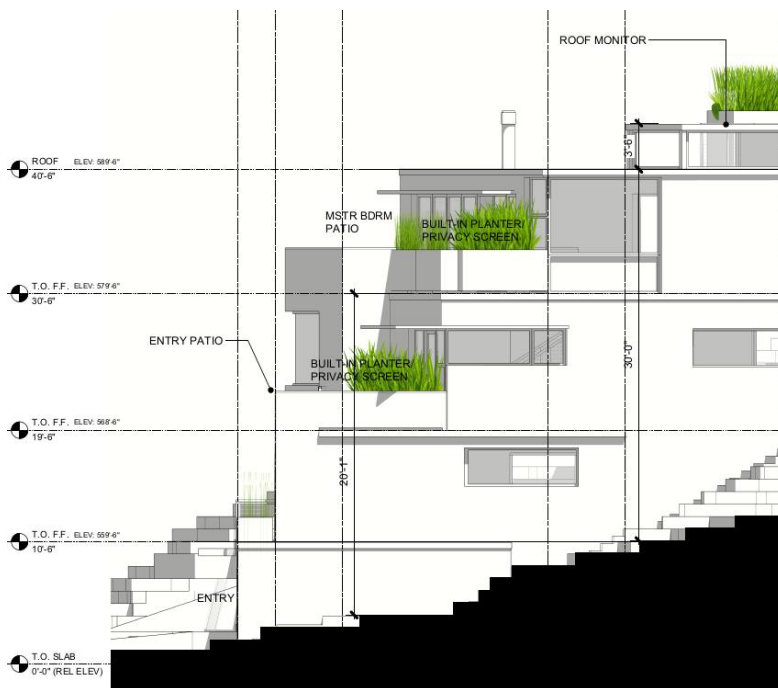
- (1) the Subject Parcel's location in a Very High Fire Hazard Severity Zone and Earthquake Induced Landslide Zone, which acknowledge that the area is prone to fire risk and earthquake induced landslide risk.
- (2) The Project's inclusion of a structure dangerously close to at least one non-wildfire safety compliant oak tree would remain. Appellants remain doubtful that a project of this size, with the earthwork that will be required, can take place without damaging or killing the existing protected oak trees.
- (3) The findings contain no response to Appellant's commentary regarding CEQA. Specifically, the CEQA Guidelines explain that a project may not use a categorical exemption when there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines § 15300.2(c).) Here, the high wildfire risk and earthquake landslide risk create a reasonable possibility that the Project will have a significant effect on the environment, namely that it will increase the risk of the safety to the neighborhood.
- (4) The findings omit the issue of parking completely. The Project Data table on the first page of the proposed design claims to propose adding three spaces for parking; yet this is unsupported by the evidence, as the plans proceed to outline what appears to be only a two car garage. The Project Data table similarly appears to claim that two parking spaces are required per unit, which would by their own calculations require four parking spaces. Section 17.13.050 requires more than the two spaces visible in the proposed plans. The lack of this information and supporting evidence was addressed in Appellant's Commentary of April 15, 2021.
- (5) Neither the findings nor the plans show the calculation for the FAR. It is unclear whether the total floor area is correct because the plan set does not show how the total floor area is calculated; it appears not to include the portion of the garage over 440 SF. (Plan Set, page 1.)
- (6) Based on the greater than 20% slope of the Property on an upslope lot, the maximum height of the structure is 32 feet. (Planning Code Table 17.13.05.) It appears the project exceeds this limit, however, the plan set does not provide enough detail to determine whether the height actually does exceed this limit.

The image below is an illustration of a proper plan set that track the finished grade and shows an imaginary surface above grade. (Id.) The maximum height from the finished or existing grade (whichever is lower) within twenty feet of the front property line cannot exceed twenty-four feet. (Planning Code Section Table 17.13.05.) The plan set does not

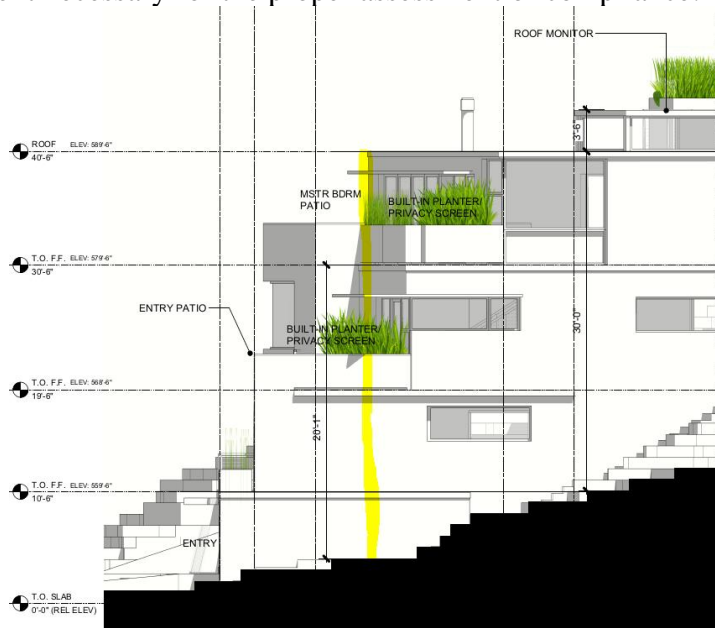
clearly show this detail, and the Department cannot make a determination of compliance until the Applicant revises these plans.



This plan set does not show necessary lines and measurements. It instead only shows floor and ceiling heights as compared to elevation. This is insufficient, needs to be corrected, and indicates a structure that is potentially too tall based on the slope, violating the maximum height limit.



By means of example, in the image below, the highlighted line indicates a missing measurement necessary for the proper assessment of compliance:



The illustrations are (either intentionally or unintentionally) missing key data points which render it impossible to confirm full height compliance, possibly in a manner intended to obfuscate that actual heights throughout the entirety of the proposed design.

### **Conclusion**

Pursuant to, *Topanga Assn. for a Scenic Cmty. v. Cty. of Los Angeles* (1974) 11 Cal. 3d 506, 522 P.2d 12, the reviewing body must scrutinize the record and determine whether substantial evidence supports administrative agency's findings and whether these findings support agency's decision. Accordingly, based on the foregoing Appellants respectfully appeal the findings contained in the June 1, 2021 letter and Attachment A issued by the Planning and Building Department Bureau of Planning.

Very Truly Yours,

Laura L. Campbell



# CITY OF OAKLAND



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

Planning and Building Department  
Bureau of Planning

(510) 238-3941  
FAX (510) 238-6538  
TDD (510) 238-3254

June 11, 2021

Shan Masuda  
944 57<sup>th</sup> Street  
Oakland, CA 94608

**RE: Case File No. PLN20-164; Address: 6142 Ruthland Road; (APN: 048G-7415-031-00)**

Dear Mr. Masuda:

Your application, as described below, has been **APPROVE** 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 as explained below.

The following table summarizes the proposed project:

<b>Proposal:</b>	To construct a new single family dwelling with and Accessory Dwelling Unit (ADU) on a vacant upsloping lot
<b>Planning Permits Required:</b>	Regular Design Review to construct a new single family dwelling with an Accessory Dwelling Unit (ADU) on an existing vacant upsloping site
<b>General Plan:</b>	Hillside Residential
<b>Zoning:</b>	RH-4
<b>Environmental Determination:</b>	Categorically Exempt: Section 15303, new construction of small structures; and 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
<b>Historic Status:</b>	Vacant Lot - X
<b>City Council District:</b>	1

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 June 21, 2021**. 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) **Maurice Brenyah-Addow, Planner IV** at [mbrenyah@oaklandca.gov](mailto:mbrenyah@oaklandca.gov) (2) **Robert Merkamp, Zoning Manager**, at [Rmerkamp@oaklandca.gov](mailto:Rmerkamp@oaklandca.gov), and (3) Catherine Payne, Development Planning Manager, at [Cpayne@oaklandca.gov](mailto: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 **\$2,404.01** in accordance with the City of Oakland Master Fee Schedule must be paid within five (5) business days of filing the appeal. 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. For further information, see the attached

Interim City Administrator Emergency Order No. 3 and Interim Procedures for Appeals of City Planning Bureau Decisions for Development Projects.

If the ten (10) day appeal period expires without an appeal, you are expected to contact **Maurice Brenyah-Addow** 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 **Maurice Brenyah-Addow, 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, **Maurice Brenyah-Addow, Planner IV** at (510) 238-6342 or [mbrenyah@oaklandca.gov](mailto:mbrenyah@oaklandca.gov), however, this does not substitute for filing of an appeal as described above.

Very Truly Yours,



ROBERT D. MERKAMP  
Zoning Manager

Attachments:

- A. Findings
- B. Conditions of Approval, including Standard Conditions of Approvals
- C. Interim City Administrator Emergency Order No. 3 and Interim Procedures for Appeals of City Planning Bureau Decisions for Development Projects

cc: [loriandhal@gmail.com](mailto:loriandhal@gmail.com)  
[slacker2@msn.com](mailto:slacker2@msn.com)  
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[rosenthal.noah@gmail.com](mailto:rosenthal.noah@gmail.com)  
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[dan@vaughan.net](mailto:dan@vaughan.net)  
[lcampbell@kdvlaw.com](mailto:lcampbell@kdvlaw.com)  
[jcvest@comcast.net](mailto:jcvest@comcast.net)  
[RachelHassas@gmail.com](mailto:RachelHassas@gmail.com)

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## ATTACHMENT A: FINDINGS

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This proposal meets all the required findings under Section 17.136.050, Design Review criteria, of the Oakland Planning Code (OMC Title 17) 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(a) - REGULAR DESIGN REVIEW FINDINGS:

1. **That the proposed design will create a building or set of buildings that are well related to the surrounding area in their setting, scale, bulk, height, materials, and textures. The proposed project has a design that harmonizes with the adjacent properties and surroundings in terms setting, scale, bulk, height, exterior materials and treatments.**

Staff has worked with the applicant to refine the proposed design to better fit to the steep upsloping site. The final design is composed of moderately-scaled geometric volumes and planes that are hierarchically organized and stepped with the hillside to minimize perceived bulk. The resulting design is consistent with the applicable design review criteria for hillside developments.

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

The project maintains the single family residential character of the neighborhood and neither proposes a higher density nor introduces a prohibited activity at the site. The project will complement neighborhood characteristics such as detached single family houses with useable outdoor spaces, off-street parking, and attractive landscaping. The proposed improvements to the existing vacant site will provide a functional living space for the residents, improve property values in the area and increase the housing stock in Oakland.

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

The project will involve some grading due to the steep uphill nature of the site, and mostly ground cover vegetation removal within the area of construction. Vegetation within the open areas are to remain. The driveway is sloped up to keep the floor levels as close to natural grade as possible as well as minimize grading and retaining walls.

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

Consistent with the hillside design guidelines, the proposed building design breaks the building envelope up into distinct geometric volumes and planes, organized to minimize perceived bulk. The building volumes have been designed to align with the site contours to minimize both grading and height of exposed retaining walls.

5. **That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable district plan or development control map which has been adopted by the City council.**

The project is a single-family residence on a vacant upsloping site within the Hillside Residential General Plan classification. Therefore, the project conforms in all significant respects to the General Plan, which encourages development of detached residential developments in hillside settings.

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**ATTACHMENT B: CONDITIONS OF APPROVAL**

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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 revised plans dated **May 18, 2021**, 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. Construction Management Plan**

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department, Department of Transportation, and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

**13. 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

## AESTHETICS

### **14. 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

### **15. 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

## 16. 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

## 17. 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



## AIR QUALITY

### **18. 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

- h. Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than one month. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- i. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- j. When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity.
- k. Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.
- l. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **19. 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

Monitoring/Inspection: Bureau of Building

## **BIOLOGICAL RESOURCES**

### **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

## CULTURAL RESOURCES

### **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

## **GEOLOGY AND SOILS**

### **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. Seismic Hazards Zone (Landslide/Liquefaction)**

Requirement: The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. 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

## HAZARDS AND HAZARDOUS MATERIALS

### **27. 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

### **28. 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 ¼ 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

Monitoring/Inspection: Bureau of Building and Oakland Fire Department



## HYDROLOGY AND WATER QUALITY

### **29. 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

### **30. 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

### **31. 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

### **32. 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

### **33. 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

## NOISE

### 34. 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

### 35. 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

### **36. 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

### **37. 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

## **POPULATION AND HOUSING**

### **38. 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

## **PUBLIC SERVICES**

### **39. 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

## **TRANSPORTATION/TRAFFIC**

### **40. 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

**41. 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

**UTILITY AND SERVICE SYSTEMS**

**42. 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

#### **43. 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

#### **44. 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.
  - **53 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

**45. 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

**Project Specific Conditions of Approval**

**46. Exterior Materials and Finishes**

The applicant shall provide the following details:

- a. Samples of exterior materials, colors, and other finishes; and
- b. Window details showing 2” minimum recess from surrounding exterior walls.

When Required: Prior to application for building permits

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

**47. Privacy and Fencing**

The applicant shall adjust the location and sizes of side-facing upper floor windows to address potential privacy impacts and incorporate details of a privacy fence (6 – 8 feet tall as appropriate) into the Building Permit plans, and install the fence along the side property lines as privacy screening between the subject site and adjacent properties.

When Required: Prior to application for building permits and ongoing

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

**48. Non-Reflective Roofing finish**

The applicant shall incorporate a non-reflective roofing finish into the Building Permit plans to address potential glare impacts on neighboring properties.

When Required: Prior to application for building permits and ongoing

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

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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



# 6142 RUTHLAND RD

**Shan Masuda  
Design**

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shan.masuda@gmail.com  
944 57th Street  
Oakland, California  
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DESIGNER: **SHAN MASUDA  
DESIGN**

TEL. 415.314.3198  
shan.masuda@gmail.com

OWNER: **ANWAR MIRZA**

anwar.mirza1@gmail.com

## GENERAL NOTES

1. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE DIMENSIONS.
2. DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
3. NOTED UNIT SQUARE FOOTAGE FIGURES ARE APPROXIMATE. FOR TRUE SIZE, MEASURE FINISHED UNIT IN FIELD.
4. REFER TO STRUCTURAL DRAWINGS FOR STRUCTURAL MEMBER SYMBOLS.
5. REFER TO ARCHITECTURAL DRAWINGS FOR ARCHITECTURAL SYMBOLS.

