Case File Number PUD02-217

January 15, 2020

Location: Siena Hill (off of Keller Avenue, between Greenridge Drive and

Rilea Way)

(APN: 040A-3848-001-00 through 040A-3848-032-00)

Proposal: Extension of the planning entitlements to allow for the 32 attached,

single-family dwellings on 32 lots, 103 off-street parking spaces, and a private road. Phase 1, which includes 10 of the 32 units, the associated parking spaces and the private road, has already been

constructed.

Applicant: Keven Kwok **Phone Number:** (510)258-8502

Owner: Oakland Siena, LLC

Case File Number: PUD02-217

Planning Permits Required: Extension of the Planned Unit Development Permit; Minor

Variances for height and minimum separation of retaining walls, maximum percentage of front yard paving, and length of buildings

alongside lot lines; and Design Review.

General Plan: Previously: Detached Unit Residential;

Currently: Mixed Housing Type Residential

Zoning: Previously: R-50 Medium Density Residential Zone

Currently: RM-3, Mixed Housing Type -3 Zone

Environmental A Final Environmental Impact Report was certified on March 2,

Determination: 2005 (Case File ER02-0012).

Historic Status: N/A

Service Delivery District: 4
City Council district 6

Status: Planning Commission approval on March 2, 2005 (Case Files:

PUD02-217; PUDF05-081; TTM7396). Construction of 10 units,

associated parking and private road in 2009. Entitlements

extended through December 31, 2019.

Staff Recommendation Decision based on staff report

Finality of Decision: Appealable to City Council within 10 days

For further information: Contact case planner Heather Klein at 510 238-3659 or by e-mail

at hklein@oaklandnet.com.

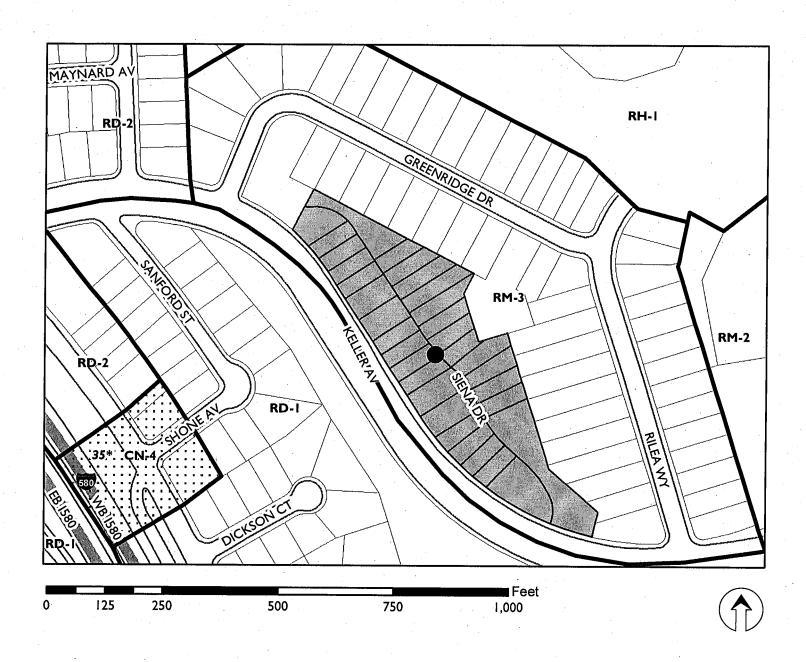
SUMMARY

On November 14, 2019, the applicant for the residential project at Siena Hill submitted a request for a one-year extension (*Attachment A*) of the entitlements originally approved by the Planning Commission in 2005 (*Attachment B*). The Project applicant has taken advantage of all ministerial options for extensions; however, Condition of Approval #2 allows the Project applicant to request, without limit, further entitlement extensions from the Planning Commission if an application is submitted prior to the expiration date. The Project applicant filed for extensions on December 23, 2015 and October 13, 2016, and the Planning Commission approved four, one-year extensions, with the last extension granted on January 16, 2019 (*Attachment C*). Without this additional extension, the entitlements will now expire on December 31, 2019.

The applicant has not moved forward with the project for several reasons, including:

• The 2008 recession;

CITY OF OAKLAND PLANNING COMMISSION



Case File:

PUD02217

Applicant:

Keven Kwok

Address:

Siena Hill (off of Keller Avenue,

between Greenridge Drive and Rilea Way)

Zone:

RM-3 (previously R-50)

- Uncertainty regarding the Oakland Area Geologic Hazard Abatement District (GHAD) acceptance of the Siena Hill project and negotiation regarding a reduction in the assessments which did not conclude until 2016;
- Potential changes to the design for Phase 2 and Phase 3;
- Change in architects in 2017;
- Negotiation with the existing 10 Siena Hill owners regarding the design changes,
- Increases in constructions costs and fees since 2005; and
- Difficulty in securing funding.

BACKGROUND

Below is a list of the approved actions for this project.

- Planning Commission approval of a Preliminary Planned Unit Development Permit, a Final Development Permit for Phase 1, and a Vesting Tentative Tract Map on March 2, 2005.
- Planning Commission approval of a two-year extension in 2008 until June 18, 2010.
- Building permits finalized for 10 buildings in 2009.
- Pre-application submittal in October 2015 for the remaining 22 units and minor design changes.
- Planning Commission approval on February 17, 2016 extending the planning entitlements per Condition of Approval #2 until December 31, 2016 and amending Condition of Approval #2 (now #2a) to allow additional extensions from the Planning Commission per the Bureau of Planning's standard extension language.
- City Council approval of a Resolution amending the Oakland Area Plan of Control to include the Siena Hill development and reduce the Geologic Hazard Abatement District (GHAD) assessments on July 19, 2016.
- Owners withdraw of the 2013 planning application to amend the Conditions of Approval to remove the GHAD-related conditions on May 13, 2016.
- Planning Commission approval on January 11, 2017, December 20, 2017 and January 16, 2019 extending the planning entitlements per Condition of Approval #2.

PROJECT DESCRIPTION

The proposed project consists of 32 attached, single-family townhomes that step down the slope to Keller Avenue (Attachment D), 10 of which have been constructed. As discussed in the previous Planning Commission staff report requesting an extension, the project is still consistent with the new General Plan land use designation and related zoning district.

CONCLUSION AND RECOMMENDATIONS

The project is a continuation of a larger phased development which has only been partially completed. The project has challenges that are unique to the site, including the GHAD requirement, involvement of the 10 existing owners in any design changes, and the fact that the

PUD is partially vested as a land use entitlement. Staff believes that a one-year extension would allow the applicant to successfully complete the approved, desirable project without remaining underutilized for an extensive amount of time.

Therefore, staff recommends that the Planning Commission:

1. Approve a one-year extension of Project approvals until December 31, 2020, subject to the previously approved Findings and Conditions of Approval, including the additional Condition of Approval regarding the imposition of impact fees per the previous Planning Commission extension.

Prepared by:

Heather Klein, Planner IV

Reviewed by:

Robert Merkamp,

Zoning Manager Bureau of Planning

Approved for forwarding to the Planning Commission:

Edward Manasse.

Deputy Director

Bureau of Planning

ATTACHMENTS:

- A. Applicant's extension letter of request, dated November 14, 2019
- B. Staff Report (Excerpt), dated June 18, 2008
- C. Staff Report (Excerpt), dated January 16, 2019
- D. Project Plans

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FINDINGS FOR APPROVAL

See Attachment B

ADDITIONAL CONDITION OF APPROVAL

See Attachment B and C

Oakland Siena LLC 4481 Belmont Way Castro Valley, CA 94546

November 14, 2019

City of Oakland Attn: Heather Klein 250 Frank H Ogawa Plaza, Suite 2114 Oakland, CA 94612

Re: Siena Hill Entitlement Extension

Dear Heather:

This letter is a request for entitlement extension for Phase 2 and 3 of the Siena Hill project.

We are requesting an extension due to the following reasons:

There was uncertainty with the Oakland Area Geological Hazard Abatement District (GHAD) and the assessment on the Siena Hill properties. After years of discussion and negotiations, the assessment was finally lowered at the end of 2016. The uncertainty of the GHAD should be now behind us going forward.

Phases 2 and 3 are currently going through design revisions. There has been a change in designers in 2017. Various meetings with the new designer and planning department were held from 2017 to 2019. Meetings with the Siena Hill HOA are ongoing to review and agree on the changes in design.

Construction of phases 2 and 3 did not start immediately in 2008, when Oakland Siena LLC purchased the properties, due to financial reasons. Market price did not justify starting construction at the time. The design changes are also driven to increase selling price. Construction costs and fees continue to increase. Ownership is currently working on securing funding for phase 2 and 3 construction activities.

The projected phasing schedule is as follows:

Phase 2 Final Submittal - Q2 2020

Phase 2 Construction – Q4 2020 – 2022

Phase 3 Final Submittal - Q1 2021

Phase 3 Construction - Q3 2021 - 2023

Sincerely,

Keven Kwok

President

Oakland Siena LLC

Case File Numbers: PUD02-217, PUDF05-081, ER02-0012, TTM7396

March 2, 2005

Location: Siena Hill (off of Keller Avenue, between Greenridge Drive

and Rilea Way); APN: 040A-3457-033-01

(See Map on the reverse)

Proposal: The applicant proposes construction of 32 attached single-family

dwellings on 32 lots, 103 off-street parking spaces, and a private road. The project would also include the removal of a portion of the

median strip on Keller in order to create a left turn lane onto

proposed Siena Drive.

Project Sponsor: Edward Patmont / (925) 946-0583

Owners: Hillside Homes Group Inc.

Planning Permits Required: Planned Unit Development (Preliminary Development Plan and Final

Development Plan); Minor Variances for height and minimum separation of retaining walls, maximum percentage of front yard paving, and length of building along side lot lines; Design Review;

and a Subdivision Map.

General Plan: Detached Unit Residential

Zoning: R-50 Medium Density Residential

Environmental Determination: Final EIR published on February 18, 2005

Historic Status: The project site is vacant.

Service Delivery District: IV-Fruitvale

City Council District: 6

Date Filed: May 24, 2002

Staff Recommendation Decision based on staff report

Finality of Decision: Appealable to City Council within 10 days

For further information: Contact case planner Heather Klein at 510 238-3659 or by e-mail at

hklein@oaklandnet.com.

SUMMARY

The purpose of this report is to provide a summary of the potential environmental impacts of the proposed project, as identified in the Environmental Impact Report, provide analysis of the project and recommend approval. The project site is located on a vacant parcel off of Keller Avenue, between Greenridge Drive and Rilea Way. The applicant proposes the construction of 32 attached single-family dwellings on 32 lots, 103 off-street parking spaces, and a private road. The project would also include the removal of a portion of the median strip on Keller Avenue in order to create a left turn lane onto proposed Siena Drive.

A Draft EIR was published on November 22, 2004 and the public review and comment period ended on January 5, 2005. A Final EIR, responding to the comments received on the Draft EIR, was published on February 18, 2005.

Staff recommends approval of the project subject to the conditions, requirements, and findings contained in this staff report.

CITY OF OAKLAND PLANNING COMMISSION



Case File:

ER02-0012

Applicant:

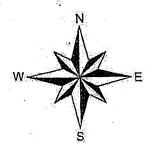
Edward Patmont

Address:

Siena Hill

Zone:

R-50



PROJECT SITE AND SURROUNDING AREA

The 3.86 acre project site is located on the east side of Keller Avenue, between Greenridge Drive and Rilea Way. The surrounding neighborhood includes a variety of land uses and activities. Located to the north are multi-family housing and undeveloped hillsides. Multi-family housing is to the east; single-family homes, convenience stores, auto facilities, and churches are located to the west. Farther west is Interstate 580. To the south of the project site, below Keller Avenue are single-family homes; further south is the former Oak Knoll Naval Hospital.

PROJECT DESCRIPTION

The proposed project consists of 32 attached single-family homes on 32 parcels. The project would include the removal of a portion of the median strip along Keller Avenue in order to create a left turn lane. The homes would be accessed via a private, one-way road, entering off of Keller Avenue and exiting onto Greenridge Drive. The development would also include 103 off-street parking spaces. Each unit would be provided 3 parking spaces, 1 space in the garage, 1 space in the driveway, and 1 space between a landscaped buffer and the driveway. Seven guest spaces are located throughout the development. In addition, the applicant proposes to request that the City create 22 new on-street parking spaces along Keller Avenue. This action must be taken by City Council. Two pedestrian stairways through the project would provide access to Keller Avenue and the new on-street parking spaces if this was approved.

Plans show 18 downslope homes and 14 upslope homes, with one home per lot. The homes would range in size from 1,800 to 1,960 S.F. on an average lot size of 5,300 S.F. The front setbacks range from 0-20'. Each home has one 0' setback along the side property line, while the other side setback ranges from 6-275'. The rear yards range from 15'-95'.

The buildings are designed in an Italian hillside architectural style. The building materials include stucco in warm terracotta; ochre, and beige colors with clay tile roofs. The building clusters are used as catalysts for variety in the facades. These facade treatments include tower elements, trellises, wrought-iron balconies and railings, and wood window trim. The buildings will step down the slope to Keller, which will reduce the mass and bulk of the buildings while keeping with the "Italian hill town" theme of the project.

The project proposes extensive hardscape and softscape elements throughout the development. Hardscape elements include a monument sign, private stairs, decorative paving, fencing, and retaining walls. A 5' wide landscape buffer is proposed in front of a 5' tall wall for the length of the project site along Keller Avenue. In addition, 2 pedestrian stairways from Keller link to a walkway that runs behind each downhill home. A walkway also runs along the rear of the upslope homes and connects to Siena Drive by two stairways at the east and west end. Open space is provided through front, side, and rear yards, as well as decks and balconies. The landscaping plans show native trees, shrubs, vines, and groundcovers.

The project is proposing low-level street and pedestrian-scale light fixtures along the proposed Siena Drive. The outdoor lighting is subject to review by the Planning Department and the Public Works Agency, Electrical Services in accordance with the City's outdoor lighting standards. These fixtures will include timing devices that would limit the amount of time the lighting would be in use and would be downcast to prevent glare and reduce light pollution.