## PROJECT DATA

	REQ.	EXISTING	PROPOSED
PARCEL NUMBER	048G7415030100		
ZONING:	RH-4		
OCCUPANCY:	R3	VACANT	R3
LOT AREA:	6500/8000 SF	8280 SF	8280 SF
MIN. LOT WIDTH:	45'	60'	60'
MAX. HT.	32'		30'
MAX LOT COVERAGE	40% (3312 sf)		2000 SF
MAX DENSITY:	4 UNITS		1 UNIT + INLAW UNIT
PARKING REQ:	2 SPC/UNIT		3 SPACES
FAR:	50% (4140 sf)		42%
FLOOR AREA:			
GARAGE:			525 SF
ADU:			610 SF
2ND FLR:			1320 SF
3RD FLR:			1440 SF
TOTAL CONDITIONED AREA:			3370 SF
TOTAL FLOOR AREA:			3895 SF

## PROJECT DESCRIPTION

CONSTRUCT NEW SINGLE FAMILY HOME WITH ADU AND 2 CAR GARAGE ON UPHILL LOT (SLOPE > 20%); 2 STORY RESIDENCE ABOVE ADU AND GARAGE LEVELS. OPEN SPACE TO BE PROVIDED AT ROOFTOP AREA AND PATIOS. WOOD SIDING AND TIERED MASSING ARE PROPOSED TO BLEND THE PROPOSED PROJECT INTO THE LANDSCAPE.

6142 RUTHLAND RD.  
OAKLAND, CA

**TITLE  
SHEET**

## SYMBOLS

	<b>GRID LINE</b>		<b>DETAIL CALL-OUT</b> DETAIL NUMBER/LETTER		<b>WINDOW OR SKYLIGHT TAG</b>
	<b>MATCH LINE</b>		<b>ESCAPE OPENING</b>		<b>DOOR TAG</b>
	<b>DATUM OR ELEVATION</b>		<b>EXISTING WALL TO REMAIN</b>		<b>WALL TYPE TAG</b>
	<b>ELEVATION TAG</b> DRAWING NUMBER		<b>NEW OR MODIFIED WALL</b>		<b>EXISTING WALL TO BE REMOVED</b>
	<b>SECTION TAG</b> DRAWING NUMBER				
	<b>MATCH LINE</b>				

## SHEET INDEX

A0.10	TITLE SHEET
A0.20	PHOTOGRAPHS
A0.30	CAL GREEN
A0.40	GREEN POINT RATED
A0.50	MATERIALS & COLORS
A0.60	RETAINING WALLS / GRADING
A0.70	SHADOW STUDY
A0.71	SHADOW STUDY
A0.72	SHADOW STUDY
A0.80	VIEW / PRIVACY STUDY
S1.00	SURVEY
A1.00	SITE PLAN
A2.00	PROPOSED GARAGE & ADU FLOOR PLANS
A2.00	PROPOSED 2ND FLOOR PLANS
A2.00	PROPOSED 3RD FLOOR PLANS
A3.00	ELEVATIONS
A3.10	ELEVATIONS
A3.20	PERSPECTIVES
A3.30	SECTION - GRADING

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
	PLANNING REVISION	02.08.21
	PLANNING REVISION	05.12.21

DATE: 02.12.20

JOB NO.

DRAWN SM

SHEET NO.

**A0.10**

**RUTHLAND ROAD - SOUTH**



6184 6180 6172

6142 6132 6124 6116 6108

**RUTHLAND ROAD - NORTH**



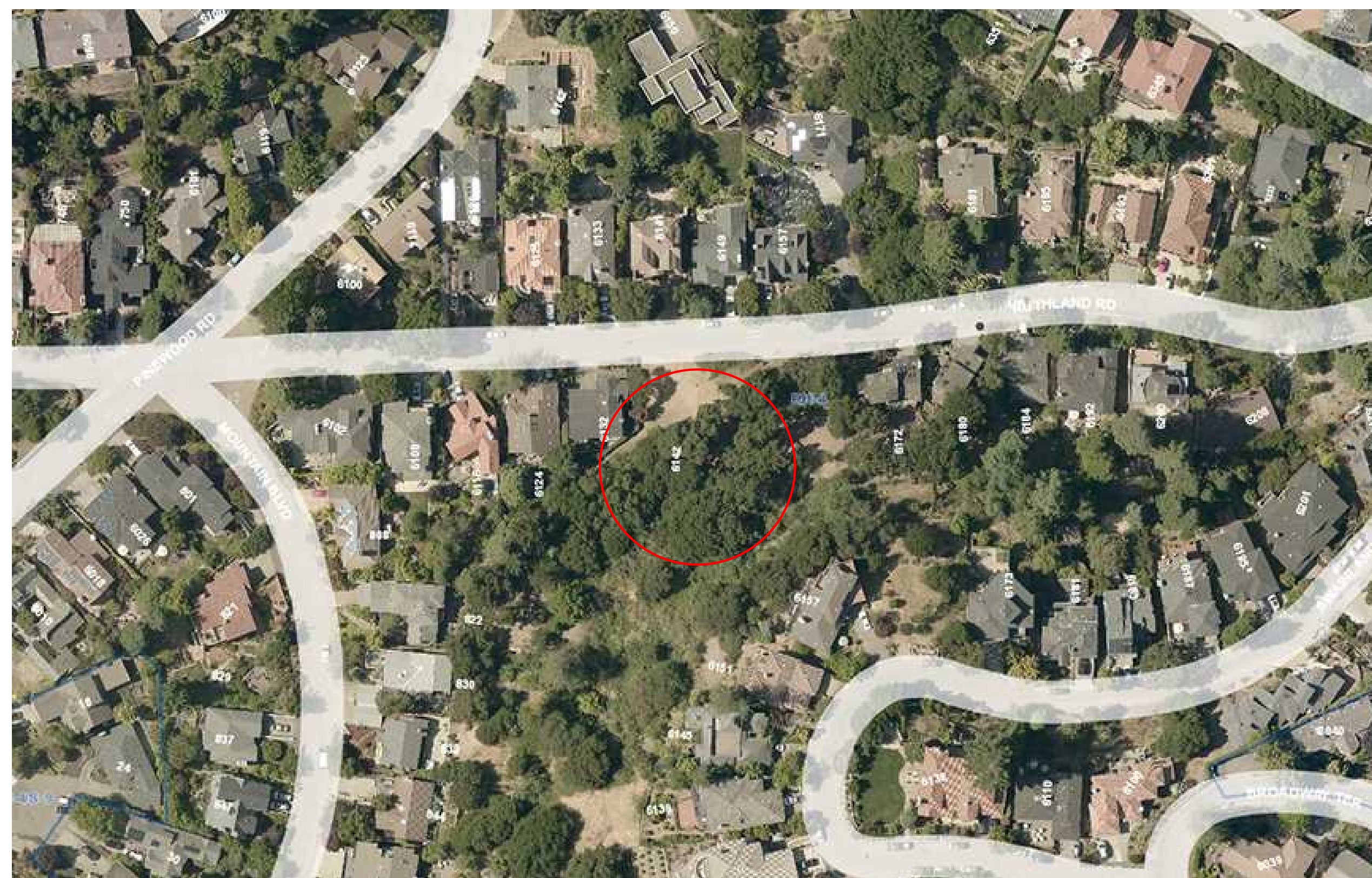
6116 6125

6135 6141 6149

6157 6171

6181 6185

1 PHOTO COLLAGE



2 VICINITY MAP

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OAKLAND, CA

**PHOTO  
COLLAGE**

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
	PLANNING REVISION	02.08.21
	PLANNING REVISION	05.12.21

DATE: 02.12.20  
JOB NO.  
DRAWN SM

Column 1 Feature or Measure MANDATORY MEASURES ADDITIONS OR ALTERATIONS FOR RESIDENTIAL BUILDINGS <i>See Chapter 4 of the 2013 California Green Building Code for complete descriptions of features or measures listed here.</i>	Column 2 Project Requirements Must be incorporated into the project unless the measure is not applicable (N/A).	Column 3 Compliance Verified Completed by verifier after measure has been completed.
<b>PLANNING AND DESIGN (4.1)</b>		
4.106.2 Meet the requirements of the City of Oakland's Municipal Code Chapter 13.16.100C Stormwater Management Ordinance. <i>Certain projects must also comply with NPDES C-3 Requirements. Please refer to the City of Oakland's Overview of Provision C-3 and the website of the Alameda Countywide Clean Water Program: http://www.cleanwaterprogram.org/</i>	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.106.3 Construction plans shall indicate how site grading or a drainage system will manage all surface water flows to keep water from entering buildings.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
<b>ENERGY EFFICIENCY (4.2)</b>		
4.201.1 Building meets or exceeds the requirements of the California Building Energy Efficiency Standards.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
<b>WATER EFFICIENCY AND CONSERVATION (4.3)</b>		
4.303.1 Plumbing Fixtures (water closets and urinals) and fittings (faucets and showerheads) installed in residential buildings shall comply with the prescriptive requirements of sections 4.303.1.1 through 4.303.1.4.4.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.303.1.1 <b>Water Closets.</b> The effective flush volume of all water closets shall not exceed 1.28 gallons per flush. Tank-type water closets shall be certified to the performance criteria of the U.S. EPA WATERSENSE specification for tank-type toilets.  Note: the effective flush volume of dual flush toilets is defined as the composite, average flush volume of two reduced flushes and one full flush.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.303.1.2 <b>Urinals.</b> The effective flush volume of urinals shall not exceed 0.5 gallons per flush.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.303.1.3 <b>Showerheads.</b> <i>Note: A hand-held shower shall be considered a showerhead.</i>	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.303.1.3.1 <b>Single showerhead.</b> Showerheads shall have a maximum flow rate of not more than 2.0 gallons per minute at 80 psi. Showerheads shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for Showerheads.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.303.1.3.2 <b>Multiple showerheads serving one shower.</b> When a shower is served by more than one showerhead, the combined flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 2.0 gallons per minute at 80 psi, or the shower shall be designed to allow only one shower outlet to be in operation at a time.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.303.1.4 <b>Residential Lavatory Faucets.</b> The maximum flow rate of residential lavatory faucets shall not exceed 1.5 gpm at 60 psi. The minimum flow rate of residential lavatory faucets shall not be less than 8 gpm at 20 psi.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.303.1.4.2 <b>Lavatory Faucets in Common and Public Use Areas.</b> The maximum flow rate of lavatory faucets installed in common and public use areas (outside of dwellings or sleeping units) in residential buildings shall not exceed 0.5 gpm at 60 psi.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>

<sup>1</sup> Modified to conform with Chapter 13.16.100C of Oakland's Municipal Code.  
March 26, 2014

Column 1 Feature or Measure MANDATORY MEASURES ADDITIONS OR ALTERATIONS FOR RESIDENTIAL BUILDINGS <i>See Chapter 4 of the 2013 California Green Building Code for complete descriptions of features or measures listed here.</i>	Column 2 Project Requirements Must be incorporated into the project unless the measure is not applicable (N/A).	Column 3 Compliance Verified Completed by verifier after measure has been completed.
4.303.1.4.3 <b>Metering Faucets.</b> Metering faucets when installed in residential buildings shall not deliver more than 0.25 gallons per cycle.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.303.1.4.4 <b>Kitchen Faucets.</b> The maximum flow rate of residential kitchen faucets shall not exceed 1.8 gpm at 60 psi.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.303.2 Plumbing fixtures and fittings required in Section 4.303.1 shall be installed in accordance with the California Plumbing Code, and shall meet the applicable referenced standards.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.304.1 Automatic irrigation systems installed at the time of final inspection shall be weather- or soil moisture-based.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
<b>Material Conservation and Resource Efficiency (4.4)</b>		
4.406.1 Annular spaces around pipes, electric cables, conduits, or other openings in plates at exterior walls shall be protected against the passage of rodents by closing such openings with cement mortar, concrete masonry or similar method acceptable to the enforcing agency.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.408.1 Meet the requirements of Oakland's Municipal Code Chapter 15.34 Construction and Demolition Debris Waste Reduction and Recycling Requirements for residential additions or alterations that has a permit valuation greater than or equal to fifty thousand dollars (\$50,000.00) in year 2000 dollars. <sup>2</sup>	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.410.1 An operation and maintenance manual shall be provided to the building occupant or owner.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
<b>Environmental Quality (4.5)</b>		
4.503.1 <b>General (Fireplaces).</b> <sup>3</sup> Meet the requirements of Oakland's Municipal Code Chapter 8.19 Wood-Burning Appliances.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.504.1 Duct openings and other related air distribution component openings shall be covered during construction.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.504.2.1 Adhesives, sealants and caulks shall be compliant with VOC and other toxic compound limits.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.504.2.2 Paints, stains and other coatings shall be compliant with VOC limits.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.504.2.3 Aerosol paints and other coatings shall be compliant with product weighted MIR Limits for ROC and other toxic compounds.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.504.2.4 Documentation shall be provided to verify that compliant VOC limit finish materials have been used.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.504.3 Carpet and carpet systems shall be compliant with VOC limits.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.504.4 80% of the floor area receiving resilient flooring shall comply with VOC-emission limits defined in the CHPS High Performance Products Database or be certified under the Resilient Floor Covering Institute.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>

<sup>2</sup> Modified to conform with Chapter 15.34 of Oakland's Municipal Code.  
<sup>3</sup> Modified to conform with Chapter 8.19 of the Oakland Municipal Code.  
March 26, 2014

Column 1 Feature or Measure MANDATORY MEASURES ADDITIONS OR ALTERATIONS FOR RESIDENTIAL BUILDINGS <i>See Chapter 4 of the 2013 California Green Building Code for complete descriptions of features or measures listed here.</i>	Column 2 Project Requirements Must be incorporated into the project unless the measure is not applicable (N/A).	Column 3 Compliance Verified Completed by verifier after measure has been completed.
4.504.5 Particleboard, medium density fiberboard (MDF), and hardwood plywood used in interior finish systems shall comply with low formaldehyde emission standards.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
<b>Interior Moisture Control</b>		
4.505.2 Vapor retarder and capillary break is installed at slab on grade foundations.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.505.3 Moisture content of building materials used in wall and floor framing is checked before enclosure.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.506.1 Humidity controlled exhaust fans which terminate outside the building are provided in every bathroom unless otherwise a component of a whole house ventilation system.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
4.507.2 Duct systems are sized and designed and equipment is selected using the following methods: 1. Establish heat loss and heat gain values according to ANSI/ACCA Manual J-2004 or equivalent. 2. Size duct systems according to ANSI/ACCA 1 Manual D - 2009 or equivalent. 3. Select heating and cooling equipment according to ANSI/ACCA 3 Manual S-2004 or equivalent.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
<b>QUALIFICATIONS</b>		
702.1 HVAC system installers are trained and certified in the proper installation of HVAC systems.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>
<b>VERIFICATIONS</b>		
703.1 Verification of compliance with CALGreen may include construction documents, plans, specifications builder or installer certification, inspection reports, or other methods acceptable to the enforcing agency which show substantial conformance. Implementation verification shall be submitted to the Building Department after implementation of all required measures and prior to final inspection approval.	<input checked="" type="checkbox"/> or <input type="checkbox"/> N/A	<input type="checkbox"/>

**Design Verification**

Complete the "Design Verification" and submit the completed checklist (Columns 1 and 2) with the plans and building permit application to the Oakland Planning and Zoning Division or the Building Services Division as applicable.