GENERAL PLAN ANALYSIS

The General Plan designation for the project site is Detached Unit Residential (DU). The General Plan states the *intent* of the DU designation is "intended to create, maintain, and enhance residential areas characterized by detached single unit structures." The *desired character* of "future development within this classification should remain residential in character with appropriate allowances for schools and other small-scale civic institutions."

Although the project is proposing attached single family homes with a 0' setback along one side lot line, staff determined early on that this type of project is consistent with General Plan policies and the DU designation. The DU designation states that the maximum allowable density is 11 units per gross acre, which equates to 14.6 units per net acre. Accordingly, a maximum of 43 units would be permitted on the 3.86 acre project site. The proposed 32-unit project is well under the maximum density by 11 units. The applicant has worked with staff during the past 3 years to propose a density fitting the project's topographic and access constraints. Also, the project is representative of the typical form and character of single family development within this classification. The average lot size for the project is 5,300 S.F. and consistent with the typical lot size for the DU designation which ranges from 4,000 to 8,000 S.F. The project is proposing a front, rear, and side yard setback; amount of open space; building footprint, and floor area that is consistent with the single family detached structures.

In addition, several policies in the General Plan encourage cluster development as shown on the project plans. Land Use and Transportation Element (LUTE) Policy N7.6 states that development on subdivided parcels should be allowed where the site and building design minimize environmental impacts, building intensity and activity can be accommodated by available and planned infrastructure, and site and building designs are compatible with neighborhood character. Open Space, Conservation, and Recreation Element Policy OS-1.3 states that creative architecture and site planning which minimizes grading should be encouraged.

By clustering development, an integrated site plan with a lower residential density and reduced visual and grading impacts is achieved. The applicant is requesting a Planned Unit Development (PUD) per the zoning regulations for the project. A PUD is intended to encourage the appropriate development of parcels large enough to allow comprehensive site planning. This approval provides flexibility in the regulations or exceptions to promote an integrated development and create an attractive living environment. One of the exceptions requested for this project is the waiver of one side yard setback. For these reasons the proposed project is consistent with the General Plan objectives and the intent and character of the Detached Unit designation. In short, this project should be viewed as a clustered single-family development with a 0' lot line on one side. Each cluster, although only separated by inches, is composed of two completely independent units, thereby consistent with the Detached Unit Residential designation and objective of an integrated site plan.

The proposed project is within the allowable residential density and the uses are consistent with the General Plan designations. In addition, the project implements several General Plan Land Use and Transportation Element policies related to the construction of new, high quality housing units on infill sites (including Objective N3 and Policies N3.1, N3.2, N3.8, N3.10, N6.2, N7.1, N7.4, and N7.8). Therefore, the project is consistent with the intensity and uses allowed by the General Plan land use designations, as well as with several General Plan policies.

ZONING ANALYSIS

The zoning of the site is R-50 or Medium Density Residential. However, due to the residential density in the surrounding neighborhood and the site's environmental constraints staff has applied a "best fit" zone of R-30 One Family Residential to the site. The R-30 regulations are more restrictive than the R-50 and more consistent with the DU General Plan land use designation. The R-50 conditionally permits 1 unit per 1,500 S.F. for project sites over 10,000 S.F. while the R-30 allows 1 unit per lot with a minimum lot area of 5,000 S.F. The maximum allowable density under the R-30 zoning regulations for the 3.86 acre project site is 33 units. The 32 unit project is 1 unit under the allowable zoning density.

The proposed project will require the following planning approvals: a Planned Unit Development (PUD) (including both a Preliminary Development Plan (PDP) and Final Development Plans (FDP) for three phases); Design Review; Minor Variances for front yard paving, the minimum height and separation of retaining walls, and length of building along side lot lines; and a Tentative Tract Map. All applicable criteria for these entitlements have been analyzed and appropriate findings have been made as part of this staff report.

Zoning Regulation Comparison Table

Criteria	R-50	R-30 "Best Fit"	Proposed	Comment/ Degree of Variance
Lot Area	4,000 S.F.	5,000 S.F.	2,963 S.F. – 19,671 S.F.	Requirement waived with a PUD.*
Yard - Front	15'	20'	0-20'	Requirement waived with a PUD.*
Yard - Street Side of Corner Lot	4'	5'	115'-170'	Meets both R-50 and R-30 requirements.
Yard – Interior Side Lot Line	4*	5'	0'-275'	Requirement waived with a PUD.*
Yard – Rear	15'	20'	15'-95'	Requirement waived with a PUD.*
Height	30'	25' or 30' with a pitched roof	30	Meets both R-50 and R-30 requirements.
Open Space	200 S.F. / unit = 6,400 S.F.	200 S.F. group space / unit and 100 S.F. private space / unit = 9,600 S.F.	139,922 S.F. private open space***	Meets the R-50, R-30, and the PUD requirements. **
Parking	1 space / unit = 32 spaces	2 / spaces unit = 64 spaces	103 spaces total	Meets both the R-50 and R-30 requirements.
Density	Lots > 10,000 S.F.: 1 unit / 1,500 S.F.	1 single family dwelling per lot	1 single family dwelling per lot	Meets both the R-50 and R-30 requirements.

Table Notes:

* For qualifying Planned Unit Developments, yards and other dimensional requirements may be waived or modified for the purpose of promoting an integrated site plan.

** In the R-30 zone, 200 square feet of group usable open space per dwelling unit and 100 square feet of

private usable open space shall be provided per unit.

*** Private usable open space may be substituted for required group space in the ratio prescribed in said chapter.

**** Does not include on-street guest parking along Keller Avenue.

Planned Unit Development (PUD).

A PUD is required in order to accommodate the phasing of the proposed residential project. The project sponsor has submitted both Preliminary Development Plan (PDP) application for the whole site and a Final Development Plan (FDP) application for the first phase. The first phase of construction would entail clearing for the entire site; all earthwork bench cuts; grading; construction of 4 upslope units, 6 downslope units, the proposed Siena Drive, and median work in Keller Avenue. Phase 1 would also entail utility mains for the entire project, some of the retaining walls for the later phases, the entire retaining wall along Keller Avenue, and landscaping for the first phase. The project sponsor anticipates that construction of Phase 1 will be completed in 12-13 months. The second phase of construction would entail grading and the construction of 6 upslope units and 6 downslope units, the pedestrian entrance along Keller and pedestrian stairs, half of the remaining retaining walls. Landscaping will also be included. The anticipated schedule for the second phase is for construction to begin by spring or summer of 2006 and to be completed in 13-14 months. Phase 3 will entail the construction of 4 upslope units and 6 downslope units, all remaining earthwork, retaining walls, and landscaping. Phase 3 will begin in spring of 2007 and will take 12-13 months. The applicant shall submit a Final PUD application for Phases 2 and 3, which are required to be consistent with the Preliminary PUD.

As part of the Planned Unit Development, several zoning regulations were waived pursuant to Section 17.122.100(G) of the Planning Code in order to create a comprehensive design and promote an integrated site plan. These regulations include lot area, lot width, and yard requirements as described in the table above.

Design Review

According to the R-50 and the R-30 zoning regulations Special Residential Design Review is required for residential projects with one or two units on a lot. The project design breaks up the building massing by stepping the buildings down the slope and incorporating different materials, styles, and colors. The proposed exterior building materials include stucco, clay tile roofs, metal and wood railings, and wood windows and garage doors. Proposed colors include a range of warm terracotta, ochre, and beige shades with accent colors.

The project design was reviewed by the Design Review Committee on April 14, 2004 and two community meetings. The project sponsor has revised the project design several times in order to address comments received throughout the review process. Design changes made include: altering the transitions between the different portions of the buildings, varying the roof projections on the units, and refining the architectural details for each structure for increased visual interest. Staff believes that the current design is attractive and appropriate for the area, which includes buildings with a variety of architectural detailing in keeping with the Italian hill town style.

Minor Variances are required for the height and minimum separation of retaining walls, maximum percentage of front yard paving, and length of building along side lot lines. Per Section 17.102.400(E) of the Planning Code, no retaining wall shall exceed six feet in height and the minimum separation distance between retaining walls shall be at least four feet between the exposed faces of each wall. Due to the steep slope of the site, the project would include construction of retaining walls. Many of these are over 6' in height, but none would be taller than 10'. In a couple of insistences, the minimum separation between retaining walls is approximately 3'. These retaining walls are necessary for slope stability and would be incorporated into the foundations of the homes. Staff believes that a minor variance for the height and separation of the walls is necessary given the amount of grading needed to implement the project and the desire to keep the walls as low as possible. The walls will be of a material and finish that is consistent with the overall design of the project and the "hill town" theme. The wall height and separation will not pose a sight distance issue for vehicles and will be screened through extensive landscaping, including shrubs at the base and in between the walls and trailing plants along the top.

Per Section 17.102.400(A), paved surfaces within required street-fronting yards shall be limited to 50% maximum paved surface for all lots other than corner and through lots. Plans depict a colored concrete driveway and walkway, an eco-stone parking area, and a planting area within the front yard of each unit. This amounts to more than 50% of a paved front yard. Staff believes that a minor variance for the amount of front yard parking is warranted since Traffic Engineering and Fire Services have required that there be no off-street parking on the street due to the reduced road width. In response, the applicant has provided 3 parking spaces per unit, 1 space in the garage, 1 space in the driveway, and 1 space in a parking area between the planting area and the driveway. Seven guest spaces are located off-street throughout the development. This approach has increased the amount of front yard paving. Since the proposed project is requesting a PUD, each unit will have the same front yard design and therefore an integrated site plan is achieved. Staff has worked with the applicant to vary the paving materials of street, sidewalk, driveway, and parking area to provide visual interest and texture within the development. Furthermore, staff has worked with the applicant to come up with a pervious material for a portion of these surfaces to decrease water run-off on the project site.

Per Section 17.16.040 of the Planning Code, when the site area to be covered by the principal building exceeds a slope of 20% the building length facing a side lot line shall be limited to 35' if within 10' of the side lot line. The downslope units exceed the required building length by 23'. Staff believes that a variance for building length is warranted due to the varied projections and recesses shown on the side elevations. Staff has worked with the applicant to provide architectural details such as turrets, windows, chimneys and balconies that will provide visual interest. Furthermore extensive landscaping will screen the building length as surrounding residents drive along Keller Avenue.

Tentative Tract Map

Tentative Tract Map is required in order to subdivide a parcel of land into 5 or more lots. The proposed tract map (TTM 7396) is not included in this approval. The applicant will need to return to the Planning Commission for approval of the Tentative Tract Map and to will need City Council approval of the Final Map.

ENVIRONMENTAL REVIEW

The project has undergone review to assess its potential environmental impacts. Based on the results of an Initial Study, a staff determination was made to prepare an Environmental Impact Report (EIR).

Topics excluded from further review as part of the Initial Study checklist include: agricultural resources, hazardous materials issues, mineral resources, population and housing, public services, and recreation. A NOP was issued on January 21, 2004 and several comments were received on the scope of the EIR. The following issues were identified as of concern: slope stability and geotechnical concerns due to the existing steep slopes and the proposed amount of grading; the potential increase in groundwater run-off and flooding; visual impacts; and finally traffic and safety impacts of the project. The DEIR analysis focused on the project's potential impacts on aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology, land use and planning, noise, traffic and transportation, and utilities and service systems. The Draft EIR comment period began on November 22, 2004 and ended on January 5, 2005.

A Final EIR was prepared that responded to all the comments received on the Draft EIR. The Final EIR, published on February 18, 2005, was provided under separate cover for review and consideration by the Planning Commission, and is available to the public at the Planning Department office. The Final EIR included some minor revisions to the project description, land use and policy section, and the utilities and service systems section of the Draft EIR. Significant but mitigable impacts identified in the Final EIR are discussed in detail below.

Significant and Unavoidable Impacts

The project would not result in any significant and unavoidable impacts.

Potentially Significant Impacts that Can Be Mitigated to Less-Than-Significant-Levels

The Draft EIR analysis identified potentially significant impacts that could be mitigated to less-thansignificant levels on air quality, biological resources, cultural resources, hydrology, geology and soils, noise, traffic and transportation, utilities. These impacts and proposed mitigation measures are briefly summarized below:

Air Quality: Construction activities would contribute to increased criteria pollutants and exposure of these pollutants to sensitive receptors. Under mitigation measure AQ-2 and AQ-5, the project sponsor shall be required to implement a dust abatement program in accordance with the Bay Area Air Quality Management District's (BAAQMD) best management practices to reduce construction dust impacts on neighboring residents to less than significant levels.

Biological Resources: Grading and construction activities would harm special status plant species if located on the project site. Pursuant to mitigation measure BIO-1, the project sponsor shall be required to retain a qualified biologist to conduct pre-construction surveys. These surveys will be conducted between March and May to confirm the absence of the 12 special-status plant species listed in Table 4 of the DEIR. If any special-status plant species are found, a qualified biologist shall develop and implement a Mitigation Plan (MP). The MP will be prepared in consultation with the California Department of Fish and Game and shall be approved by the City prior to any ground disturbing activities. The MP could include the complete or partial avoidance of any special-status plant population and/or options for mitigation.

The project would require the removal of one mature redwood tree in the median of Keller Avenue and the possible mortality of six native oak saplings at the upper elevation of the site. All of these trees are protected under the City's Tree Preservation Ordinance. In regards to the six native oak saplings, mitigation measure BIO-3 states that the project sponsor will consult with a qualified arborist and the

Case File Numbers PUD02-217, PUDF05-081, ER02-0012, TTM7396

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Public Works Agency, Tree Division to develop and implement a tree protection plan to protect these trees during grading and construction. If mortality is unavoidable the project sponsor shall apply for a tree removal permit. The proposed tree removal permit must also be reviewed and approved by the Tree Division. Pursuant to BIO-4, the project applicant shall be required to apply for a tree removal permit for the redwood tree as required by the ordinance. The proposed tree removal permit must be reviewed and approved by the Public Works Agency, Tree Division.

Grading activities would create suitable growing conditions for French broom, a non-native plant species already located on the project site. Pursuant to mitigation measure BIO-5, the project sponsor shall be required to retain a qualified landscape architect to develop a final landscape plan. The landscape plan will include a program to eliminate this species and prevent its reestablishment on the site. The landscape plan will also incorporate a native, drought-tolerant, and fire-resistant plant palette.