The owner and design professional have reviewed the plans and certify that the items checked above are hereby incorporated into the project plans and will be implemented into the project in accordance with the requirements set forth in the 2013 California Green Building Standards Code.

Owner's Signature

Date

Owner Name (Please Print)

Design Professional's Signature

9/11/20

Date

SHAN MASUDA

Design Professional's Name (Please Print)

**Shan Masuda  
Design**

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6142 RUTHLAND RD.  
OAKLAND, CA

**CALGreen**

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
	PLANNING REVISION	02.08.21
	PLANNING REVISION	05.12.21

DATE: 02.12.20

JOB NO.

DRAWN

SM

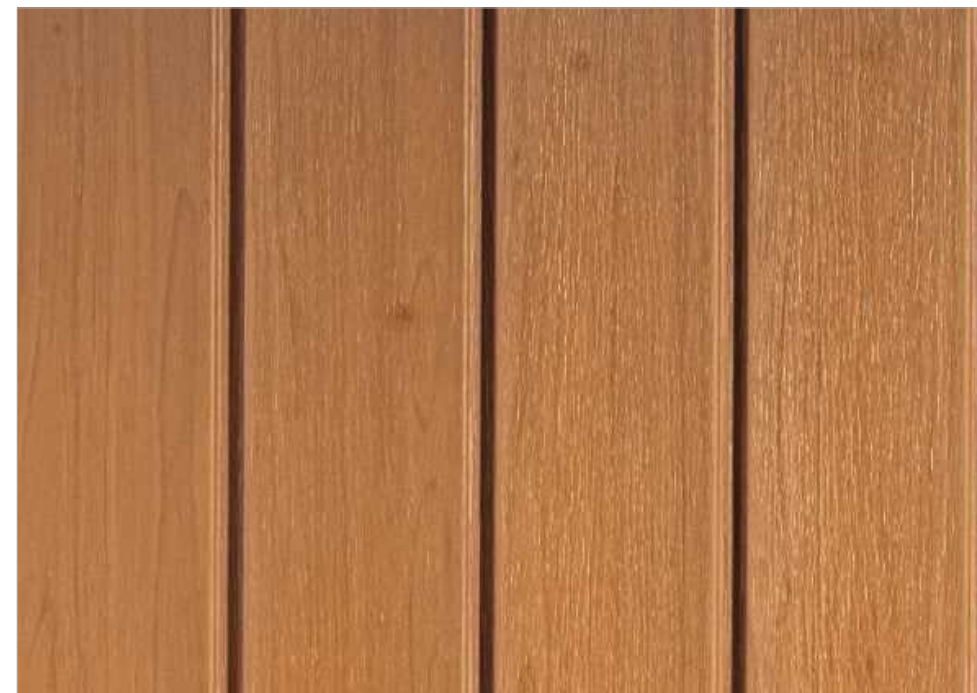
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**A0.3**



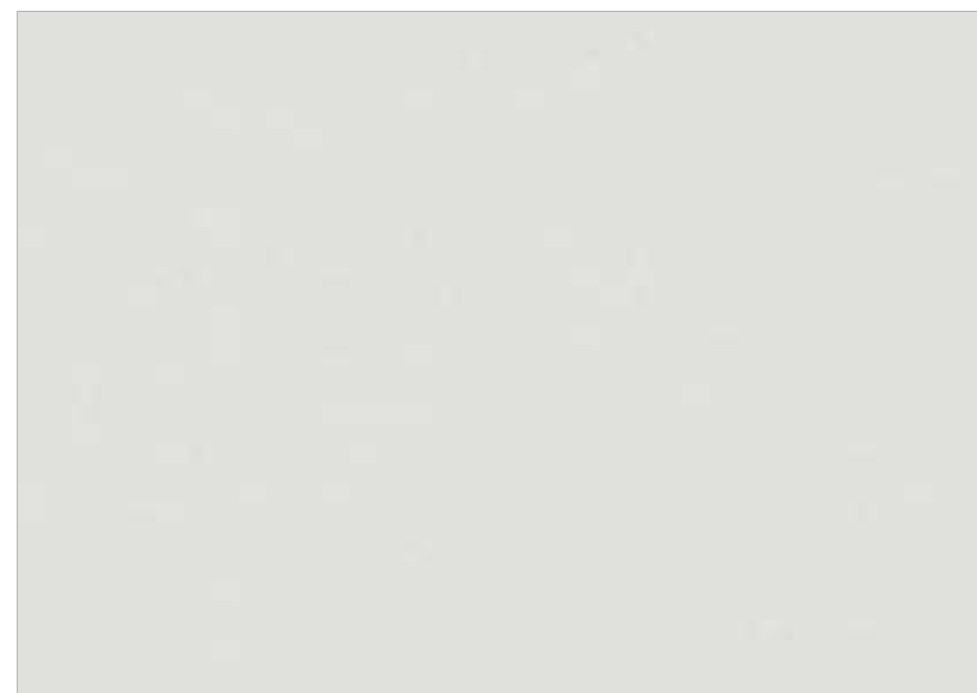


# MATERIAL AND COLOR SPECIFICATIONS



**VERTICAL CEDAR SIDING**  
1" x 6" T&G  
Natural

**M1**



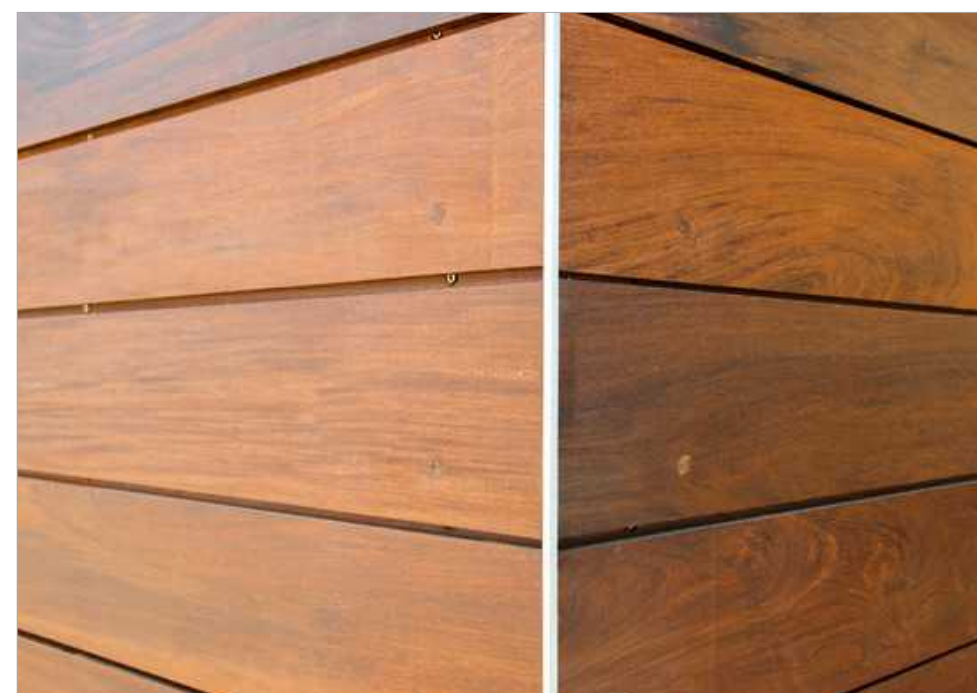
**METAL PANELS (exterior surface)**  
API (or equal) Smooth finish, 4'x10'  
Pearl Grey

**M2**



**HIGH PERFORMANCE WINDOWS**  
Aluminum Sash, Storefront Style  
Aluminum

**M3**



**PLANTER**  
Machiche 3/4" x 5.5", square groove  
natural

**M4**



**EXIT BALCONY TRAFFIC TOPPING OVER CONC.**  
Portland Cement / natural

**M5**

**CONCRETE RETAINING WALLS**  
Poured in Place  
Concrete

**M6**

**COOL ROOF COATING**  
AcryShield High Reflectance A179  
white

**M7**



**METAL AWNING**  
API (or equal) Smooth finish, 4'x10'  
Charcoal

**M8**



**HARDWOOD DECKING**  
5/4, IPE, MACHICHE OR SIMILAR.

**M9**



**METAL STAIRS & RAILING**  
Galvanized Steel / Steel Mesh  
Galvanized

**M10**



**STUCCO**  
Smooth Trowel Finish  
Charcoal

**M11**

**Shan Masuda Design**

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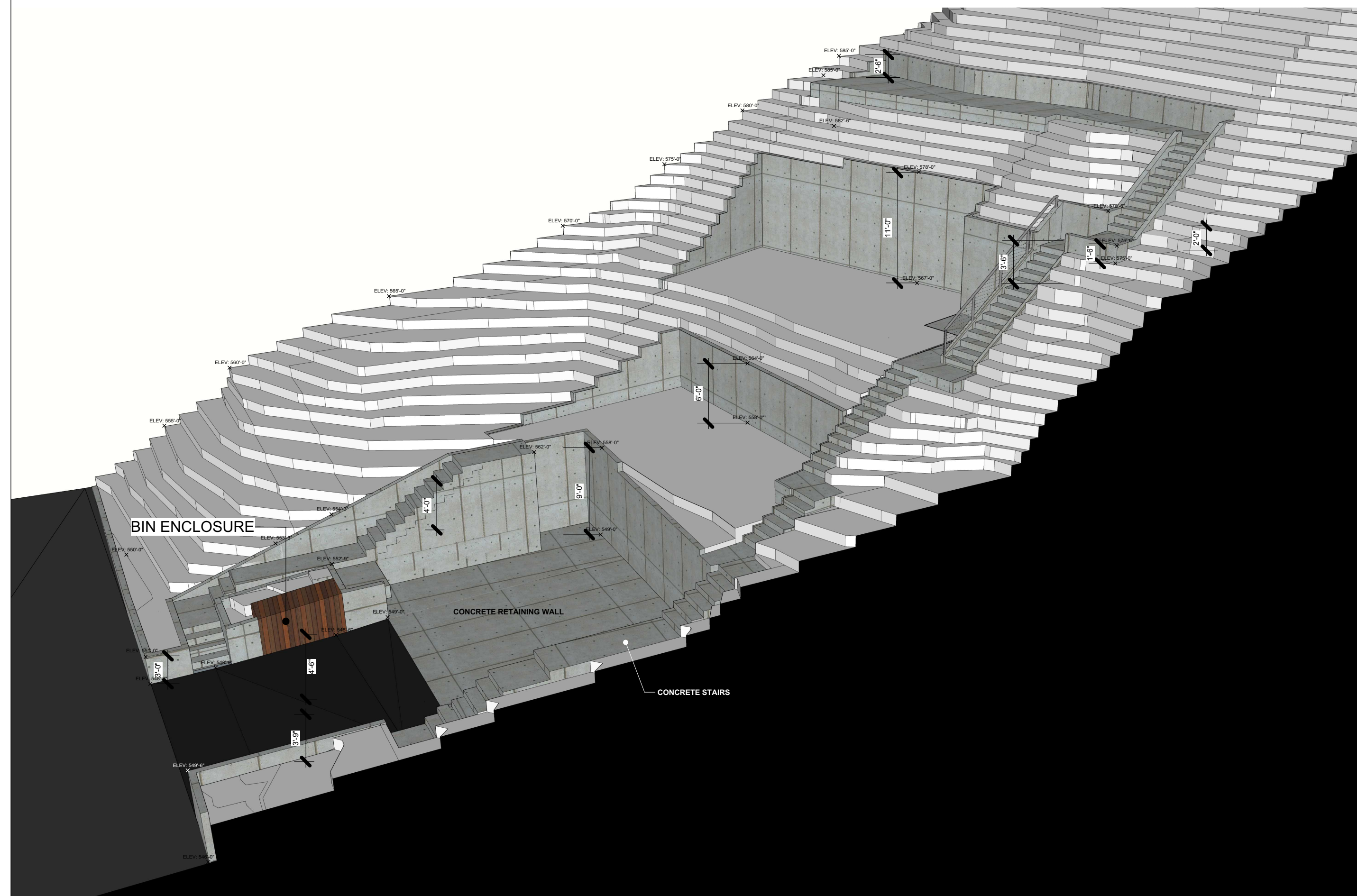
6142 RUTHLAND RD.  
OAKLAND, CA