Cultural Resources: Archaeological artifacts or paleontological resources may be encountered during project construction activities. Mitigation measure CUL-1a and CUL-1b states that the project sponsor shall be required to halt work immediately if artifacts or fossils are encountered and retain a qualified archeologist or paleontologist. These consultants shall evaluate the find, assess their significance, and offer proposals for further investigation or mitigate any adverse impacts resulting from the proposed project.

Human remains may also be encountered during project construction activities. Mitigation measure CUL-1c states that the project sponsor shall be required to halt work immediately if human remains are found and contact the County Coroner and the appropriate representative of the Native American Heritage Commission.

Geology, Soils, and Seismicity: The project site would likely be subject to strong seismic ground shaking. The project sponsor shall be required to design the buildings and infrastructure in compliance with current building codes. In addition, the proposed project would be placed on moderately expansive soils and these soils would become less stable in the event of an earthquake. To reduce these geologic impacts to a less than significant level, mitigation measures GEO-1, GEO-2, and GEO-4 require the project sponsor to implement the following: design the retaining walls and building foundations in compliance with current building codes and follow the criteria in the Geotechnical Investigation for the DEIR; prepare a grading plan that limits the grades to a maximum 2-to-1 slope ratio with retaining walls; submit detailed grading plans and construction drawings to the City of Oakland Building Services for review and approval; and design building foundations to bear on rock and be drilled piers and grade beams. The project sponsor shall also insure that drainage on the site be designed and maintained, following the criteria in the Geotechnical Investigation to minimize surface water and saturation of soils.

Grading and construction on the project site would increase the risk of wind and water erosion. Mitigation measure GEO-3 states that the project sponsor shall prepare a plan that minimizes short-term construction related erosion. The erosion control plan shall incorporate the associated hydrology mitigation measures, including HYDRO-1, HYDRO2a, and HYDRO-2b. Long-term erosion shall be addressed through landscaping and the installation of storm drainage facilities.

Geologic Hazard Abatement District (GHAD). GHADs are governmental districts formed in specific geographic areas to address potential geologic hazards. The purpose of a GHAD (pronounced "GAD") is to prevent, mitigate, control or abate defined geologic hazards through maintenance, improvements, or other means. Financing of a GHAD is accomplished through an assessment of the property owners who live within the boundaries. Issuing and servicing of bonds, notes or other debentures is also authorized

under a GHAD. A GHAD will be required as condition of approval # 24 to address ongoing maintenance of the retaining walls, drainage system, street sweeping, inlet cleaning, and landscaping.

Hydrology: Grading and construction of the project would increase erosion and result in changes to drainage patterns that could degrade downstream waterways. The proposed project would also result in water quality impacts from an increase in pollutants, erosion, and siltation. Pursuant to HYDRO-1, HYDRO-2 and HYDRO-4, the project sponsor shall be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) and submit the plan to the Regional Water Quality Control Board (RWQCB) prior to construction. The sponsor shall apply for a Phase II National Pollutant Discharge Elimination System (NPDES) permit and comply with the Construction Activities Storm Water Permit Requirements of the Clean Water Act. Filter mechanisms must also be installed at all drop inlets.

Storm water from the project site would not be adequately contained by the on-site drainage system in a manner that would result in a controlled release downstream. In response, mitigation measure HYDRO-3 is included that requires the project sponsor to submit final hydrology calculations based on the final drainage and design plans for review and approval by the City Engineer. These calculations shall demonstrate that the existing drainage infrastructure is capable of handling the flows from the proposed development.

Noise: The project would result in long-term construction activities adjacent to residential uses for most phases of construction. Mitigation measure Noise-3 states that the project sponsor shall require its construction contractor to limit the time of construction activities, to implement noise control techniques as required by the City Council, to prepare site-specific noise attenuation measures, and to submit measures to respond to and track complaints about construction noise.

Mitigation measure Noise-4 addresses the potentially impacts of noise from I-580 and Keller Avenue on the proposed residential project. The project shall be constructed using sound-rated building techniques and materials in order to achieve an acceptable indoor noise level.

Traffic and Transportation: Increased traffic generated by the project would affect levels of service at the Keller Avenue/Mountain Boulevard intersection under existing and year 2020 cumulative conditions. In response, the mitigation measure TRAF-1 is included that requires the project sponsor to contribute the project's fair share towards the installation of a traffic signal and other improvements already approved as part of the Leona Quarry project and as outlined in the Leona Quarry Traffic Improvement Program and Traffic Improvement Fee (TIP/TIF). Finally, mitigation measure TRAF-2 states that the project sponsor shall prepare a construction management plan for review and approval by the Public Works Agency, Transportation Services to reduce the impacts of construction-period traffic and parking.

Utilities and Service Systems: The project would create localized flooding since the existing drainage inlets do not have enough capacity to accommodate run-off from the proposed project during a 100-year storm. To reduce this impact to a less than significant level, mitigation measure UTIL-2 is included. This mitigation measure requires that the project sponsor install additional drainage inlets along the Siena Drive.

Under the existing and proposed conditions, pipe capacity for Sub-basin 1, located on the eastern portion of the site, is inadequate to convey drainage flows from a 100-year storm. This impact is mitigated to a less than significant level through implementation of hydrology mitigation measure HYDRO-3 that requires the project sponsor to submit final hydrology calculations based on the final drainage and design plans for review and approval by the City Engineer.

Project Alternatives

As required by the California Environmental Quality Act (CEQA), several alternatives that would avoid or substantially lessen the significant impacts of the project were analyzed in the Draft EIR. These included a No Project Alternative, a 16-Unit Alternative, and a Mitigated Project Alternative. Under the No Project Alternative, the project would not be undertaken and none of the impacts of the project would occur. This alternative would neither meet the project sponsor's objectives nor the City's objective in facilitating the need for new housing units on infill sites that is compatible with the density, scale and desired character of surrounding development. Under the 16-unit Alternative, 16 "detached" single family units would be constructed using the same site configuration as the 32-unit proposal. The lot area and unit size would double and each lot would have two considerable side setback dimensions. This alternative would represent a 50% decrease in the number of vehicular trips compared to the proposed project. The reduced trip generation would minimize the levels of service traffic impact at the Keller Ave./Mountain Blvd. intersection and therefore the 16-unit alternative would be considered slightly less traffic impacts than the proposed project in this regard. However, both this alternative and the proposed project would have less than significant traffic impacts. Under the mitigated project alternative, 32 attached single family units would be constructed using the same site plan as the proposed project. However, this alternative would implement all the measures recommended in the DEIR. The Mitigated Project alternative would meet the both the projects sponsor's and the City's objectives and is considered the environmentally superior alternative.

The DEIR also discusses other project alternatives that were not further analyzed. The applicant originally submitted a proposal to construct 44 attached single family homes on the project site with a different access configuration. This site plan was rejected by Planning and Zoning, Building Services, and the Public Works Agency, Transportation Services due to an increase in visual impacts associated with the amount and height of the retaining walls, grading impacts, and traffic design hazards. The applicant voluntarily reduced the number of units from 44 to 32 in response to the impacts and also comments from the various City departments. Accordingly, the proposed project reviewed in the DEIR represents an alternative that was already substantially mitigated from the original 44-unit submittal. In addition, a 32-unit "detached" alternative with the same road alignment as the 44-unit proposal was considered but rejected. Since the proposal resulted in more extensive grading impacts, an increase in the height of the required retaining walls, and the increased visual impact of housing dispersed over a greater area of the site, this option was not studied further.

CONCLUSION

The proposal seeks to develop an underutilized parcel into an attractive residential community that will enhance the surrounding residential neighborhood while maximizing the efficient use of the parcel. The project meets the primary goal of providing new high quality housing units on an infill site. Furthermore, the project is clearly in conformance with many General Plan goals and policies including orienting units toward the street, providing adequate parking, and creating an attractive streetscape. The planned unit development permit and variances for the minimum height and separation of retaining walls, minimum amount of front yard paving, and building length along side lot lines are warranted and are not anticipated to create adverse impacts, pursuant to the attached Findings and Conditions of Approval.

Therefore, staff recommends that the Planning Commission:

- 2) Adopt the attached conditions of approval for the mitigated project alternative including the Mitigation Monitoring and Reporting Program; and
- Approve the applications for the Planned Unit Development (Preliminary Development Plan and Final Development Plan for the first phase only), Design Review, and Variances subject to the attached findings and conditions of approval.

Respectfully submitted:

CLAUDIA CAPPIO Director of Development

Prepared by:

Heather Klein

Planner $\hat{\Pi}$, Major Development Projects

Attachments:

- A. Project Architectural, Engineering, and Landscape Plans
- B. Public Comments
- C. Final EIR (Delivered under separate cover)

CEQA FINDINGS A. Certification of EIR Findings (CEQA Guidelines § 15090)

- 1. That the Draft EIR was prepared by the City of Oakland as the Lead Agency, was properly circulated for public review and comment for 45 days (November 22, 2004 through January 5, 2005), was independently reviewed and analyzed by the City Planning Commission, and reflects the independent judgment of the Planning Commission.
- 2. That the Final EIR was properly circulated, independently reviewed and analyzed by the City Planning Commission and reflects the independent judgment of the Planning Commission. That such independent judgment is based on review and consideration of the information contained in the Final EIR and on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the Final EIR and the administrative record as a whole). The Final EIR included some minor revisions to the project description, land use and policy section, and the utilities and service systems section of the Draft EIR. That the Planning Commission recognizes that the Final EIR contains certain additions, clarifications, modifications or other revisions (as the result of the public review and comments on the Draft EIR, public agency responses to those comments, and refinements to the project description), but that such work does not present significant new information requiring re-circulation of the Draft EIR. That such information, revisions and additional data do not include any new significant environmental impacts that would result from the project or from a new mitigation measure and that they do not reflect any substantial increase in the severity of any environmental impact, nor do they propose any additional feasible project alternative or mitigation measure that is materially different from others previously analyzed that would clearly lessen the significant environmental impacts of the project that has not been adopted. Thus, no recirculation of the Draft EIR is required. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR.
- 3. The Final EIR and its findings and conclusions are adopted by the City Planning Commission as its source of environmental information, except where otherwise expressly stated; and that the Final EIR is legally adequate and was completed in compliance with CEQA and the City's Environmental Review Regulations.

CEQA Findings for Project Approval)(CEQA Guidelines § 15091-15093)

Environmental Impacts

1. That the Final EIR identifies all potential significant adverse environmental impacts and feasible mitigation measures that would reduce these impacts to a less-than-significant level. All of the mitigation measures identified in the Draft and Final EIR, as they may have been modified, and again in the Mitigation Monitoring and Reporting Program, will be adopted and implemented as condition of approval # 13 for the Project.

- 2. That the approval of project complies with CEQA; and that the Final EIR was presented to the City Planning Commission, which reviewed and considered the information contained therein prior to acting on any of the development approvals for the project.
- 3. That the Initial Study included as Appendix A in the Draft EIR evaluated the proposed project and found, after an initial review, the impacts listed in the *Environmental Review Section* of the March 2, 2005 staff report to be less than significant: All the reasons stated in the DEIR, as well as the responses to comments in the FEIR, as to why the foregoing impacts are less than significant are hereby adopted and incorporated by reference as if fully set forth herein.
- 4. The EIR evaluated the proposed project and identified significant potential adverse impacts in the following environmental categories *Environmental Review Section* of the March 2, 2005 staff report]. The EIR found that there would be less than significant environmental impacts associated with many of these categories. All the reasons stated in the DEIR, as well as the responses to comments in the FEIR, as to why many of the foregoing impacts are less than significant are hereby adopted and incorporated by reference as if fully set forth herein.
- 5. As detailed previously in this report, the EIR also recommends mitigation measures that, if implemented, would avoid or reduce some of the identified significant effects to less-than-significant levels. These measures are included within the attached Mitigation Monitoring and Reporting Program, and these measures are incorporated into the Conditions of Approval #13 for the Project.

FINDINGS FOR APPROVAL

This proposal meets the required findings under Oakland Municipal Code Sections 17.140.080 (Planned Unit Development Criteria), 17.140.060 (Planning Commission Action for a Final Planned Unit Development for Phase 1), 17.148.050 (Variance Criteria), 17.136.070 (Design Review Criteria), and Government Code Section 65589.5(j) (Reducing Density for Housing Developments) as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type. The project's conformance with the following findings is not limited to the discussion below, but is also included in all discussions in this report and elsewhere in the record.

Section 17.140.080 Preliminary Planned Unit Development Permit

A. That the location, design, size, and uses are consistent with the Oakland Comprehensive Plan and with any other applicable plan, development control map, or ordinance adopted by the City Council.

The proposed residential project is located within the Detached Unit Residential General Plan land use designation. Although the project is proposing attached single family homes with a 0' setback along one side lot line, the project is under the maximum allowable density for the DU designation. The applicant has worked with staff during the past 3 years to propose a density fitting the project's topographic and access constraints.

Several policies in the General Plan encourage cluster development as shown on the project plans. Land Use and Transportation Element (LUTE) Policy N7.6 states that development on subdivided parcels should be allowed where the site and building design minimize environmental impacts, building intensity and activity can be accommodated by available and planned infrastructure, and site and building designs are compatible with neighborhood character. Open Space, Conservation, and Recreation Element Policy OS-1.3 states that creative architecture and site planning which minimizes grading should be encouraged. By clustering development, an integrated site plan with a lower residential density and reduced visual and grading impacts is achieved.

In addition, the project implements several General Plan Land Use and Transportation Element policies related to the construction of new, high quality housing units on infill sites (including Objective N3 and Policies N3.1, N3.2, N3.8, N3.10, N6.2, N7.1, N7.4, and N7.8). Therefore, the project is consistent with the intensity and uses allowed by the General Plan land use designations, as well as with several General Plan policies.

B. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding uses, that the location and design will adequately reduce the impact of the development.

The "Italian hilltown" theme of the proposed project represents a clear difference to the surrounding single and multifamily homes that were built in a 1950-1950's boxlike style. Since the proposed project is located at the edge of this development and because the existing homes are not visible from Keller Avenue, staff believes that the style difference is not an issue. The location of the homes with a 20' setback from Keller Avenue and a 15-95' setback from the rear property line, along with a muted earthtone color scheme will reduce any visual impacts from the proposed project. Currently, the project site is mostly void of vegetation. The applicant is proposing an extensive landscape plan that will visually improve the aesthetic of the parcel. The elevations, with distinct architectural details in the facades and roof forms will also provide visual interest.