## MATERIALS & COLORS

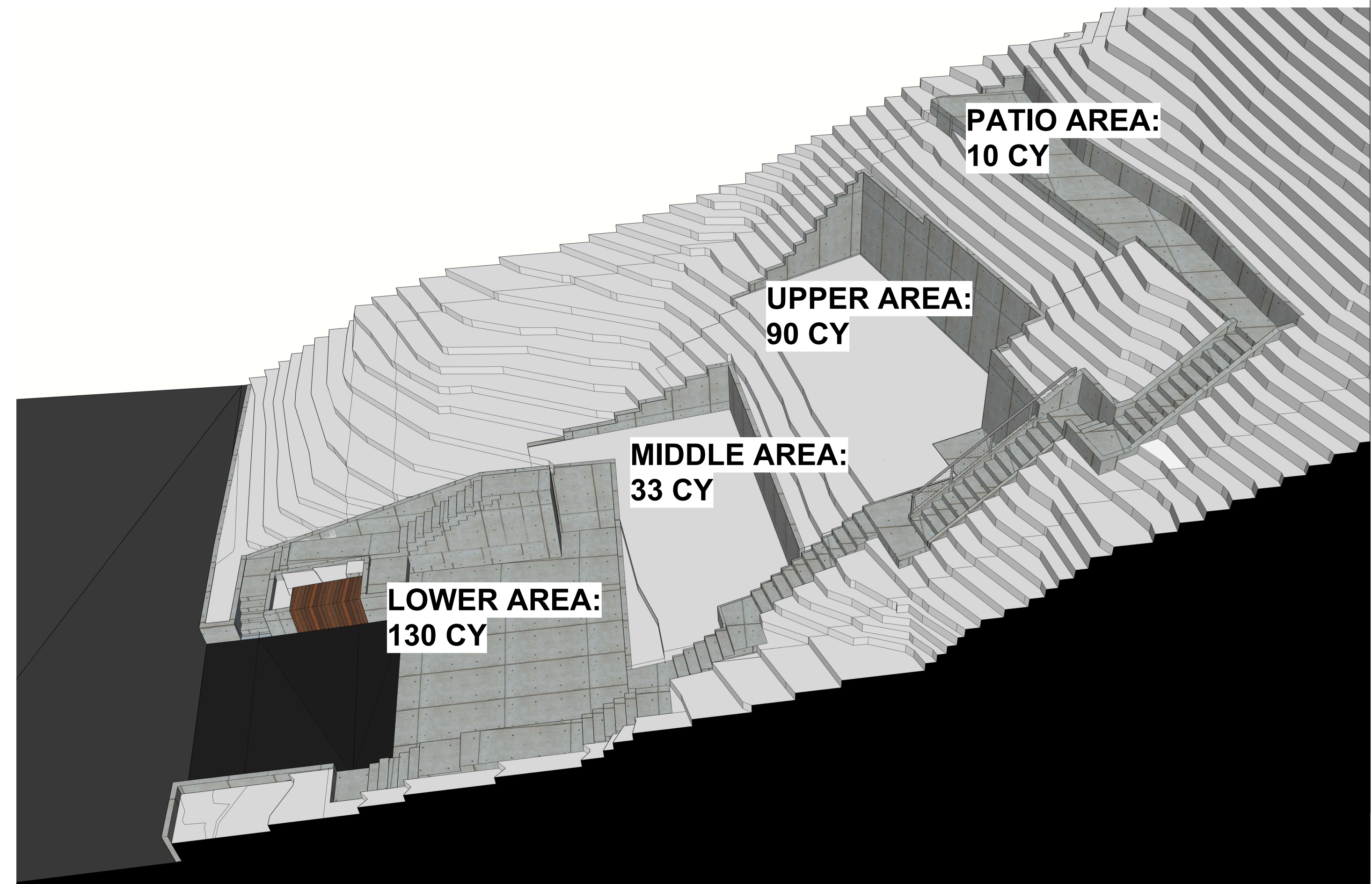
ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
	PLANNING REVISION	02.08.21
	PLANNING REVISION	05.12.21

DATE: 02.12.20  
JOB NO.  
DRAWN SM

SHEET NO. **A0.50**



1 RETAINING WALLS



2 EXCAVATION AREAS

6142 RUTHLAND RD.  
OAKLAND, CA

**RETAINING  
WALLS &  
EXCAVATION  
AREAS**

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
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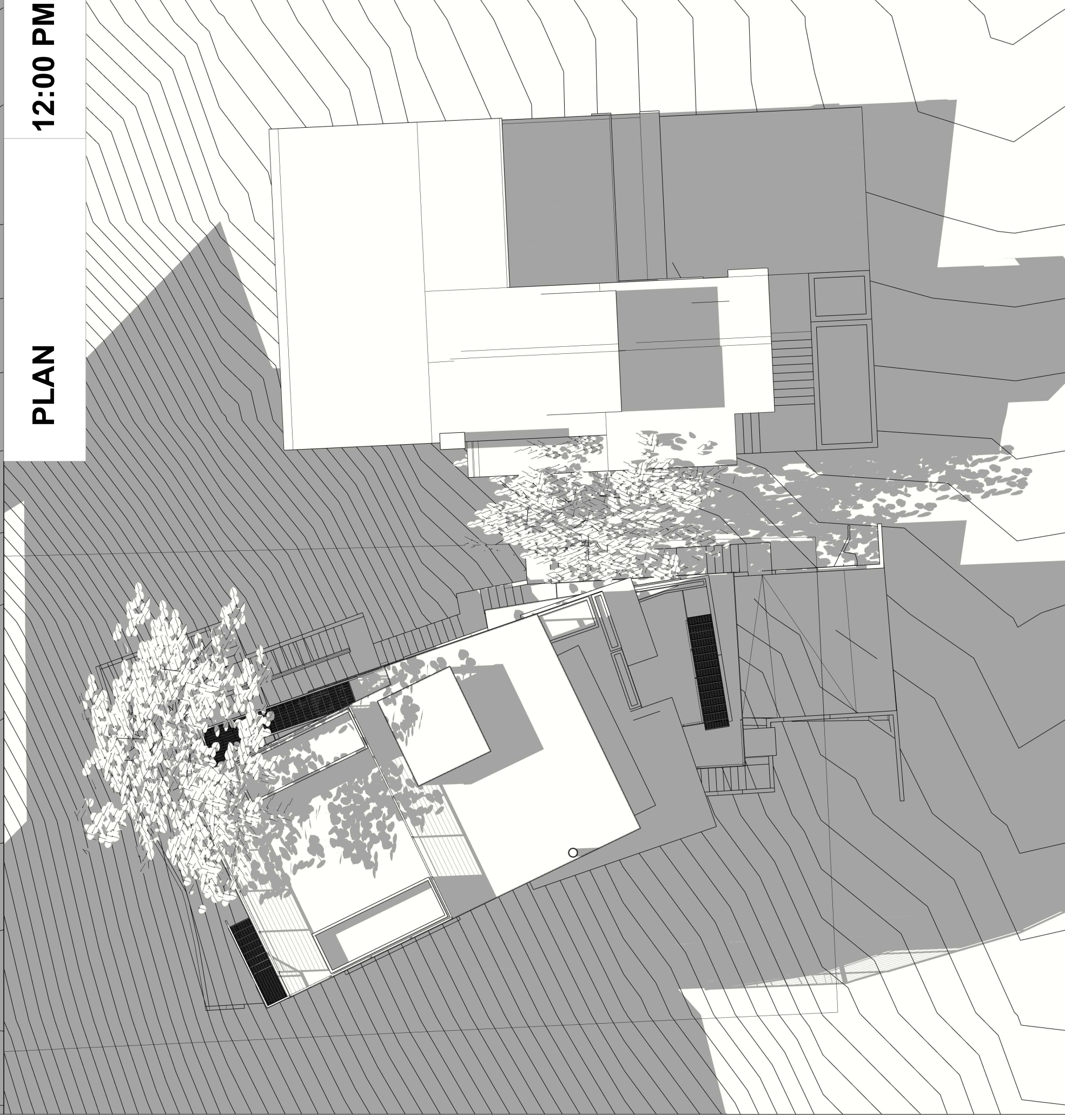
PLAN

9:00 AM



PERSPECTIVE

9:00 AM



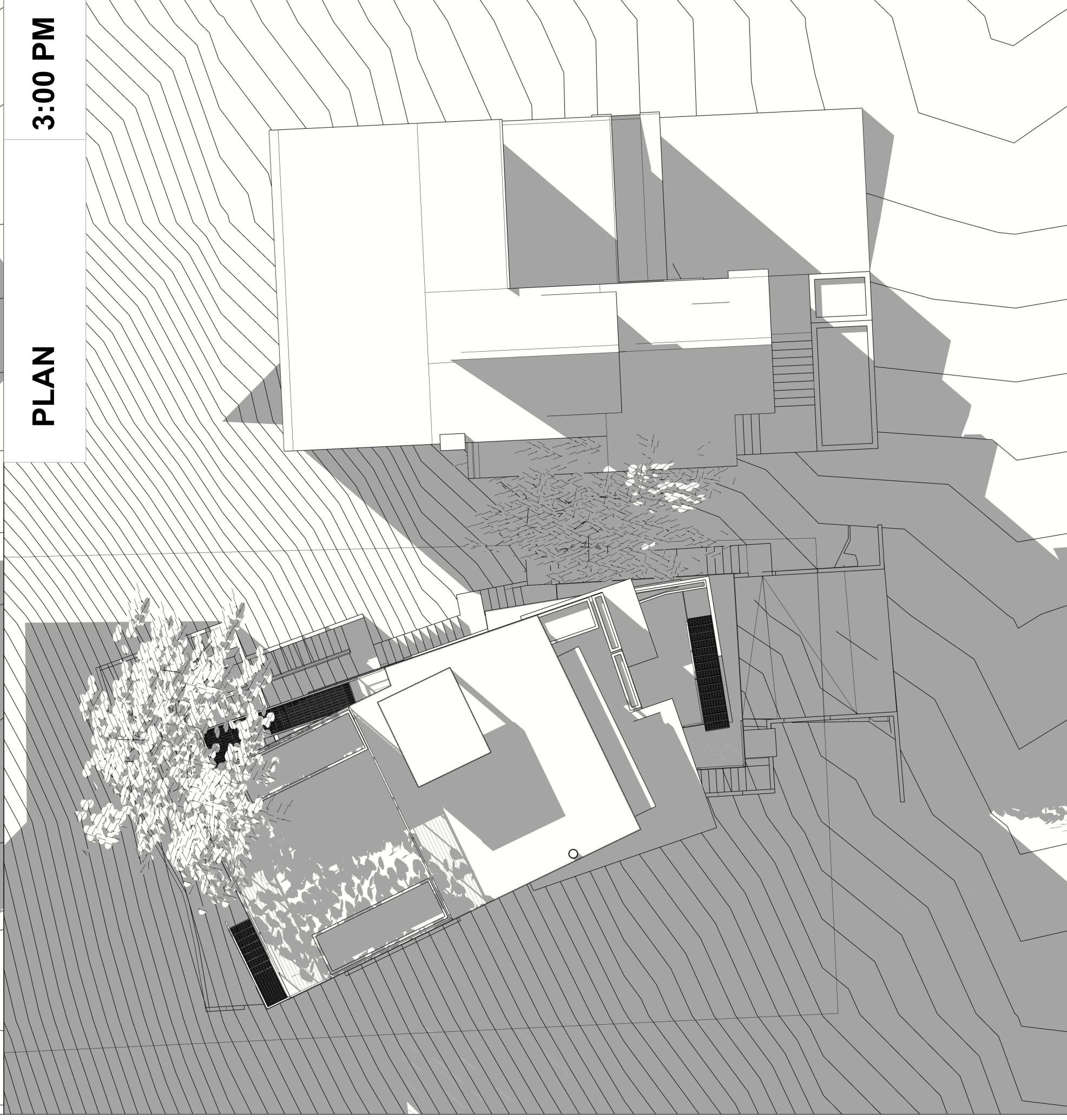
PLAN

12:00 PM



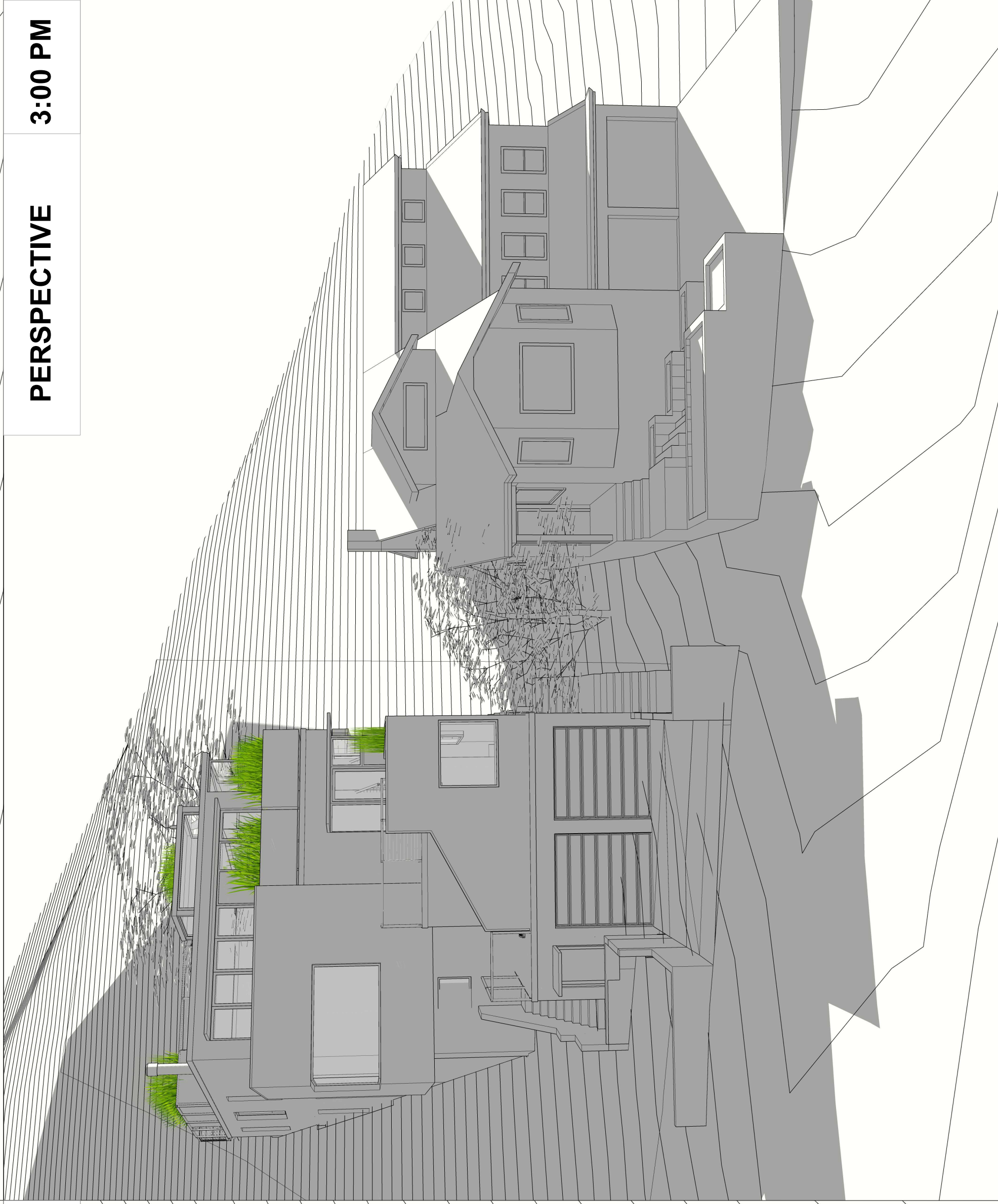
PERSPECTIVE

12:00 PM



PLAN

3:00 PM



PERSPECTIVE

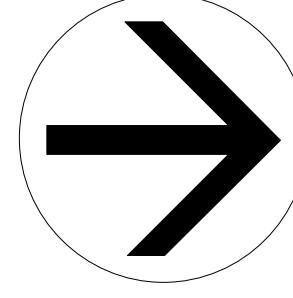
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ISSUE	DESCRIPTION	DATE
	Schematic	02.12.20

DATE: 02.12.20  
 JOB NO. SM  
 DRAWN  
 SHEET NO.