C. That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will avoid traversing other local streets.

Plans for Siena Drive show a reduced width and a small portion divided by a median. One-way signage is required as a condition of approval. This street is designed for project traffic and does not support high speed or large volumes of traffic. The proposed project will generate some additional traffic at a few intersections. However, the EIR determined that with implementation of the required mitigation measures the cumulative traffic impacts of the project will be less than significant.

D. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or proposed facilities and services.

The proposed project site is located in a developed area that is adequately served by existing utilities and service systems including water supply, wastewater treatment, storm water drainage, and solid waste disposal as documented in the Initial Study and the EIR. The proposed project will also provide additional services for the area and improvements to the existing infrastructure.

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- E. That the location, design, size, and uses will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations.
- The proposed project could not otherwise be achieved under the zoning regulations due to the site's topographic and access constraints. Construction of a private road on the parcel required that a planned unit development permit be requested. This PUD permit allowed the applicant the flexibility to achieve an appropriate density and design for the project site off the proposed road. The proposed project is an attractive, high quality residential development that will benefit the surrounding area by developing a barren infill parcel. The project's interior private drive is designed to create an attractive and intimate neighborhood setting. The applicant has successfully designed the rear facades of the downslope units so they appear to be oriented to Keller Avenue. The design is attractive and appropriate for the location.
- F. That the development will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices.

Although the project will require earthmoving, the project was designed to respect and follow the existing 2:1 slope. Since the slope was created as a result of the construction of Keller Avenue and the site is mostly void of vegetation, no desirable natural features will be destroyed. The structures' bulk and mass step down the hill in response to the steep grade and retaining walls are used to stabilize the slope. Extensive landscaping, as shown on the plans, will soften the structures and increase the visual aesthetic of the hillside. The proposed earthtone colors for the walls and roofs will reduce visual impacts and allow the structures to "blend" into the hillside background. Varied roof forms and distinct elevations, including projections and recesses, provide shadow lines, depth, and texture to the structures. The height of the structures will not impact views across Interstate 880 from the upslope units. As demonstrated in the project EIR, all visual impacts can be reduced to a less than significant level.

Section 17.140.060 (Planning Commission Action for Final Planned Unit Development for Phase 1 only):

The proposal conforms to all applicable criteria and standards and conforms in all substantial respects to the preliminary development plan, or, in the case of the design and arrangement of those portions of the plan shown in generalized, schematic fashion, it conforms to applicable design review criteria.

The proposed Final Development Plan for Phase 1 conforms to all applicable criteria and standards and is consistent with the Preliminary Development Plan for the project. The design is attractive and appropriate for the location.

Section 17.136.070A (Residential Facilities 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;

As stated above, the Italian "hilltown" theme of the proposed project represents a clear style difference from the surrounding single and multi-family buildings built in the 1950-1960's. Since the project is located along the edge of this existing development, staff does not believe that the style is an issue. However, the project is well related to the surrounding area in terms of materials and textures. Many of the buildings are stucco, have pitched roofs over the entrances, wood windows and shutters and metal balconies and railings. The existing buildings range in height from 1-2 stories for single-family homes and 2-3 stories for multi-family buildings located on a slope. The building height for the proposed project is consistent with the height of these multi-family buildings.

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

The project is located on a barren hillside that is already surrounded by a significant amount of residential development. The proposed project is consistent to those homes in many respects, including materials, height, and roof forms. The proposed project protects desirable neighborhood characteristics such as preserving the top of the ridgeline and protecting views from the existing upslope homes. The high quality design and building articulation will enhance the neighborhood. The project has an appropriate site layout with typical setbacks, large open areas at the project's entrance and exit, and new landscaping.

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

The proposed project is located on a 2:1 slope as a result of the construction of Keller Avenue. Construction of the units and the private road will require a significant amount of grading. A final grading plan will be prepared that will limit and retain the 2:1 slope proportion. In addition, the units have been designed to step down the slope. The variations in the structure's elevations and roof forms provide visual interest, reduce the bulk and mass of the project, and decrease the "wall-like" effect that is often noticeable on hillside homes. The project's earthtone colors will blend into the hillside and minimize visual impacts. Although the site is mostly void of vegetation, the applicant is proposing extensive landscaping for the parcel, including trees, shrubs, groundcovers and vines. Staff has included as a condition of approval that the infill and theme trees (as described on the landscape plans) be of a boxed size to soften the structures and produce an immediate landscape effect that would otherwise take years to achieve.

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

As stated above, the project site is located on a steep hillside. The unit's bulk and massing have been designed to step down the slope in relation to the grade. The bulk and massing is typical of hillside development and the "Italian hilltown" theme of the project. The front, side, and rear elevations provide visual interest using variety in materials, roof forms, projections, recesses, and architectural details. Staff has included as a condition of approval that the lower floor's skirt walls on the downslope units provide a deep recess to add a shadow line and further reduce the mass of the structures. The buildings' height will follow the topography and preserve views from the existing homes above the project site.

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

As stated above in the PUD findings, the project is consistent with the General Plan land use designation of Detached Unit Residential. The project supports many of the objectives and policies of the Land Use and Transportation Element (LUTE) for this area including the construction of high quality residential units on infill or orphaned lots, orienting residential development toward the streets, adequately locating off-street parking to avoid visual prominence, and the creation of intimately designed streets. This use and density is permitted under the Planning Code and appropriate to the area.

Section 17.148.050 (Minor Variance Criteria for a) the minimum height and separation between retaining walls, b) the minimum amount of front yard paving, and c) the building length along side lot lines):

- 1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.
 - a) Per Section 17.102.400(E) of the Planning Code, no retaining wall shall exceed six feet in height and provide less than a four foot separation distance between retaining walls. Due to the steep slope of the site, the project will include construction of retaining walls. Many of these are over 6' in height, but none would be taller than 10'. In a couple of insistences, the minimum separation between retaining walls is approximately 3'. These retaining walls are necessary for slope stability and would be incorporated into the foundations of the homes. Strict compliance with this regulation would preclude an effective design solution and require additional retaining walls or a steeper grade between them. A steeper grade between the retaining walls would be in direct conflict with Mitigation Measure Geo-2a of the EIR. The addition of more retaining walls that adhere to the minimum separation distance would limit the amount of tree planting and landscaping. This extensive landscaping is necessary to screen the walls, provide additional slope stability, prevent the establishment of non-native French broom, and improve the visual aesthetic for the project.
 - b) Both Traffic Engineering and Fire Services have required that there be no off-street parking on Siena Drive due to the reduced road width for a private drive. In order to accommodate unit and guest parking, the applicant provided 3 parking spaces per unit, 1 space in the garage, 1 space in the driveway, and 1 space in a parking area between the planting area and the driveway. This amounts to more than 50% of a paved front yard, which would require a variance per Section 17.102.400(A) of the Planning Code. Strict compliance with this regulation would preclude an effective design solution to providing parking for the units. Approximately 32 unit or guest parking spaces would need to be provided at either end of the development. Scattering the parking throughout the design, buffered by planting areas, provides a more effective design solution than essentially creating large parking lots at the entrance and exit of the development. Since the proposed project is requesting a PUD, each unit will have the same front yard design and therefore an integrated site plan is achieved.
 - c) Per Section 17.16.040 of the Planning Code, when the site area to be covered by the principal building exceeds a slope of 20%, the building length facing a side lot line shall be limited to 35' if within 10' of the side lot line. The downslope units exceed the required building length by 23'. The unit sizes are typical for hillside development. Strict compliance with this

regulation would require shorter units with an increased height or larger setbacks and reduction in the number of units. The additional height to accommodate the shorter building length would require a variance and be inconsistent with the heights for the surrounding homes. Providing increased setbacks would reduce the number of units which is otherwise permitted by the zoning density. Staff believes that a variance for building length is warranted due to the varied projections and recesses shown on the side elevations. Architectural details such as turrets, windows, chimneys and balconies provide visual interest and extensive landscaping will screen the further building length. In addition, the planned unit development regulations allow for reduced yards to create an integrated site plan.

- 2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation.
 - a) The basic intent of the minimum height and separation of the retaining walls regulations is to provide hillside stability, planting areas to screen walls, and ensure that the slope respects the existing topography of the site. The retaining walls will be installed at the same slope ratio as the existing topography. Strict compliance with the minimum height would preclude an effective design solution that would require additional retaining walls thereby decreasing the amount of landscaping. This would reduce the visual aesthetic of the development.
 - b) The basic intent of the minimum paved front yard area is to create an intimate and well-designed residential streetscape. Since the project is creating a new street and only units within the PUD will front onto the street, this is an internal issue to the project. Strict compliance would require the creation of parking lots at either end of the development to accommodate 32 parking spaces. Scattering parking spaces throughout the development, buffering them with planting areas and lawns, and using visually distinct materials for each paved area are more appropriate design solutions that fulfill the intent of the regulations.
 - c) The basic intent of the maximum building length regulation is to reduce blank facades that are visible from adjacent units and the street and to protect unit privacy. The project elevations show visually interesting side elevations which include turrets, windows, balconies, and varied building and roof projections and recesses. In addition, the building length will be appropriately screened with extensive landscaping. These design solutions fulfill the basic intent of the regulations.
- 3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.
 - a) Granting a variance for the height and separation of retaining walls will not adversely affect the character, livability, or appropriate development of the abutting properties since the development will occur on a parcel already surrounded by residential development. The retaining walls will help to stabilize the homes upslope from the development at the existing 2:1 slope ratio. In addition, the retaining walls will be designed of an appropriate material and finish for residential properties as recommended in the conditions of approval. Furthermore, they will be appropriately screened with extensive tree and shrub planting and the tops planted with trailing vines.

- b) Granting a variance for the amount of front yard paving will not adversely affect the character, livability, or appropriate development of the abutting properties since the development will occur on a parcel already surrounded by residential development. The project will also include the construction of a new private road for the units, so this is an internal issue to the development. The landscape plans show that these paved areas are buffering by lawns, planting areas, and landscaped strips. Staff has included as a condition of approval that the driveways, walkways, and parking areas be constructed with different materials to provide visual interest and that a portion of the hardscape be of a pervious material to provide increased water absorption on the site.
- c) Granting a variance for the building length along side lot lines will not adversely affect the character, livability, or appropriate development of the abutting properties or the surrounding area since the development will occur on a parcel already surrounded by residential development. The side facades of each structure provide visual interest through projections, recesses, and architectural details. Extensive landscaping will also screen the building length as surrounding residents drive along Keller Avenue.
- 4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.
 - a, b, and c) The variances, in conjunction with the PUD permit, are necessary to create a well-designed and integrated site plan and will not constitute a granting of special privilege inconsistent with limitations imposed on other similarly zoned properties. As stated above the variances are consistent with the basic intent of the zoning regulations and are internal issues to the project. In addition, similar variances have been granted for other hillside properties that were not associated with a PUD permit.

Findings Pursuant to State Government Code Section 65589.5 (j)

Pursuant to Government Code section 65589.5(j), the Planning Commission finds that the proposed housing development cannot have its density reduced because:

- (a) The project is consistent with the general plan and zoning regulations; and
- (b) There is no specific, adverse impact upon the public health or safety as a result of the project.

According to Government Code section 65589.5 (j), if a "housing" project is consistent with a City's General Plan and zoning ordinance, and does not present a threat to public health and safety at its current density, a lower density project cannot be considered as a feasible alternative. Thus, it is not legally feasible to reduce the density of a "housing" project that meets the requirements of Government Code section 65589.5 (j). Under the statute, a "housing" project is defined as residential units only or mixed use developments in which nonresidential uses are limited to neighborhood serving commercial uses on the first floor of buildings. As described elsewhere in this report, the proposed residential project is consistent with the City General Plan and zoning regulations (pursuant to the granting of the planned unit development permit and the variances relating to the minimum height and separation of retaining walls, the amount of front yard paving, and the building length along side lot lines) and there is no specific, adverse impact on the public's health and safety as a result of the project. As defined by the statute, a

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"specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based upon objective, identified written public health or safety standards, policies or conditions as they existed on the date the application was deemed complete." Thus, the proposed housing project cannot have its density reduced.

Case File Number PUD02-217

January 16, 2019

Siena Hill (off of Keller Avenue, between Greenridge Drive and Location:

Rilea Way)

(APN: 040A-3848-001-00 through 040A-3848-032-00)

Extension of the planning entitlements to allow for the 32 attached, Proposal:

single-family dwellings on 32 lots, 103 off-street parking spaces, and a private road. Phase 1, which includes 10 of the 32 units, the associated parking spaces and the private road, has already been

constructed.

Applicant: Keven Kwok

Phone Number: (510)258-8502 Owner:

Oakland Siena, LLC Case File Number: PUD02-217

Planning Permits Required: Extension of the Planned Unit Development Permit; Minor

Variances for height and minimum separation of retaining walls, maximum percentage of front yard paving, and length of buildings

alongside lot lines; and Design Review. Previously: Detached Unit Residential;

General Plan: Currently: Mixed Housing Type Residential

Previously: R-50 Medium Density Residential Zone Zoning:

Currently: RM-3, Mixed Housing Type -3 Zone

Environmental A Final Environmental Impact Report was certified on March 2,

Determination: 2005 (Case File ER02-0012).

Historic Status: N/A

Service Delivery District: City Council district

Planning Commission approval on March 2, 2005 (Case Files: Status:

PUD02-217; PUDF05-081; TTM7396). Construction of 10 units,

associated parking and private road in 2009. Entitlements

extended through December 31, 2018.

Staff Recommendation Finality of Decision:

Decision based on staff report

Appealable to City Council within 10 days

For further information: Contact case planner Heather Klein at 510 238-3659 or by e-mail

at hklein@oaklandnet.com.

SUMMARY :

The applicant for the residential project at Siena Hill has requested an extension (Attachment A) of the entitlements originally approved by the Planning Commission in 2005 (Attachment B). The Project applicant has taken advantage of all ministerial options for extensions; however, Condition of Approval #2 allows the Project applicant to request further entitlement extensions from the Planning Commission if an application is submitted prior to the expiration date. The Project applicant filed for extensions on December 23, 2015 and October 13, 2016 and the Planning Commission approved three, one-year extensions on February 17, 2016, January 11, 2017 and December 20, 2017 (Attachment C). The entitlements will now expire on December 31, 2018. The applicant is requesting that the Planning Commission, again grant a one year extension of the project entitlements per revised Condition of Approval #2a.

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With the uncertainty regarding the Oakland Area Geologic Hazard Abatement District (GHAD) acceptance of the Siena Hill project and a reduction in the assessments concluded via City Council resolution, the applicant continues to seek funding from potential investors. In addition, drawings with minor design changes for Phase 2 and 3 were prepared and submitted to the City in 2015 as part of a pre-application. The applicant has hired new architects/designers in 2017 for the project and is considering additional changes to make the project more feasible in today's market. Further complicating the development process is that the design changes are now also being negotiated with the Siena Hill Home Owner's Association since 10 of the 32 lots have already been constructed.

The Project will provide new housing and infill development on vacant parcels. The project is a continuation of a larger phased development which has been partially completed. The project is still in conformance with the City's zoning and General Plan goals and policies and staff recommends that the entitlements be extended for an additional year.

BACKGROUND

Several actions have been approved for this project including the following:

- Planning Commission approval of a Preliminary Planned Unit Development Permit, a
 Final Development Permit for Phase 1, and a Vesting Tentative Tract Map for the
 construction of 32 attached single-family homes on March 2, 2005.
- Planning Commission approval of a two-year extension in 2008 until June 18, 2010.
- Building permits finalized for 10 buildings in 2009.
- Pre-application submittal in October 2015 for the remaining 22 units and minor design changes.
- Planning Commission approval on February 17, 2016 extending the planning entitlements per Condition of Approval #2 until December 31, 2016 and amending Condition of Approval #2 (now #2a) to allow additional extensions from the Planning Commission per the Bureau of Planning's standard extension language.
- City Council approval of a Resolution amending the Oakland Area Plan of Control to include the Siena Hill development and reduce the Geologic Hazard Abatement District (GHAD) assessments on July 19, 2016
- Owners withdraw of the 2013 planning application to amend the Conditions of Approval to remove the Geologic Hazard Abatement District GHAD-related conditions on May 13, 2016.
- Planning Commission approval on January 11, 2017 extending the planning entitlements per Condition of Approval #2 until December 31, 2017.
- Planning Commission approval on December 20, 2017 extending the planning entitlements per Condition of Approval #2 until December 31, 2018.

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PROJECT DESCRIPTION

Extension Request

Condition of Approval #2 does not limit the number of times an applicant may request an extension from the Planning Commission. In conformance with adopted Condition of Approval #2, the applicant applied on October 25, 2018, again, requesting an extension of the entitlements from the Planning Commission. As noted above in the *Background* section, the approved permit for this application is still active. Unless the Planning Commission approves another time extension request, the approved permit will expire, and the Project applicant will need to apply for a new development permit in accordance with the new Planning Code.

Approved Project Use and Design

The proposed project consists of 32 attached, single-family townhomes that step down the slope to Keller Avenue (Attachment D) 10 of which have been constructed. At the time of the original decision, the Planning Commission supported the proposed residential uses and "Italian hill town" character of the development.

ZONING AND GENERAL PLAN ANALYSIS

As discussed in the previous Planning Commission staff reports requesting an extension, the project is consistent with the new General Plan land use designation and related zoning district.

DISCUSSION

On May 3, 2016, the City adopted impact fees for affordable housing, transportation, and capital improvements (Ordinances 13365 and 1366). Development impact fees are a commonly used method of collecting a proportional share of funds from new development for infrastructure improvements and other public facilities to offset the impact of new development. The Planning Commission's previous extension approval required the imposition of impact fees to the project unless a vested right is obtained.

CONCLUSION AND RECOMMENDATIONS

As noted above, the Project is still in conformance with the General Plan's goals and policies and Planning Code. Staff believes that a one-year extension would allow the applicant to successfully complete the approved, desirable project. At the same time, an additional year would ensure that the site does not remain underutilized for an excessive amount of time. Condition of Approval #2a permits the applicant to request additional extensions from the Planning Commission if needed to complete the Project.

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Therefore, staff recommends that the Planning Commission:

1. Approve a one-year extension of Project approvals until December 31, 2019, subject to the previously approved Findings and Conditions of Approval, including the additional Condition of Approval regarding the imposition of impact fees per the previous Planning Commission extension.

Prepared by:

Heather Klein, Planner IV

Reviewed by:

Robert Merkamp,

Acting Zoning Manager

Bureau of Planning

Approved for forwarding to the Planning Commission:

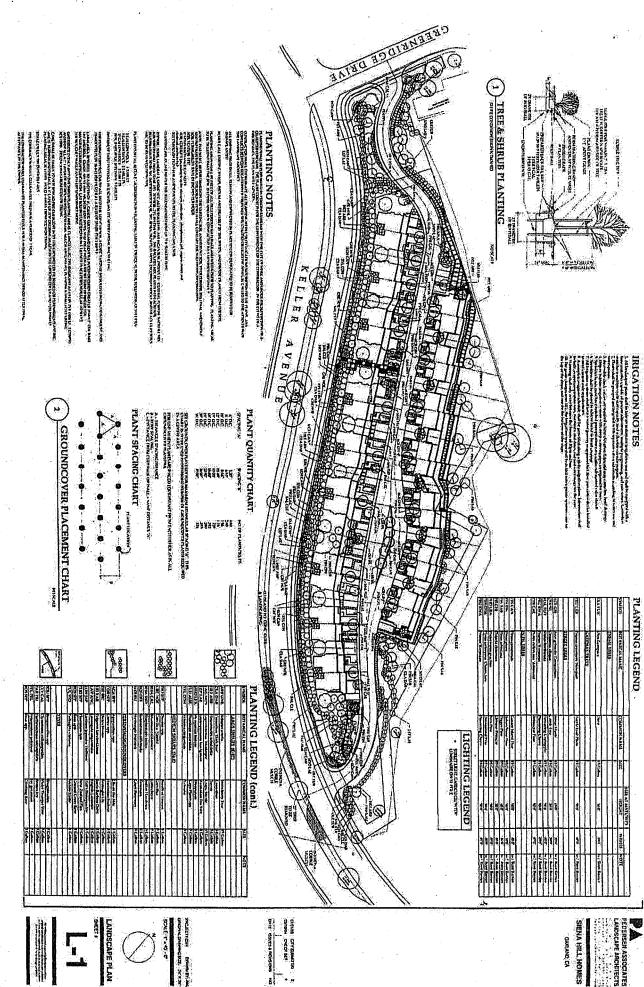
Edward Manasse,

Interim Deputy Director

Bureau of Planning

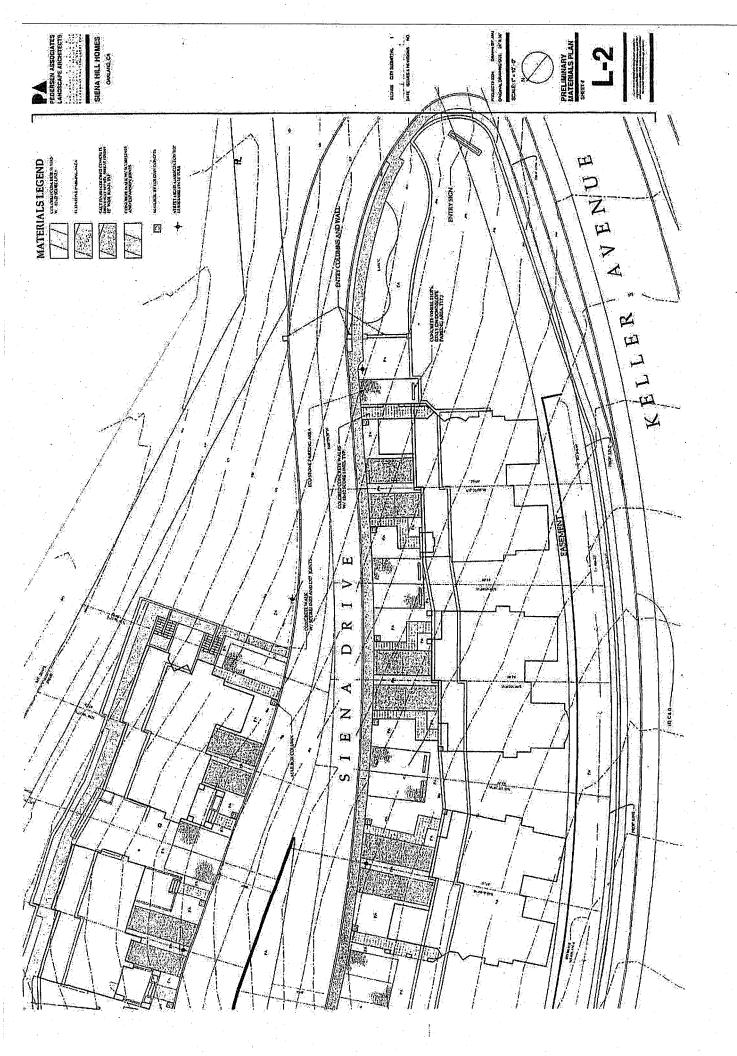
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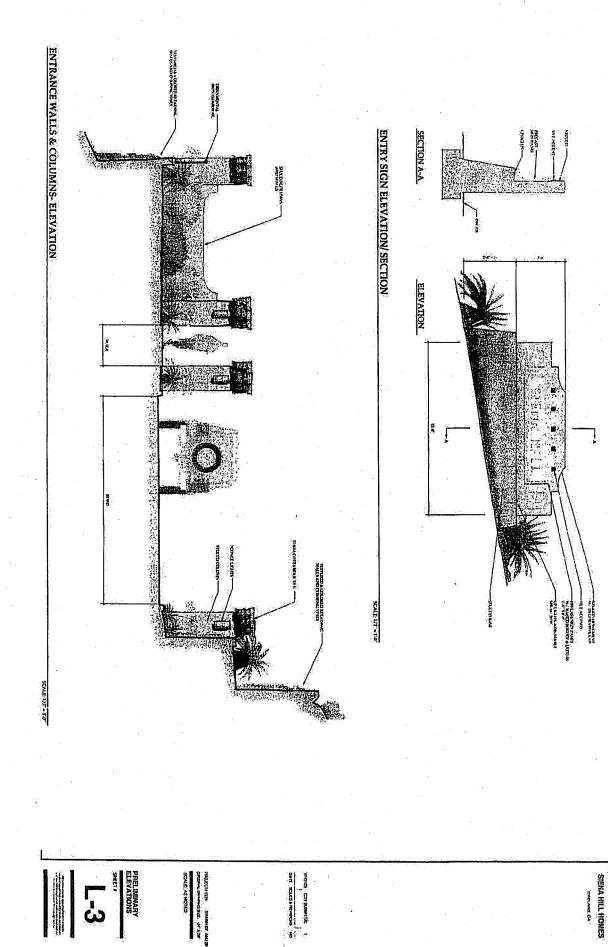
- A. Applicant's extension letter of request, dated October 25, 2018
- B. Staff Report (Excerpt), dated June 18, 2008
- C. Staff Report (Excerpt), dated December 20, 2017
- D. Project Plans



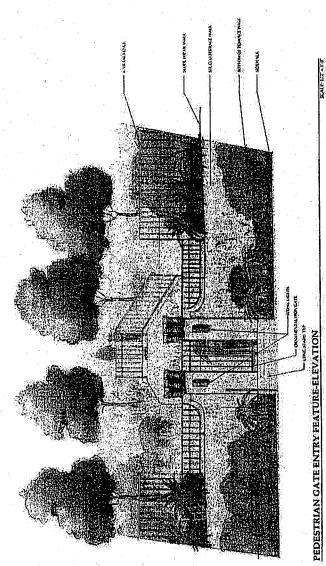
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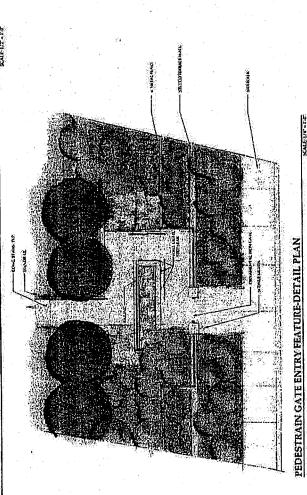
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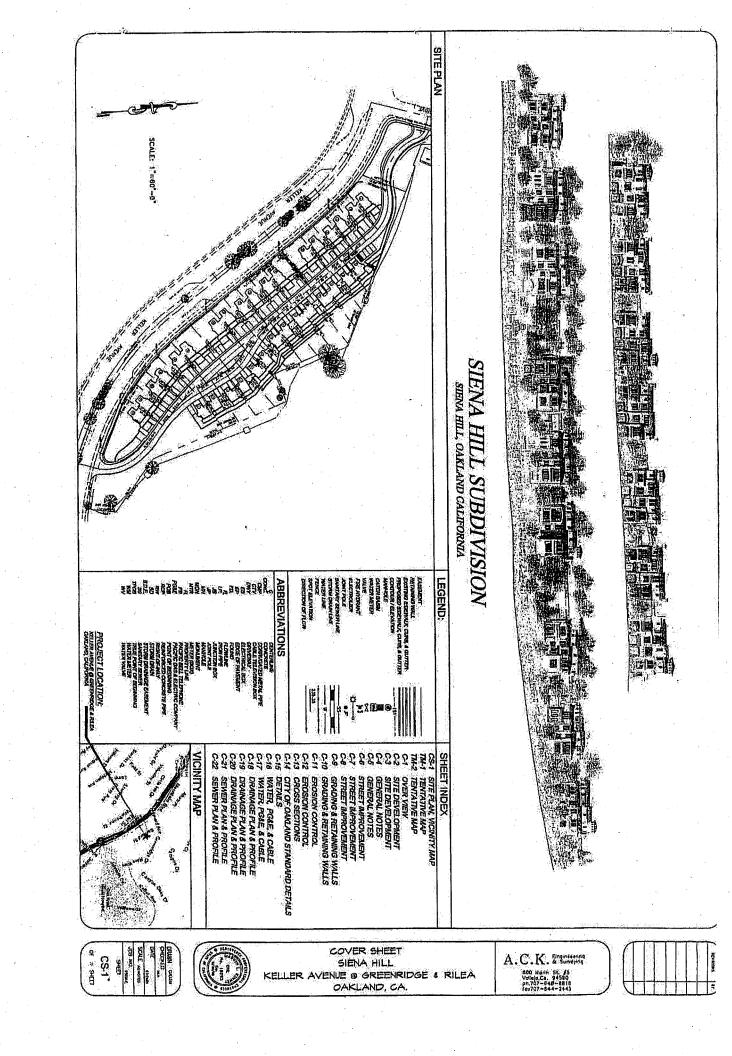
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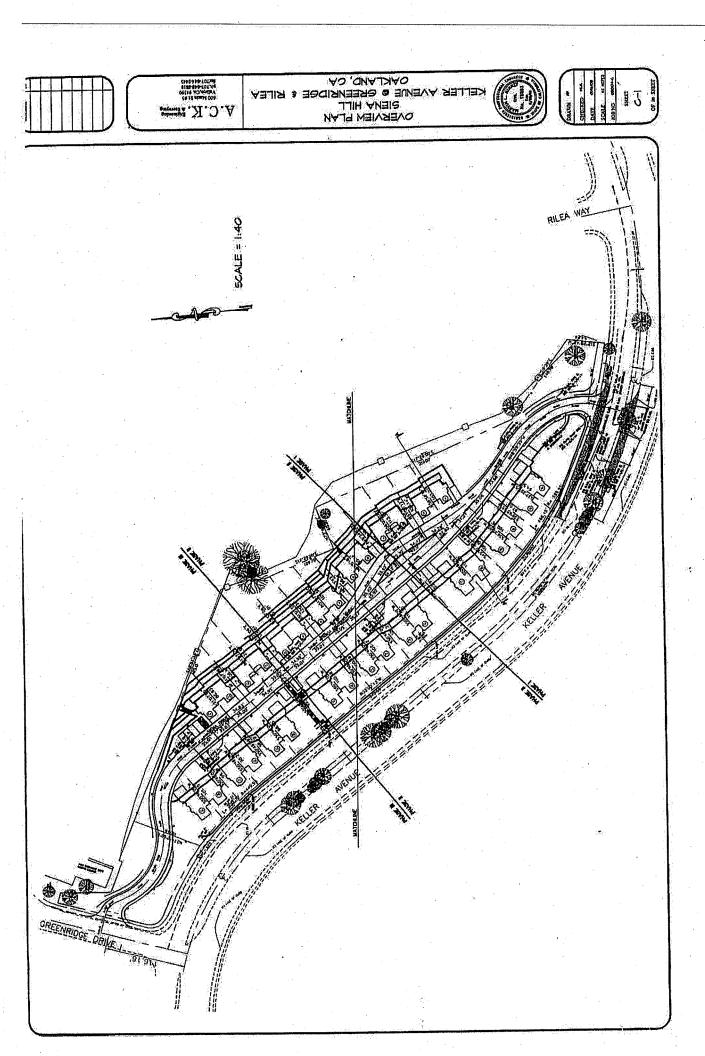