**DECEMBER 21  
 SHADOW  
 STUDY**

**A0.70**



**6142 RUTHLAND RD.  
 OAKLAND, CA**

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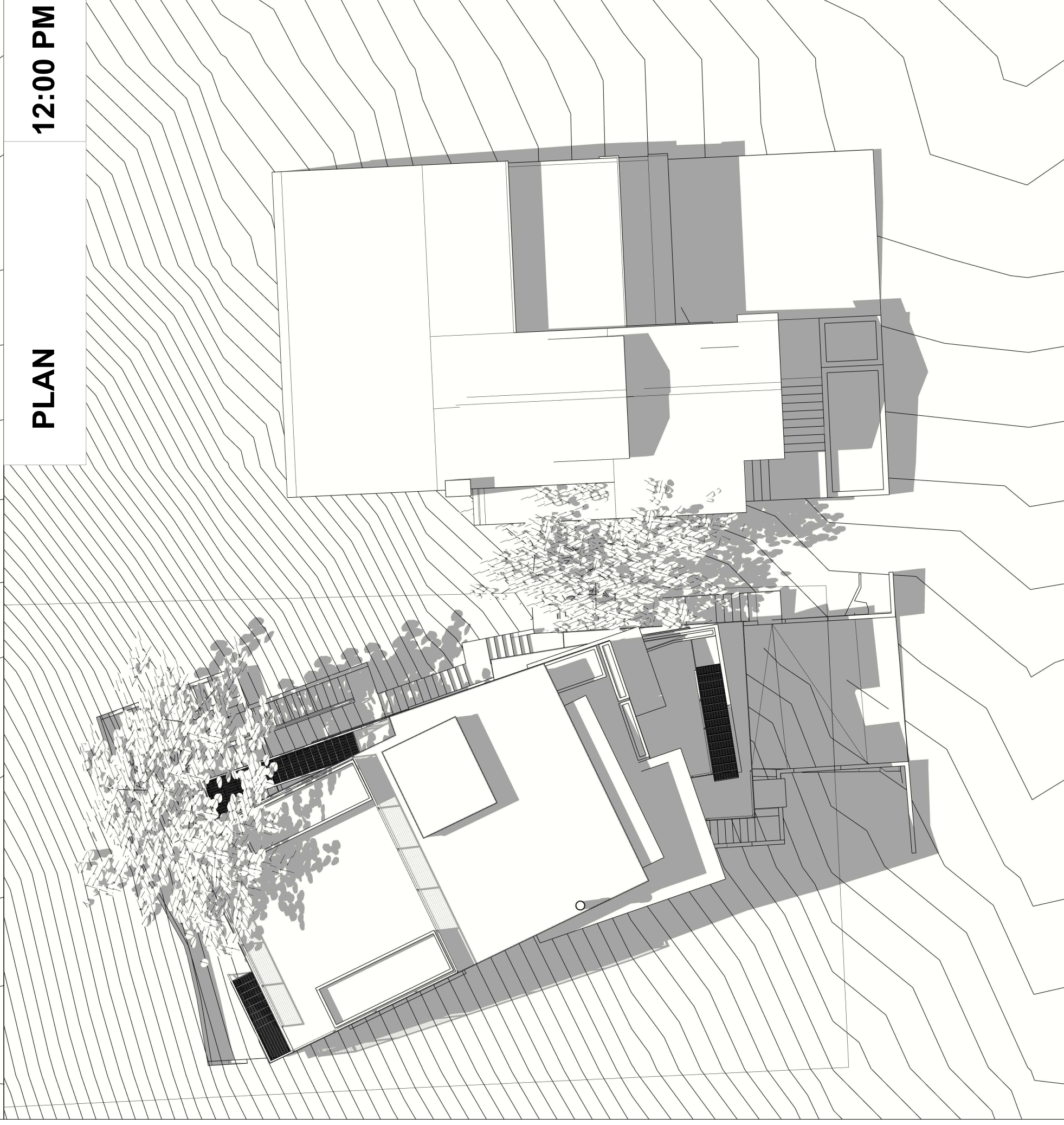
PLAN

9:00 AM



PERSPECTIVE

9:00 AM



PLAN

12:00 PM



PERSPECTIVE

12:00 PM



PLAN

3:00 PM



PERSPECTIVE

3:00 PM

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20

DATE:

JOB NO.

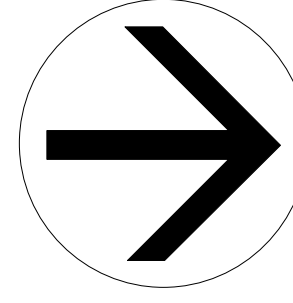
DRAWN

SHEET NO.

02.12.20

SM

A0.71



**MARCH 21  
SHADOW  
STUDY**

**6142 RUTHLAND RD.  
OAKLAND, CA**

**Shan Masuda  
Design**  
tel: (415) 314 3198  
shan.masuda@gmail.com  
944 57th Street  
Oakland, California  
94608 U.S.A



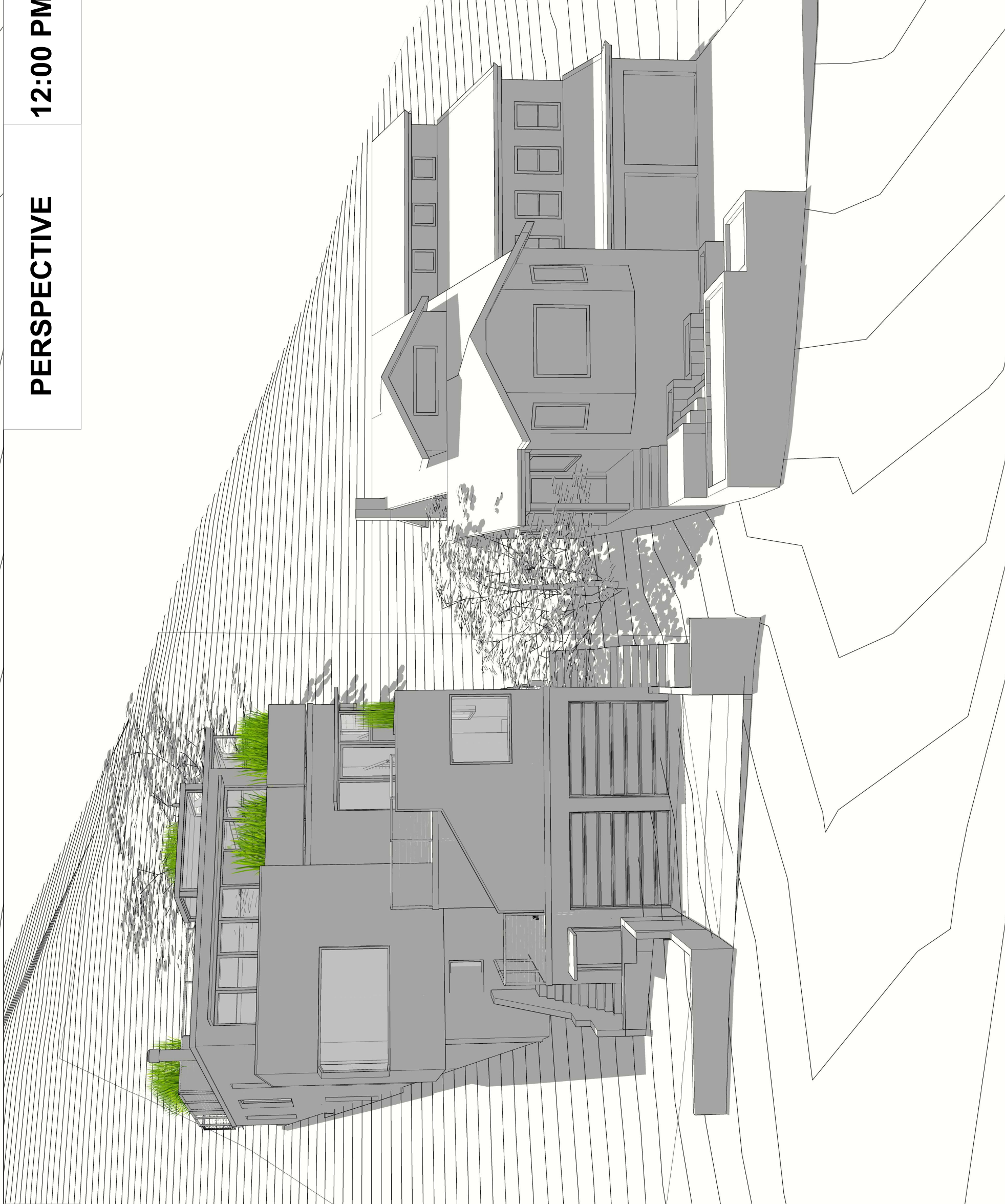
**PLAN** 9:00 AM



**PERSPECTIVE** 9:00 AM



**PLAN** 12:00 PM



**PERSPECTIVE** 12:00 PM



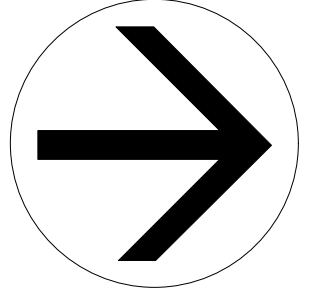
**PLAN** 3:00 PM



**PERSPECTIVE** 3:00 PM

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20

DATE: 02.12.20  
 JOB NO.  
 DRAWN: SM  
 SHEET NO.



**6142 RUTHLAND RD.  
 OAKLAND, CA**

**JUNE 21  
 SHADOW  
 STUDY**

**A0.72**

**Shan Masuda  
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 shan.masuda@gmail.com  
 944 57th Street  
 Oakland, California  
 94608 U.S.A

VACANT PROPERTY



6132 / 6142



6132 / 6142

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6142 RUTHLAND RD.  
OAKLAND, CA

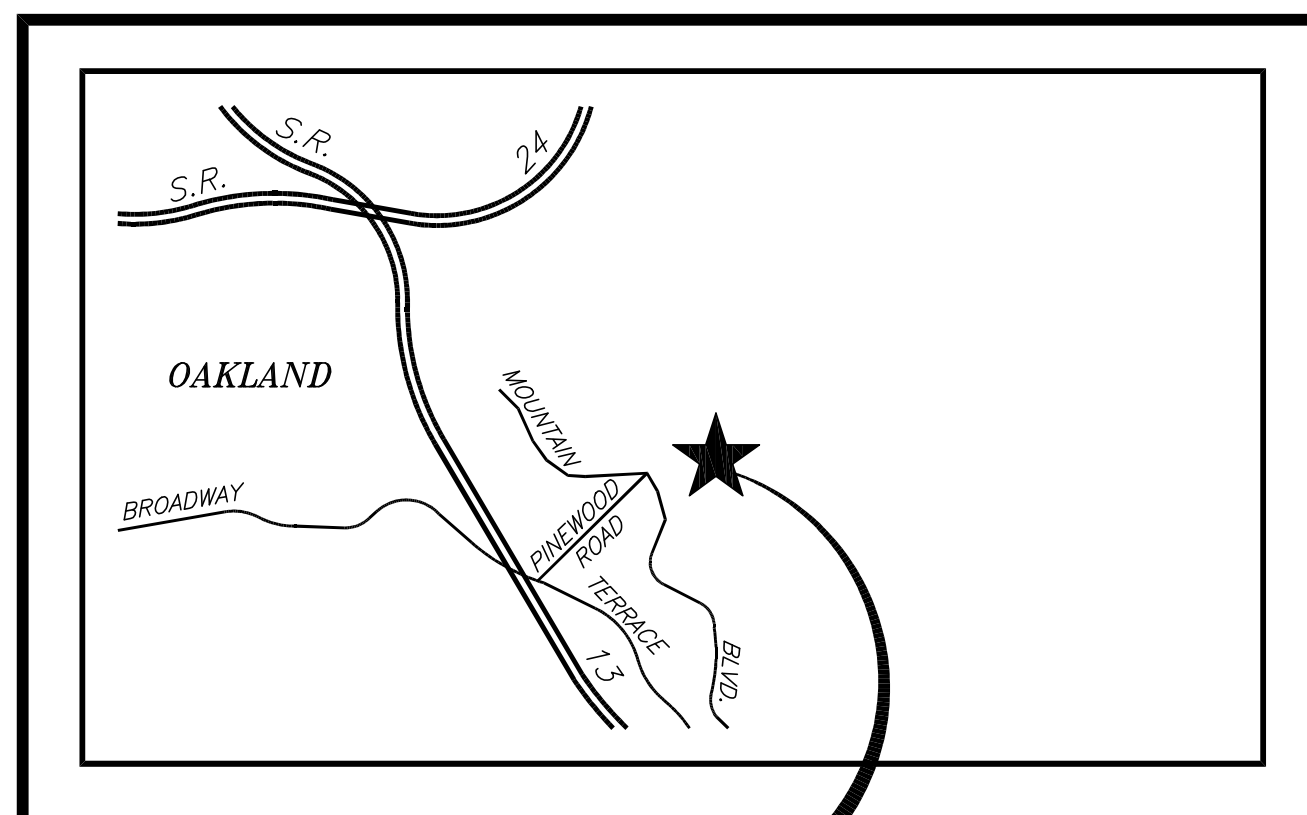
**VIEW /  
PRIVACY  
STUDY**

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
	PLANNING REVISION	02.08.21
	PLANNING REVISION	05.12.21

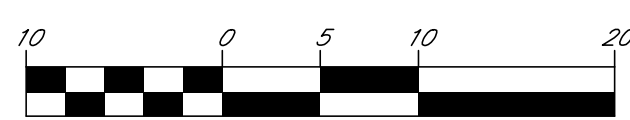
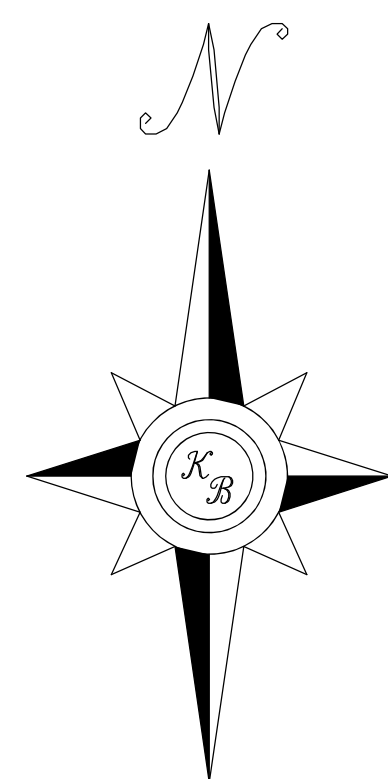
DATE: 02.12.20  
JOB NO.  
DRAWN SM

SHEET NO. **A0.60**

VICINITY MAP  
N.T.S.

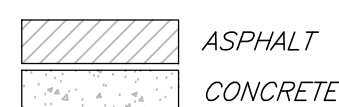


PROJECT SITE



SCALE: 1"=10'

LEGEND:



- CURB AND GUTTER
- 6"SS--- SANITARY SEWER LINE
- ⊙ SANITARY SEWER MANHOLE
- CO SANITARY SEWER CLEANOUT
- ⊗ WM WATER METER
- ⊗ WV WATER VALVE
- WOOD FENCE
- FOUND MONUMENT PER REFERENCES

BENCHMARK:

CITY OF OAKLAND BENCHMARK 4 SW 24, A PIN MONUMENT AT THE INTERSECTION OF PINEWOOD AND RUTHLAND, HAVING A CITY OF OAKLAND DATUM ELEVATION OF 516.089', IS THE BASIS OF ALL ELEVATIONS SHOWN ON THIS MAP.

BASIS OF BEARINGS:

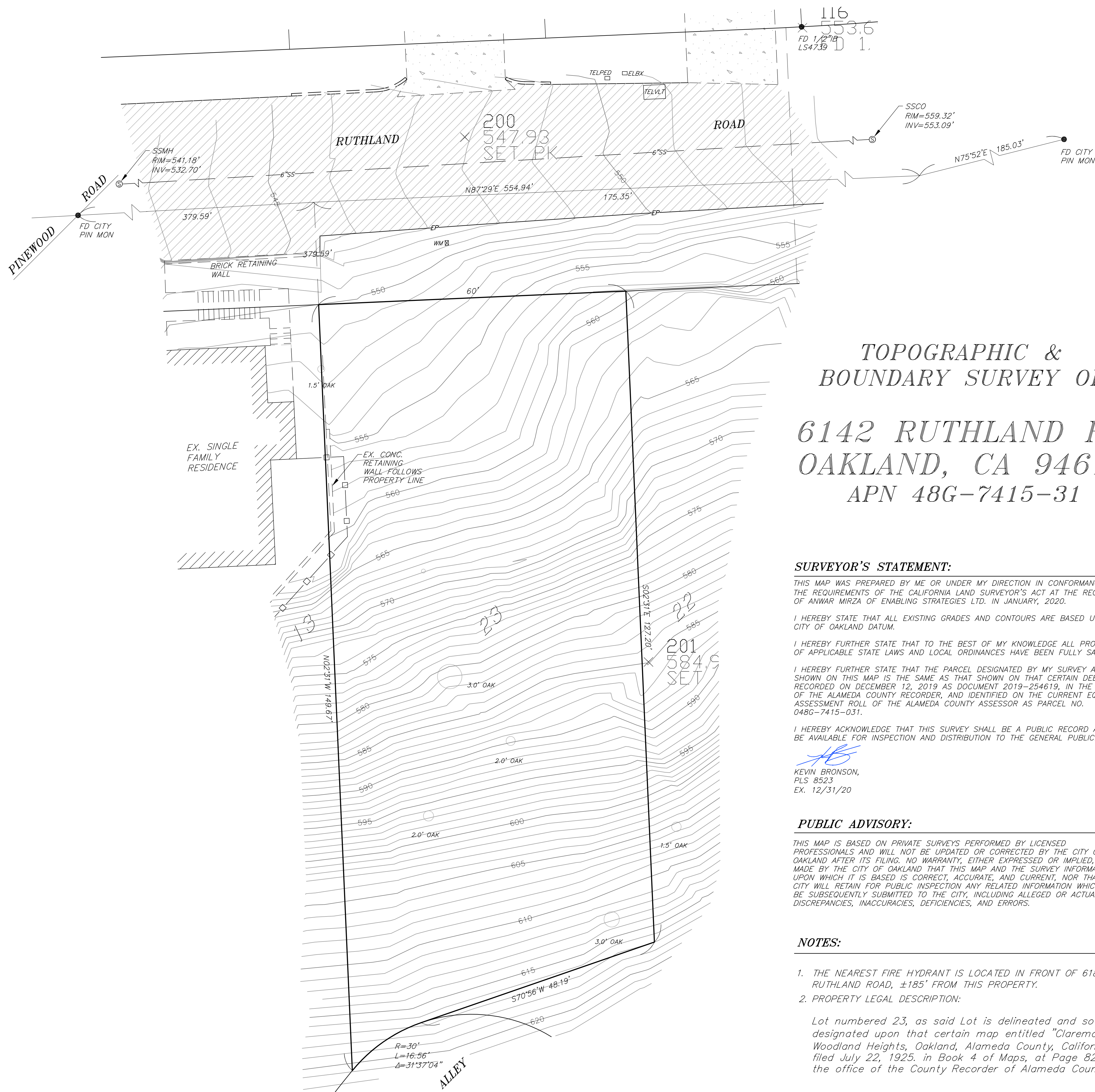
THE BEARING OF N87°29'E BETWEEN FOUND MONUMENTS ON THE CENTERLINE OF RUTHLAND AS SHOWN ON THE MAP OF CLAREMONT WOODLAND HEIGHTS, RECORDED ON JUNE 22, 1925 IN BOOK 4 OF MAPS AT PAGE 82, ALAMEDA COUNTY RECORDS, IS THE BASIS OF BEARINGS FOR THIS SURVEY.

REFERENCES:

R1 BOOK 4 MAPS 82, ALAMEDA COUNTY RECORDS

UTILITY NOTES:

THE UTILITIES AS DRAFTED ARE AS THEY ARE BELIEVED TO EXIST BASED ON SURFACE EVIDENCE. UTILITIES MAY EXIST THAT ARE NOT INDICATED. NO SUBSURFACE INVESTIGATIONS WERE PERFORMED.



TOPOGRAPHIC &  
BOUNDARY SURVEY OF  
6142 RUTHLAND RD  
OAKLAND, CA 94611  
APN 48G-7415-31

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE CALIFORNIA LAND SURVEYOR'S ACT AT THE REQUEST OF ANWAR MIRZA OF ENABLING STRATEGIES LTD. IN JANUARY, 2020.

I HEREBY STATE THAT ALL EXISTING GRADES AND CONTOURS ARE BASED UPON CITY OF OAKLAND DATUM.

I HEREBY FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE STATE LAWS AND LOCAL ORDINANCES HAVE BEEN FULLY SATISFIED.

I HEREBY FURTHER STATE THAT THE PARCEL DESIGNATED BY MY SURVEY AND SHOWN ON THIS MAP IS THE SAME AS THAT SHOWN ON THAT CERTAIN DEED RECORDED ON DECEMBER 12, 2019 AS DOCUMENT 2019-254619, IN THE OFFICE OF THE ALAMEDA COUNTY RECORDER, AND IDENTIFIED ON THE CURRENT EQUALIZED ASSESSMENT ROLL OF THE ALAMEDA COUNTY ASSESSOR AS PARCEL NO. 048G-7415-031.

I HEREBY ACKNOWLEDGE THAT THIS SURVEY SHALL BE A PUBLIC RECORD AND MAY BE AVAILABLE FOR INSPECTION AND DISTRIBUTION TO THE GENERAL PUBLIC.

*KB*  
KEVIN BRONSON,  
PLS 8523  
EX. 12/31/20

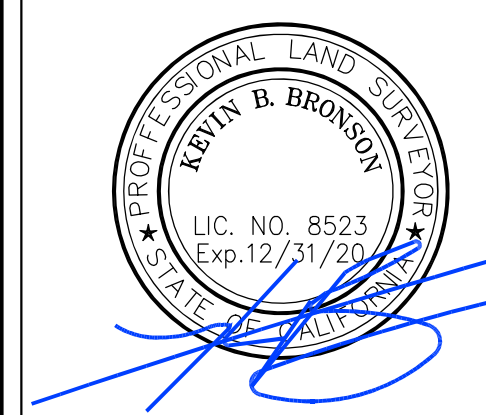
PUBLIC ADVISORY:

THIS MAP IS BASED ON PRIVATE SURVEYS PERFORMED BY LICENSED PROFESSIONALS AND WILL NOT BE UPDATED OR CORRECTED BY THE CITY OF OAKLAND AFTER ITS FILING. NO WARRANTY, EITHER EXPRESSED OR IMPLIED, IS MADE BY THE CITY OF OAKLAND THAT THIS MAP AND THE SURVEY INFORMATION UPON WHICH IT IS BASED IS CORRECT, ACCURATE, AND CURRENT, NOR THAT THE CITY WILL RETAIN FOR PUBLIC INSPECTION ANY RELATED INFORMATION WHICH MAY BE SUBSEQUENTLY SUBMITTED TO THE CITY, INCLUDING ALLEGED OR ACTUAL DISCREPANCIES, INACCURACIES, DEFICIENCIES, AND ERRORS.

NOTES:

- THE NEAREST FIRE HYDRANT IS LOCATED IN FRONT OF 6180 RUTHLAND ROAD, ±185' FROM THIS PROPERTY.
- PROPERTY LEGAL DESCRIPTION:

Lot numbered 23, as said Lot is delineated and so designated upon that certain map entitled "Claremont Woodland Heights, Oakland, Alameda County, California," filed July 22, 1925, in Book 4 of Maps, at Page 82, in the office of the County Recorder of Alameda County.



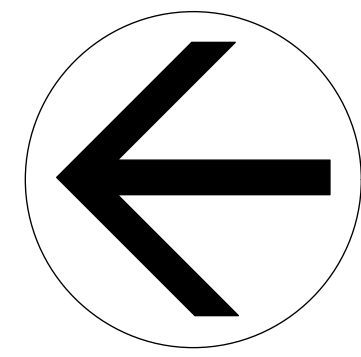
SURVEY PREPARED FOR  
ENABLING STRATEGIES LTD  
JANUARY, 2020

THE BRONSON COMPANY  
SURVEYING SERVICES  
6206 EPPS DRIVE  
WINTON, CA 95388  
(209)606-7340 kevin@thebronsonco.com

TOPOGRAPHIC SURVEY OF  
LOT 23 OF CLAREMONT  
WOODLAND HEIGHTS,  
CITY OF OAKLAND,  
COUNTY OF ALAMEDA,  
STATE OF CALIFORNIA

NO.	REVISION	DATE

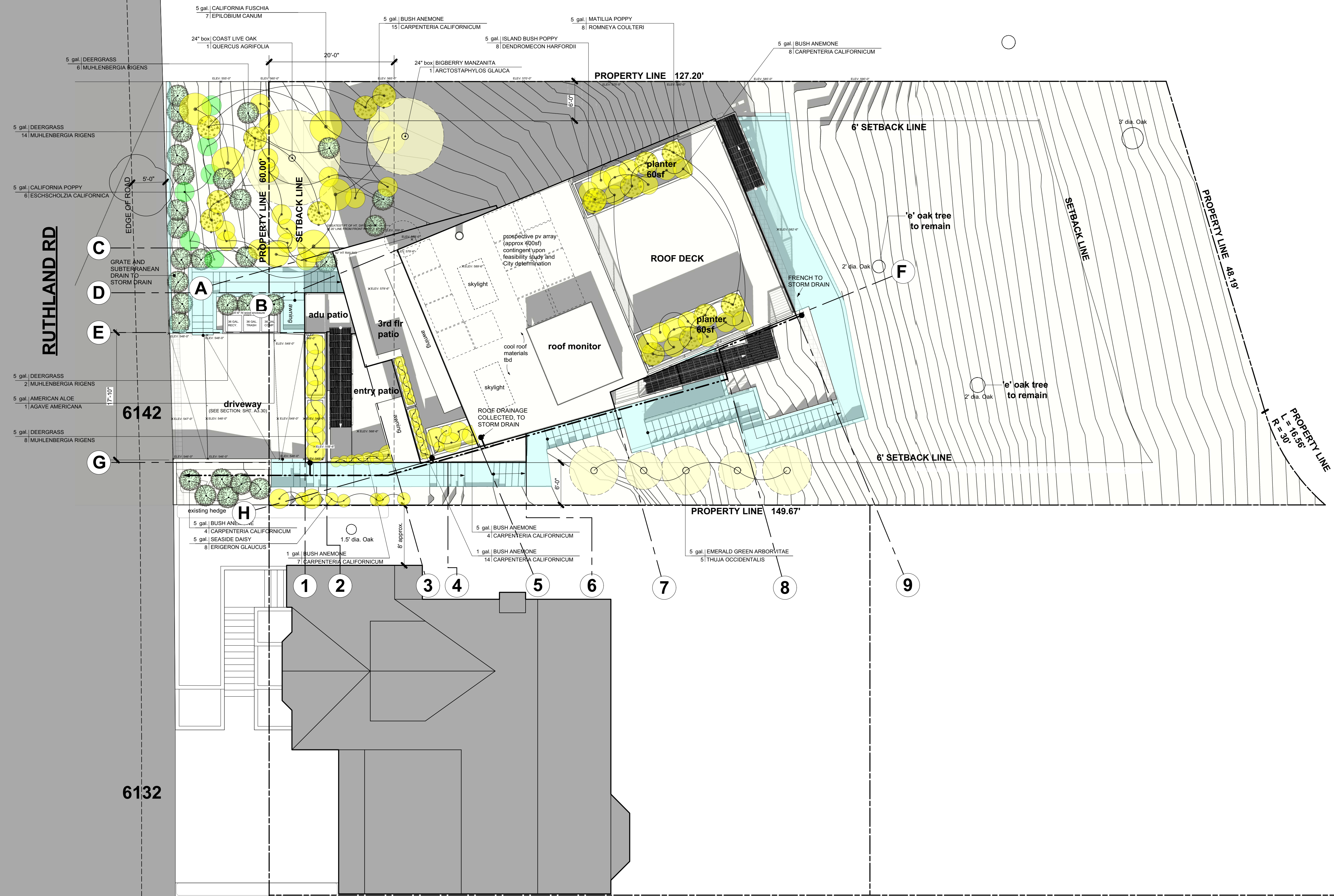
PROJECT MANAGER  
Kevin Bronson  
DRAWN BY  
KB  
CHECKED BY  
DATE  
JANUARY 2020  
CAD FILE  
JOB NUMBER  
4078  
SHEET  
S1 OF 1