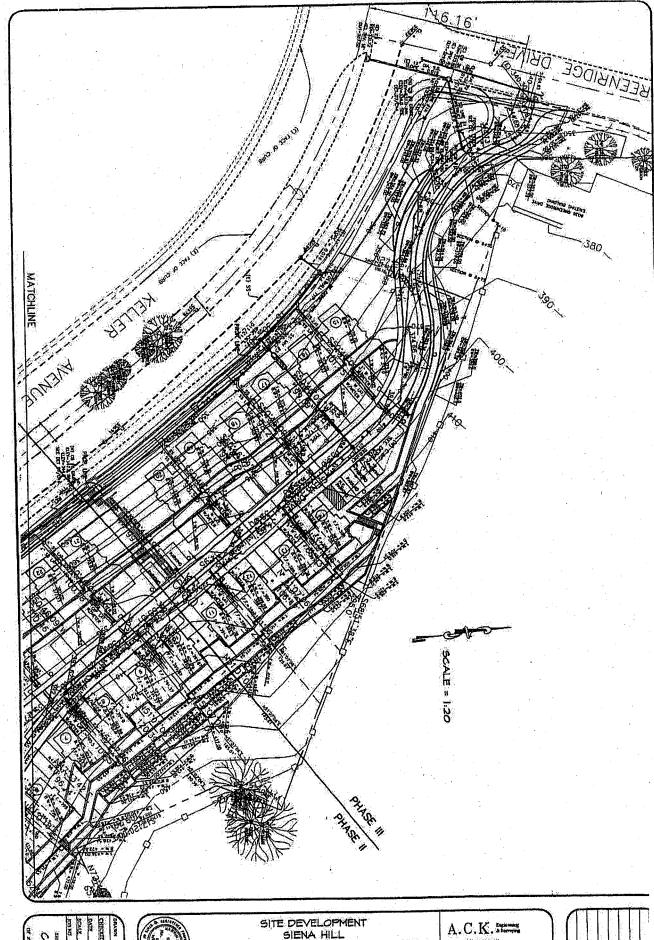


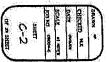
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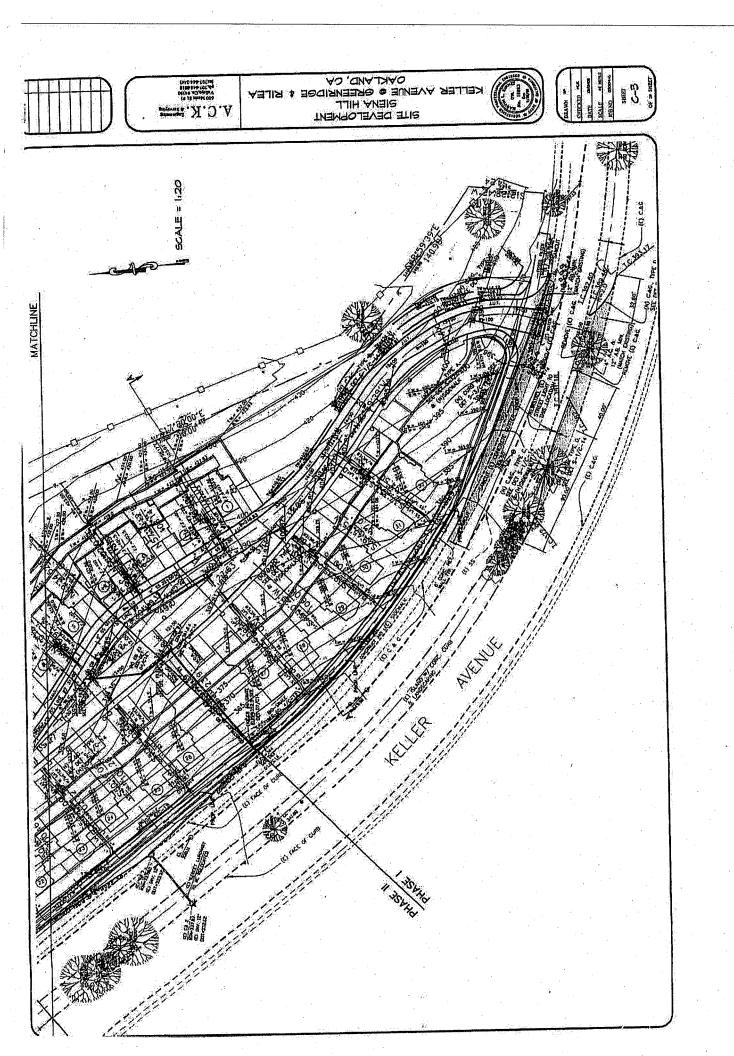




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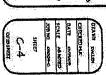
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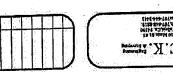
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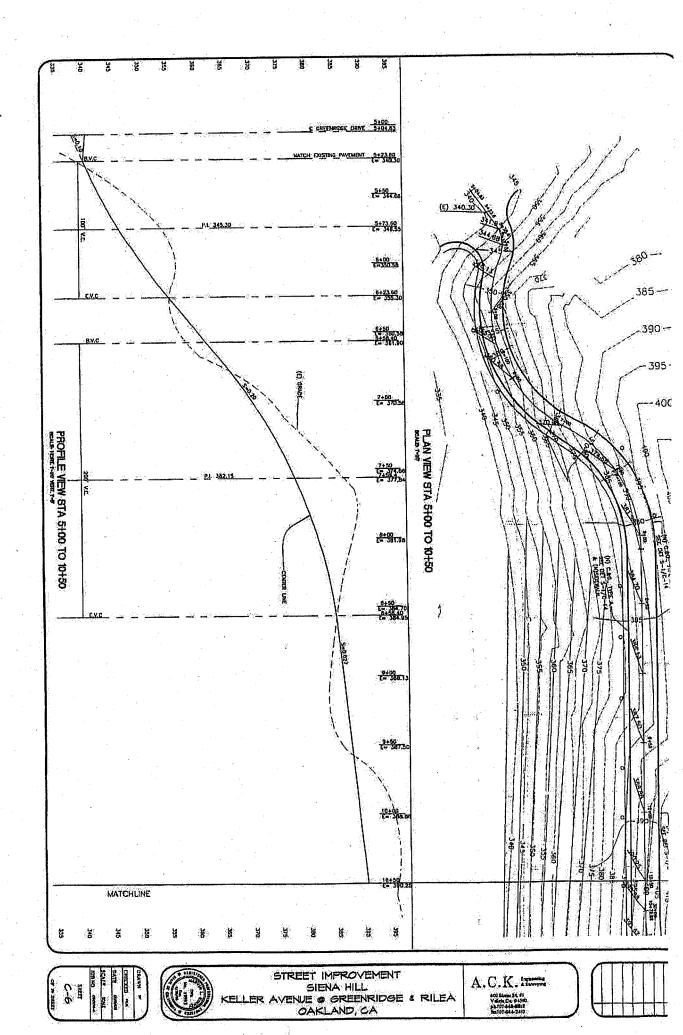
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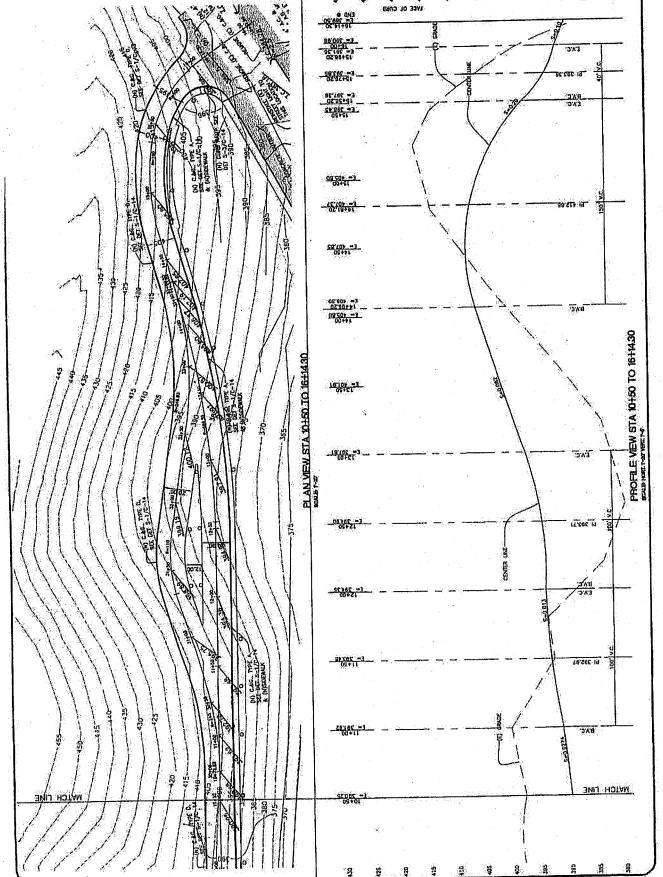


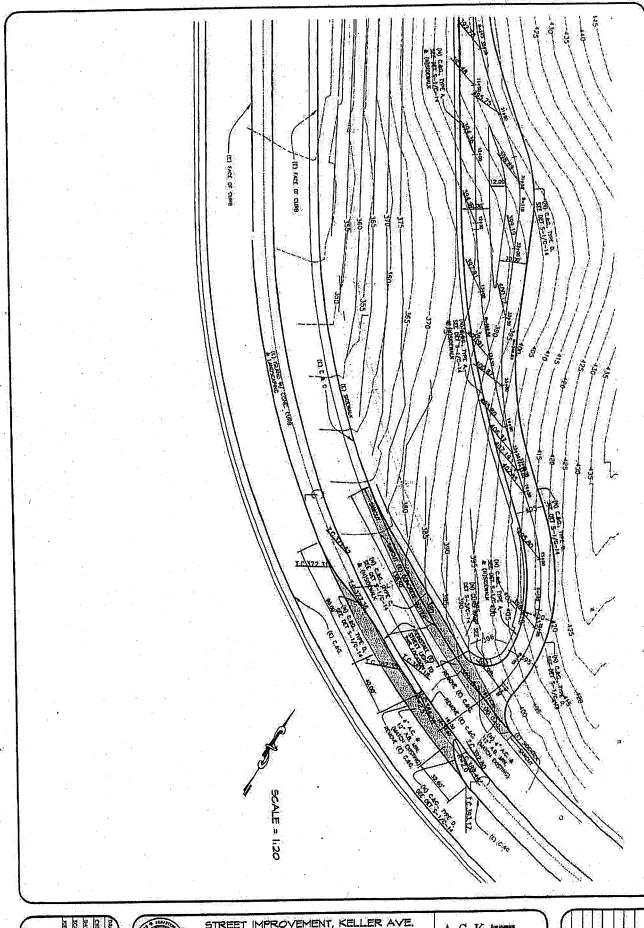


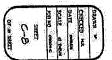


STREET IMPROVEMENT

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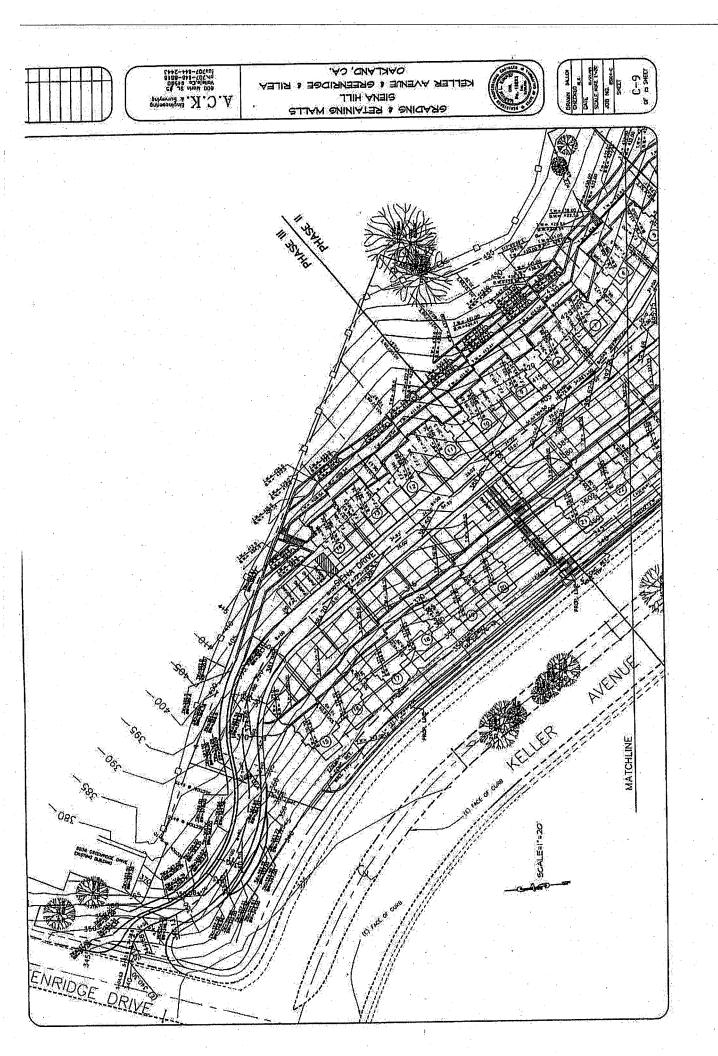