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Design

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VACANT PROPERTY



6142 RUTHLAND RD.  
OAKLAND, CA

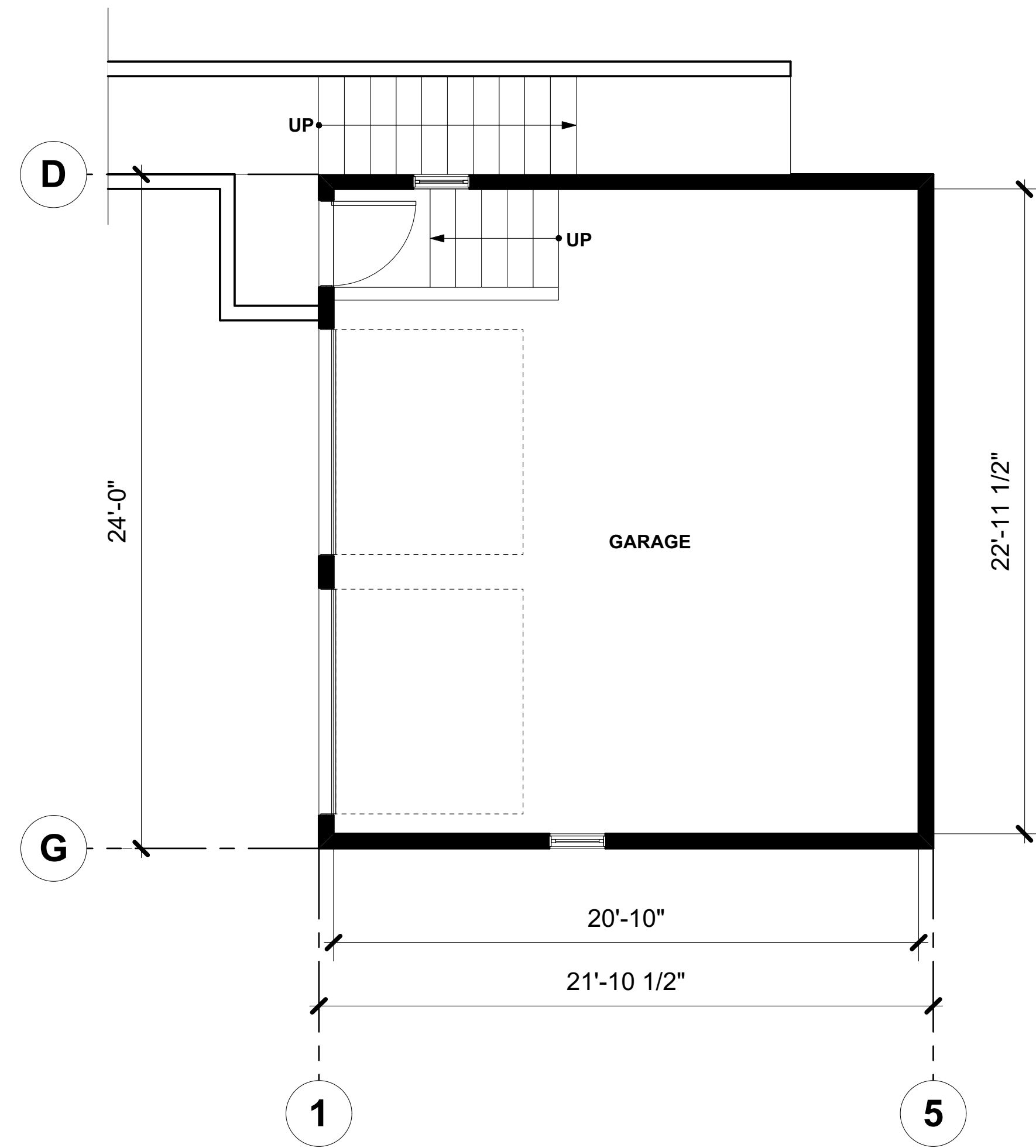
SITE PLAN

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
	PLANNING REVISION	02.08.21
	PLANNING REVISION	05.12.21

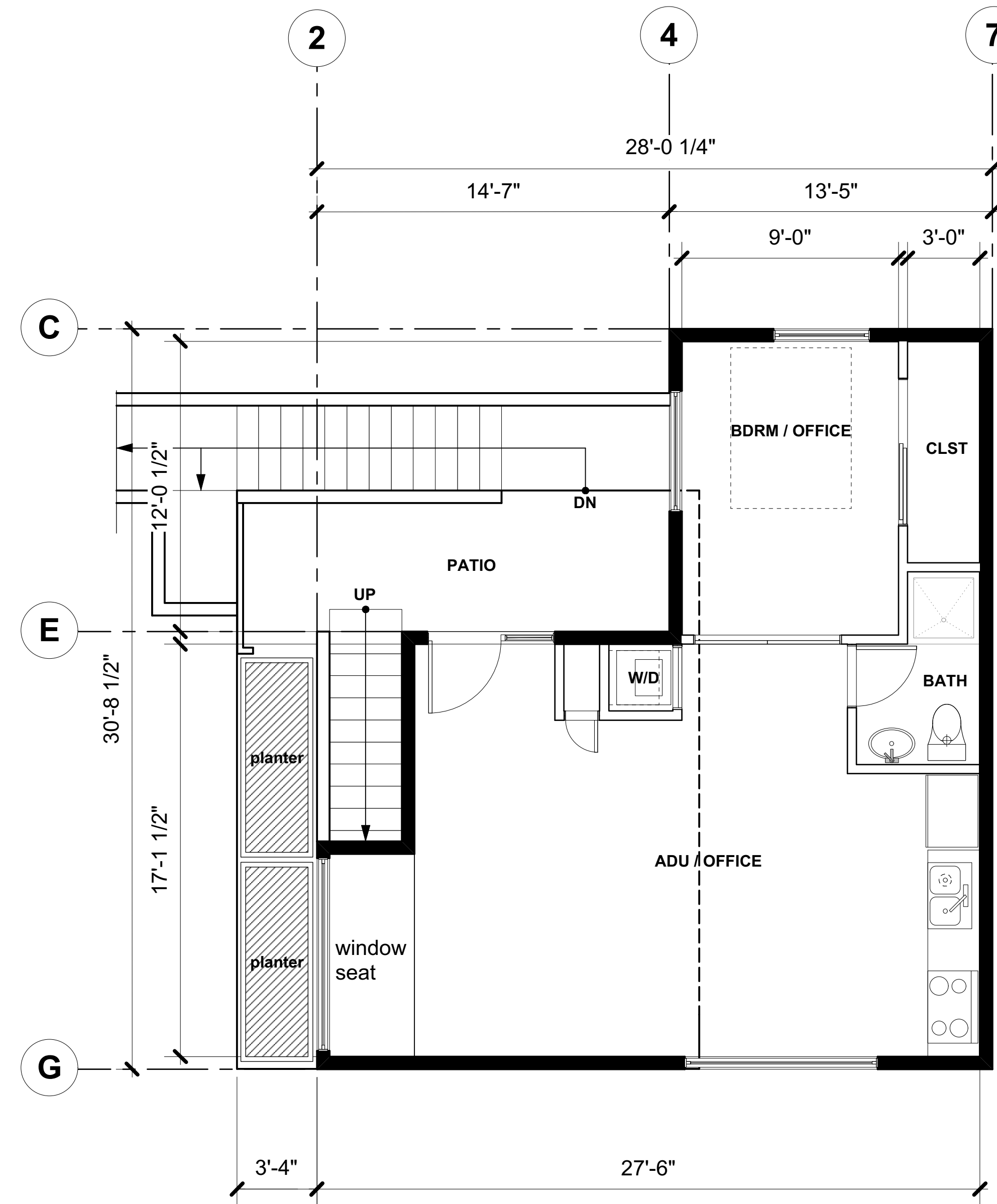
DATE: 02.12.20  
JOB NO.  
DRAWN SM

SHEET NO. A1.00





1 GARAGE FLOOR PLAN (525 SF)  
Scale: 1/4" = 1'-0"



2 FIRST FLOOR PLAN - ADU (610 SF)  
Scale: 1/4" = 1'-0"

6142 RUTHLAND RD.  
OAKLAND, CA

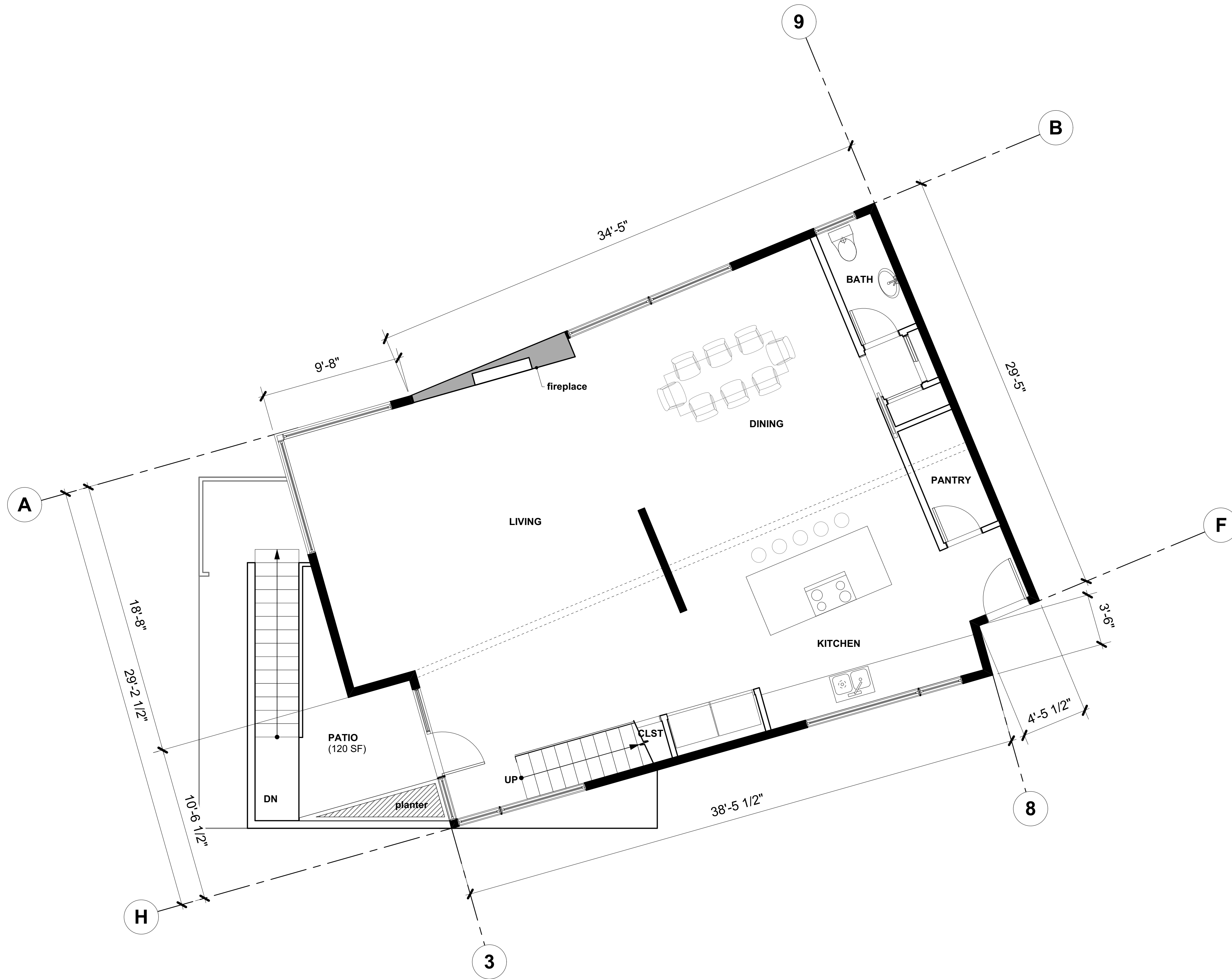
**FLOOR PLANS**

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
	PLANNING REVISION	02.08.21
	PLANNING REVISION	05.12.21

DATE: 02.12.20  
JOB NO.  
DRAWN SM

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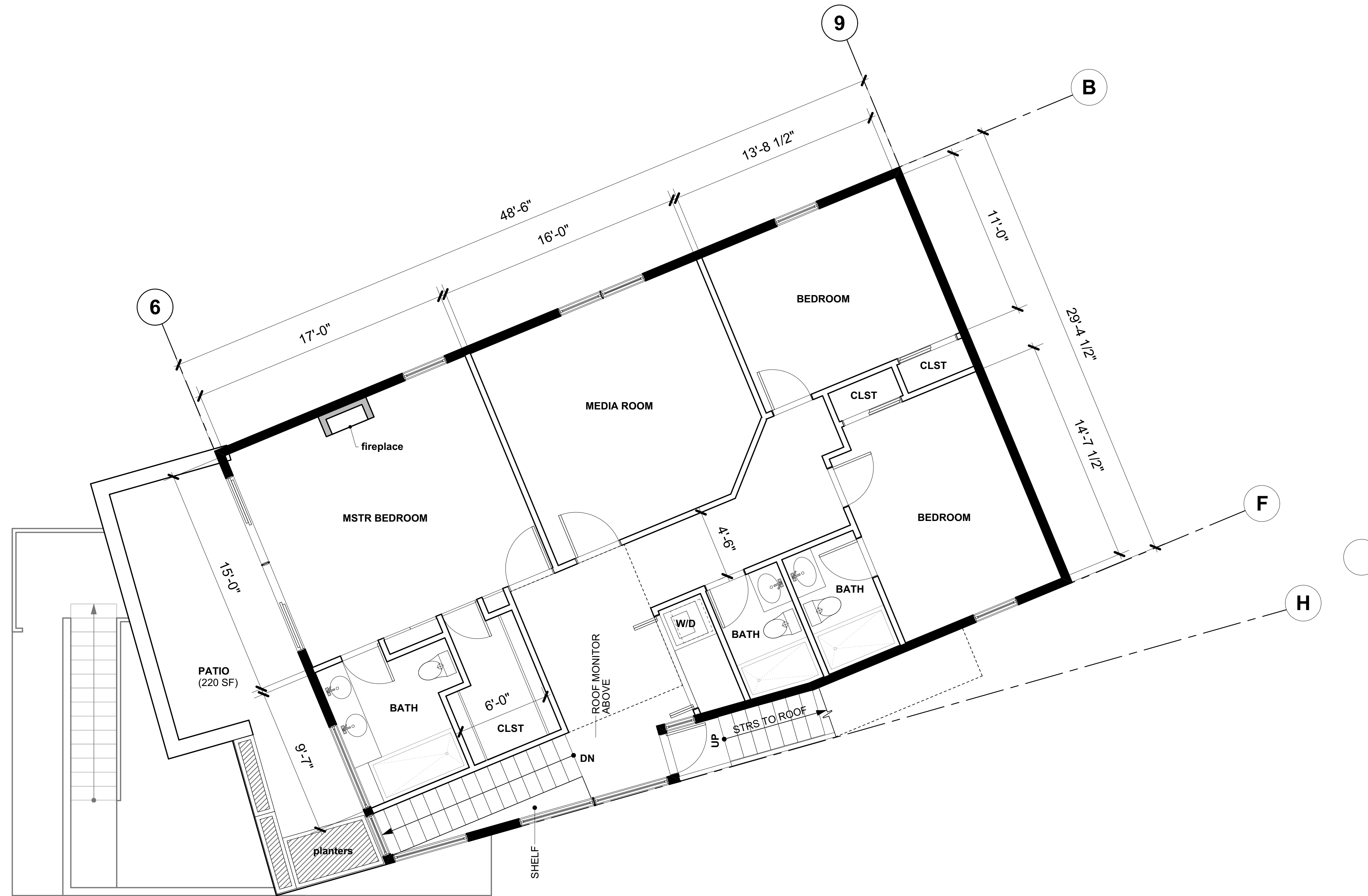
1 SECOND FLOOR PLAN (1320 SF)  
Scale: 1/4" = 1'-0"

6142 RUTHLAND RD.  
OAKLAND, CA

**FLOOR PLANS**

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
	PLANNING REVISION	02.08.21
	PLANNING REVISION	05.12.21

DATE: 02.12.20  
JOB NO.  
DRAWN SM



1 THIRD FLOOR PLAN (1440 SF)  
Scale: 1/4" = 1'-0"

6142 RUTHLAND RD.  
OAKLAND, CA

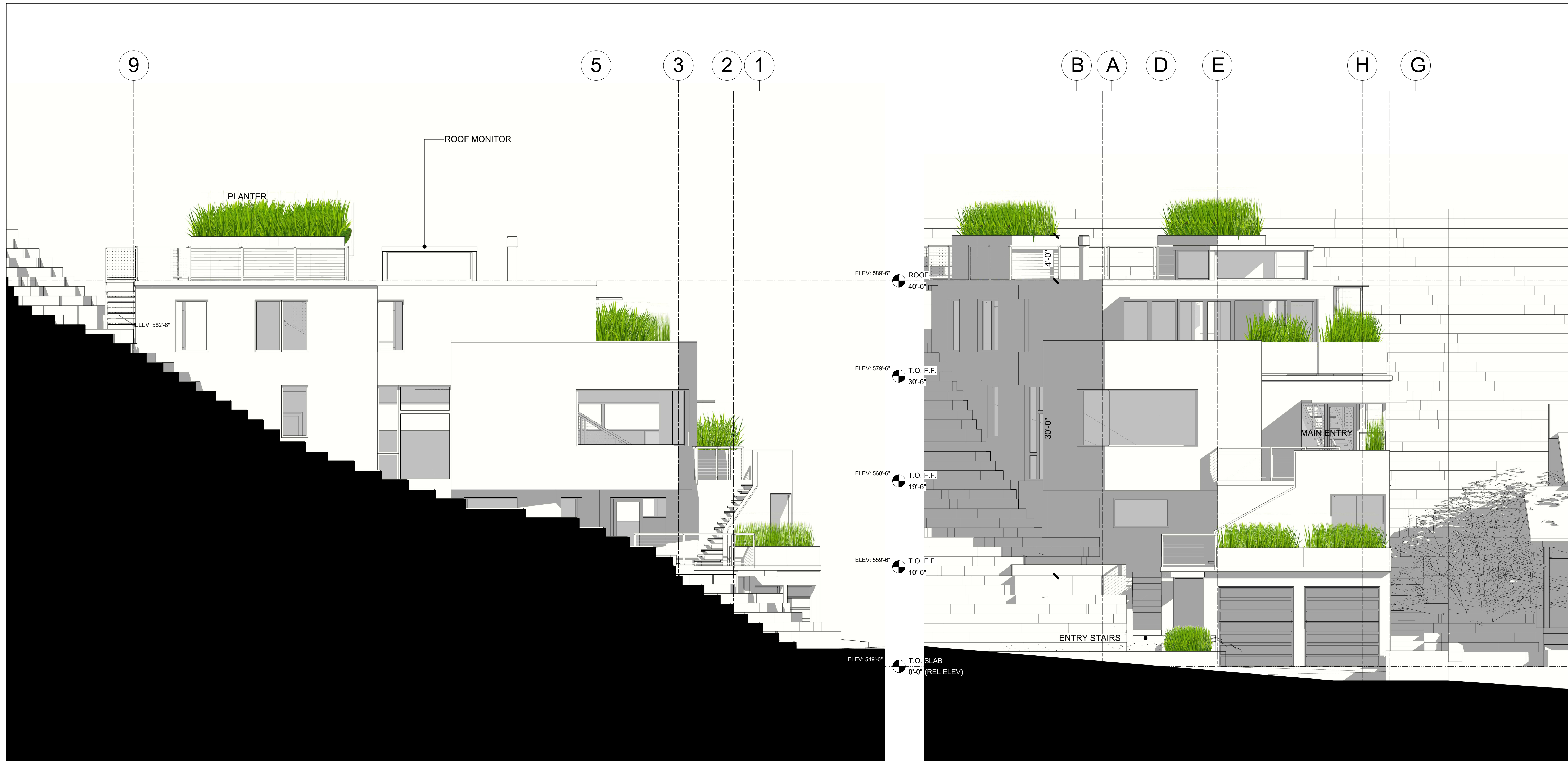
**FLOOR PLANS**

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
	PLANNING REVISION	02.08.21
	PLANNING REVISION	05.12.21

DATE: 02.12.20  
JOB NO.  
DRAWN SM

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6142 RUTHLAND RD.  
OAKLAND, CA

**ELEVATIONS**

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
	PLANNING REVISION	02.08.21
	PLANNING REVISION	05.12.21

DATE: 02.12.20  
JOB NO.  
DRAWN SM

SHEET NO. **A3.00**

1 EAST ELEVATION  
Scale: 1/4" = 1'-0"

2 NORTH ELEVATION  
Scale: 1/4" = 1'-0"

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1 SOUTH ELEVATION  
Scale: 1/4" = 1'-0"



2 WEST ELEVATION  
Scale: 1/4" = 1'-0"

6142 RUTHLAND RD.  
OAKLAND, CA

**ELEVATIONS**

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
	PLANNING REVISION	02.08.21
	PLANNING REVISION	05.12.21

DATE: 02.12.20  
JOB NO.  
DRAWN SM

SHEET NO. **A3.10**



1 NE PERSPECTIVE

2 NW PERSPECTIVE



3 SW PERSPECTIVE

**Shan Masuda  
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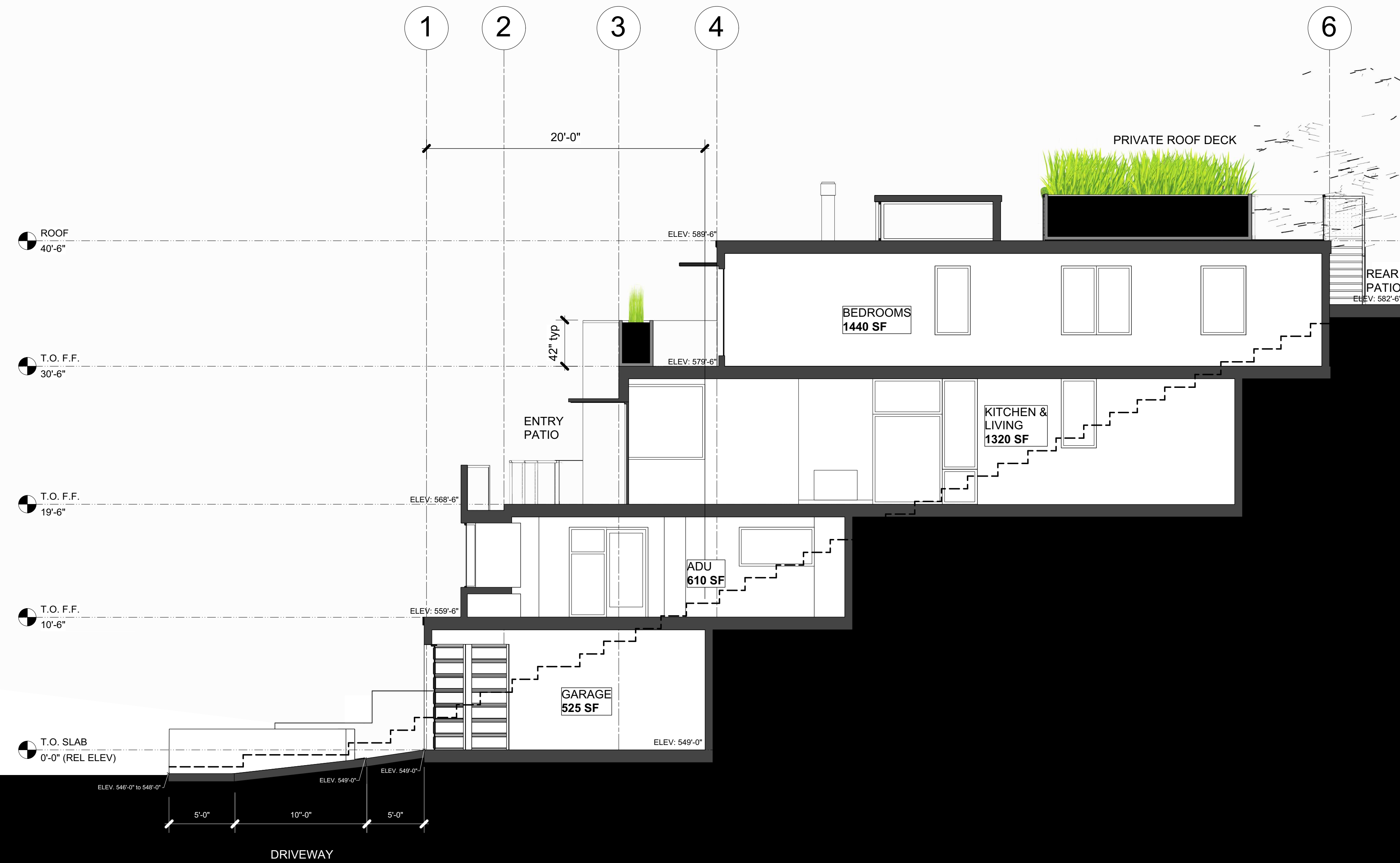
6142 RUTHLAND RD.  
OAKLAND, CA

**PERSPECTIVES**

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
	PLANNING REVISION	02.08.21
	PLANNING REVISION	05.12.21

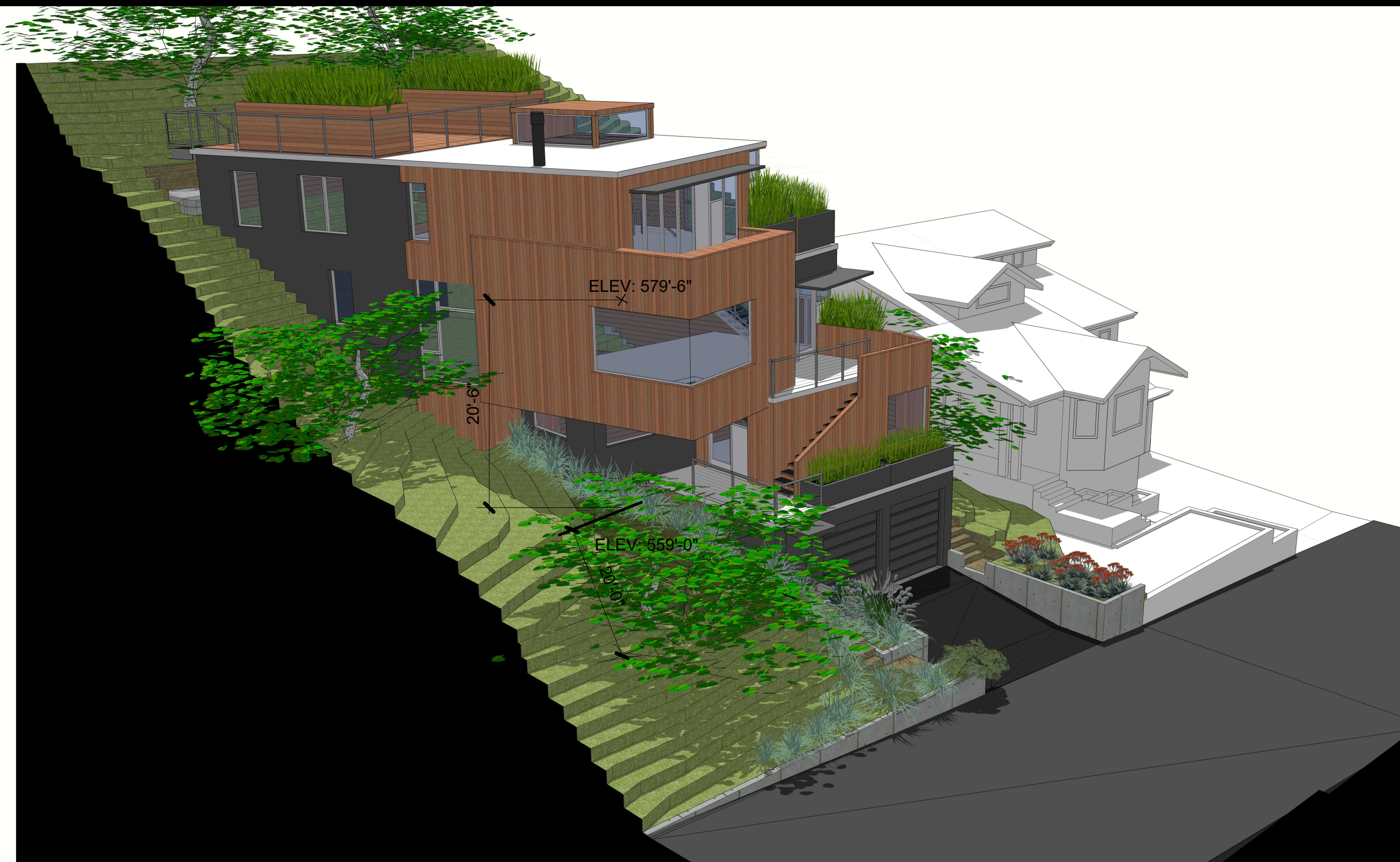
DATE: 02.12.20  
JOB NO.  
DRAWN SM

SHEET NO. **A3.20**



1 SITE SECTION

2 HT @ 20' LINE



6142 RUTHLAND RD.  
OAKLAND, CA

**SECTION**

ISSUE	DESCRIPTION	DATE
	SCHEMATIC	02.12.20
	PLANNING REVISION	02.08.21
	PLANNING REVISION	05.12.21

DATE: 02.12.20  
JOB NO.  
DRAWN SM