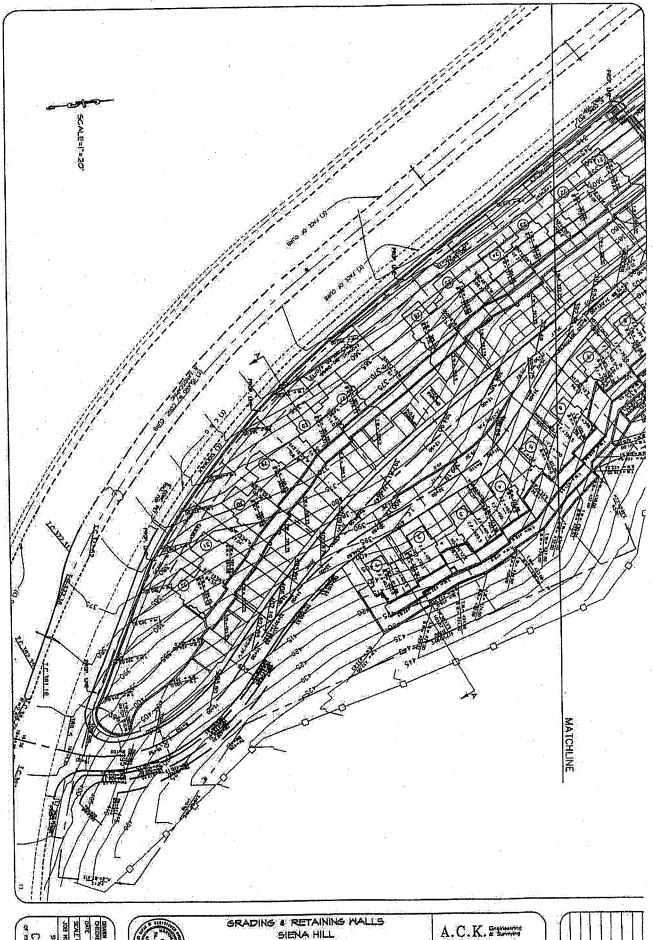


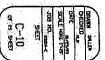
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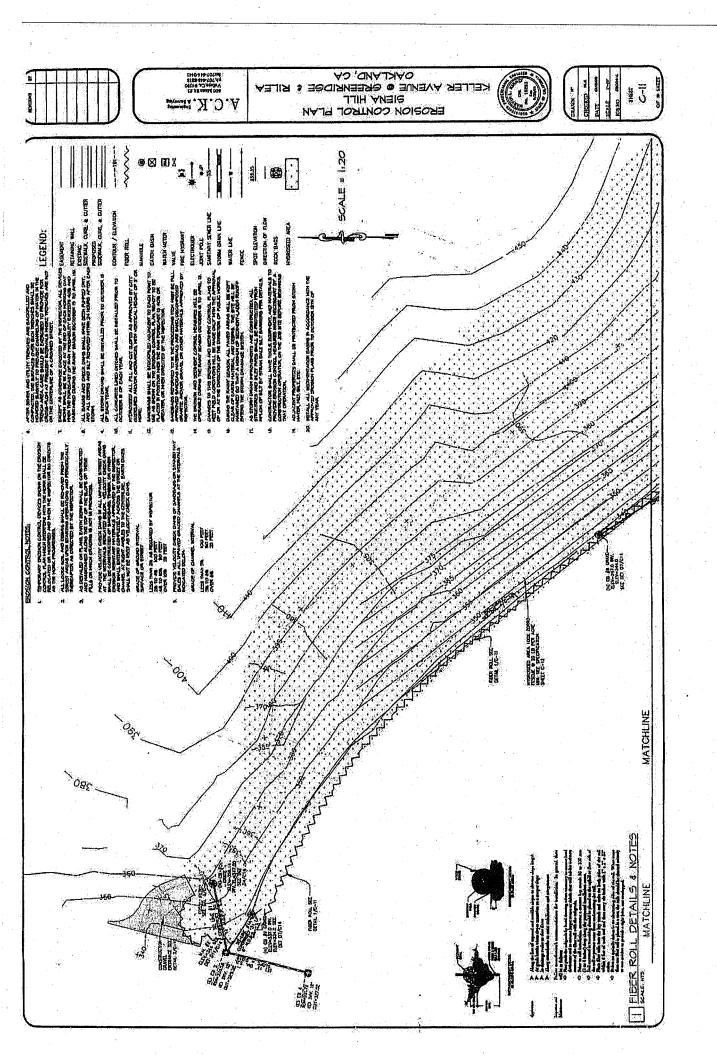
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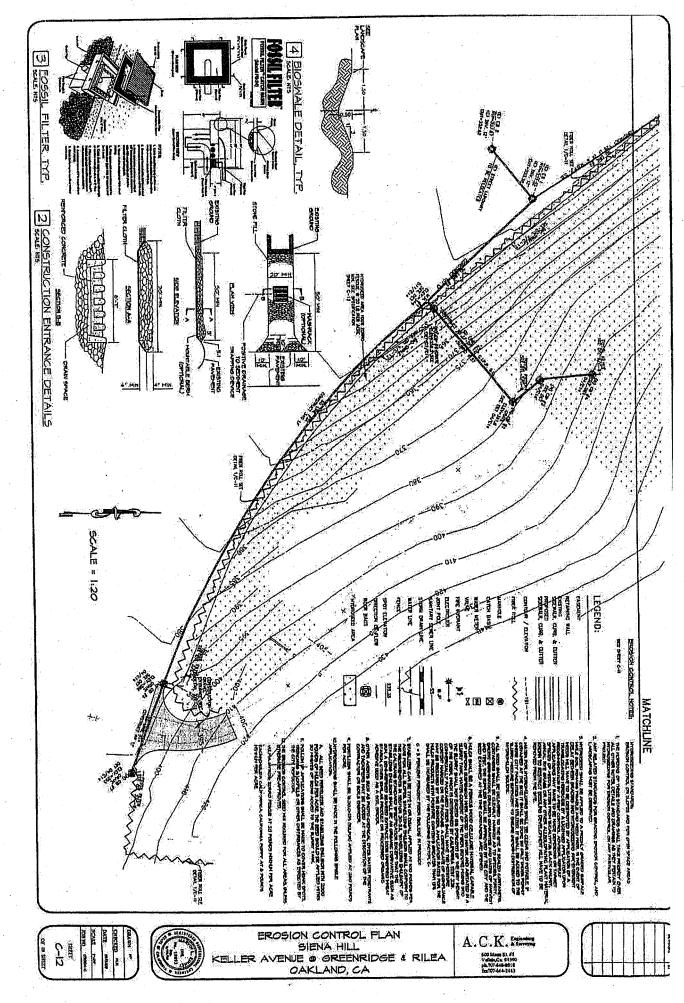
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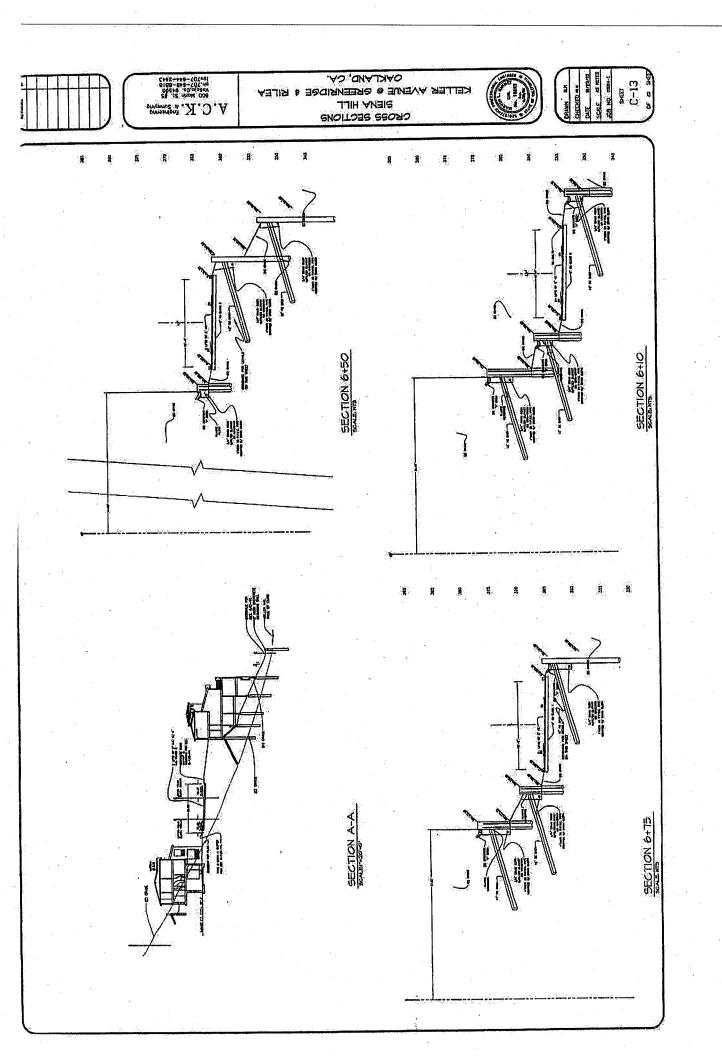
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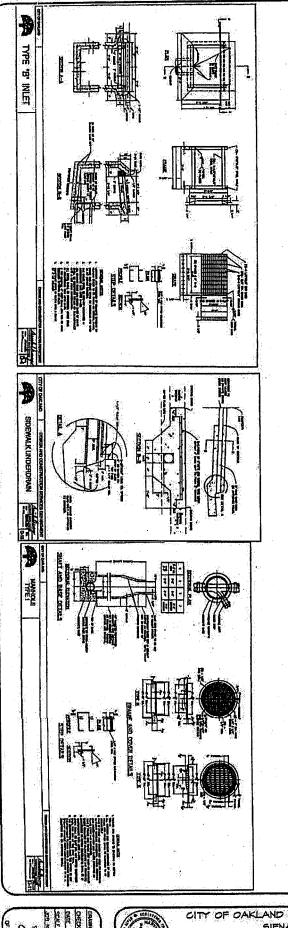
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for 707—644—2443

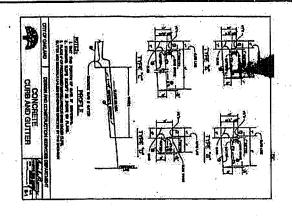


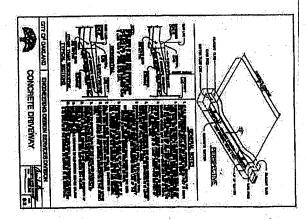


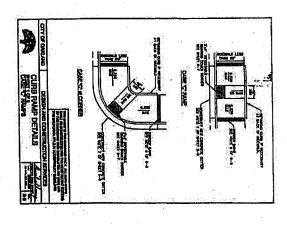


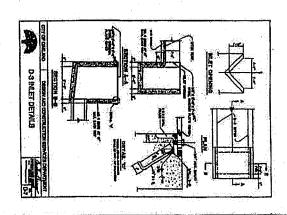


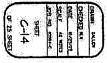










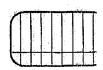


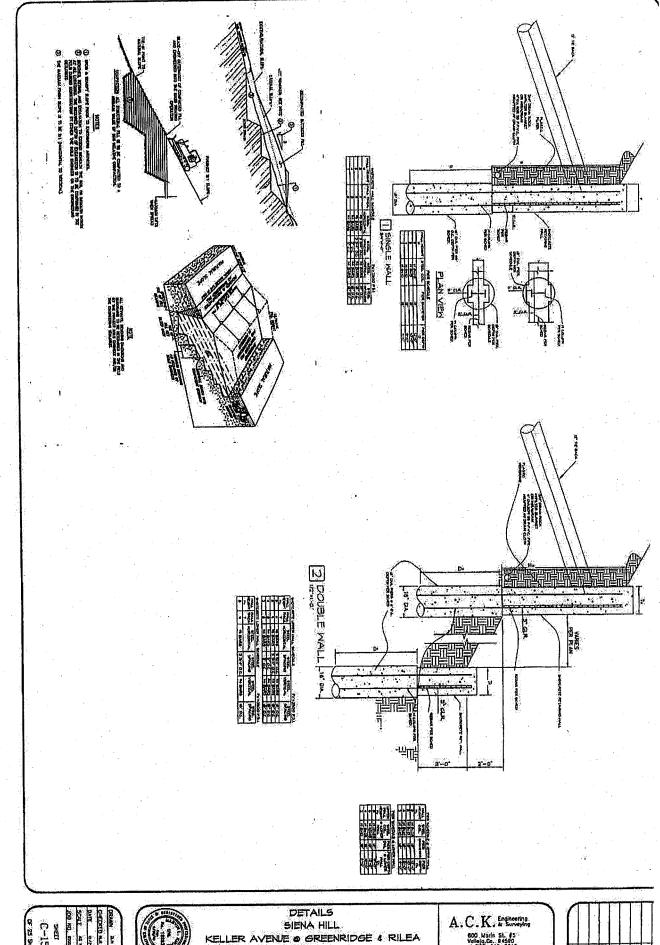


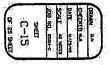
CITY OF OAKLAND STANDARD DETAILS SIENA HILL

KELLER AVENUE & GREENRIDGE & RILEA
OAKLAND, CA.

A. C. K. Engineering 600 Waren St. 45 Votels, Co. 94561 ph. 707—646–6618 fax 707—644–2443





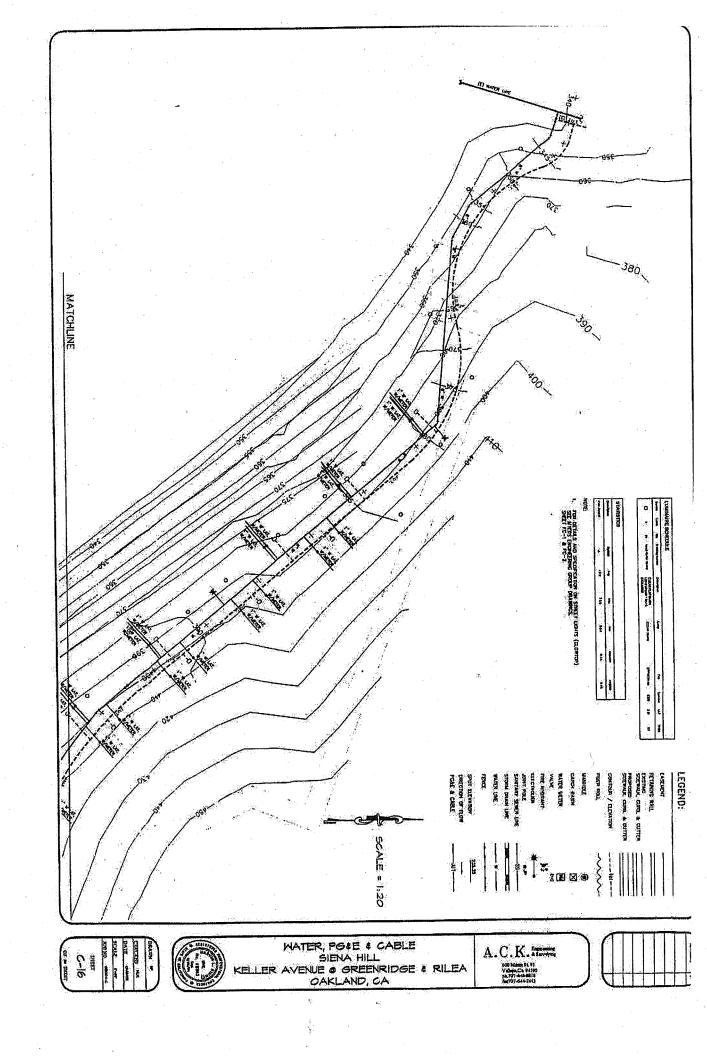


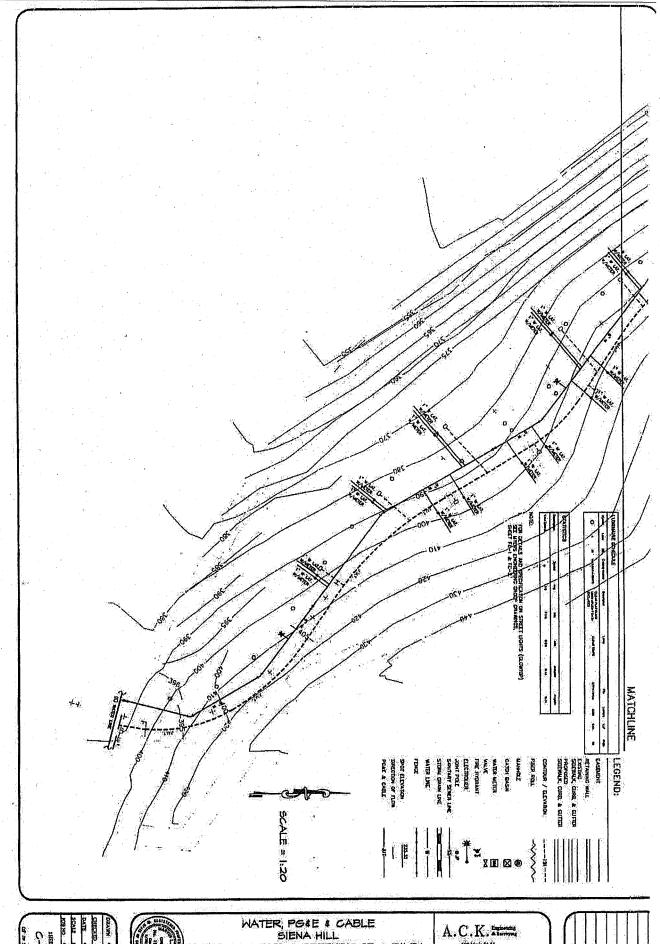


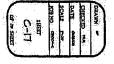
KELLER AVENUE • GREENRIDGE & RILEA OAKLAND, CA.

A. C. K. Engineering 600 Marin St. 45 Vollejo, Ca. 9 4540 ph. 707-848-8818 for707-844-2443







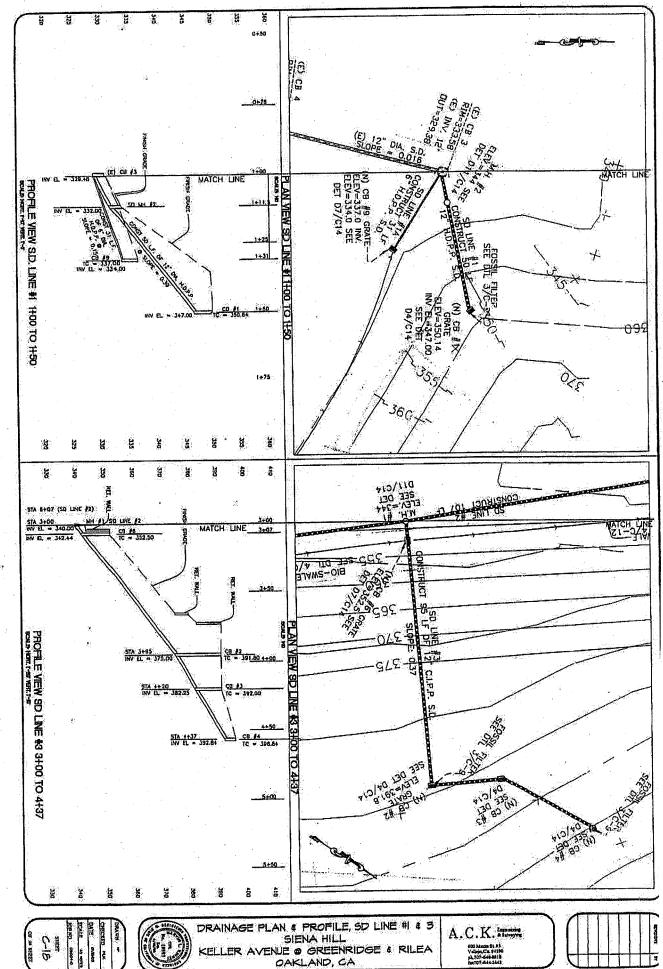




WATER, PG&E & CABLE SIENA HILL KELLER AVENUE & GREENRIDGE & RILEA OAKLAND, CA

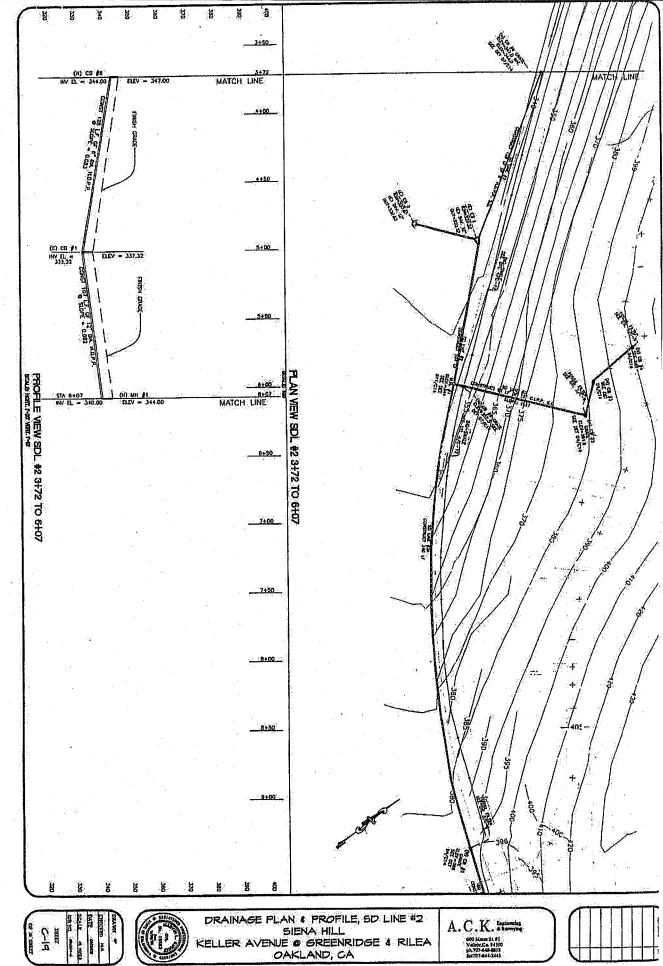
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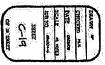








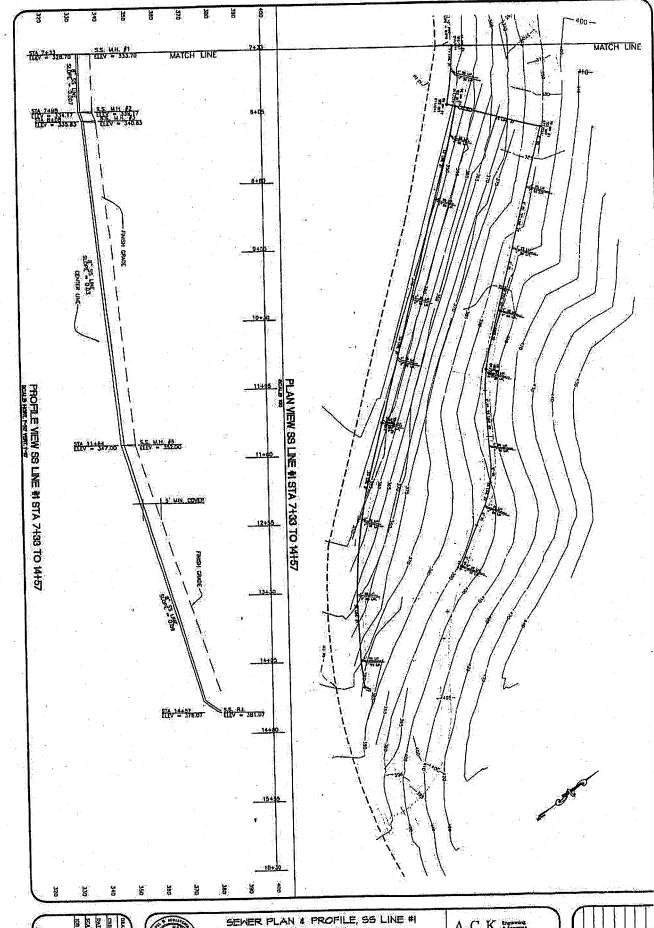






A.C.K. Engineering 600 Marin St. #1 Valorie Co. #4500 ph. 707-448-8811 for707-444-2445





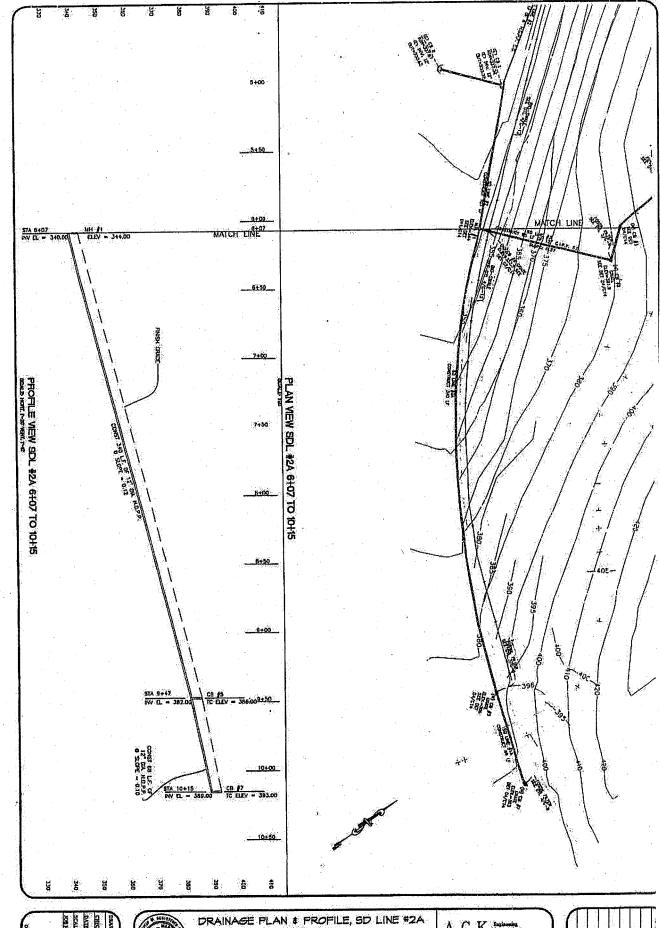


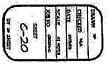


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A.C.K, Engiawing 600 Marin St. 63 Vallence: \$4970 pk.757-648-8118 factor-644-343









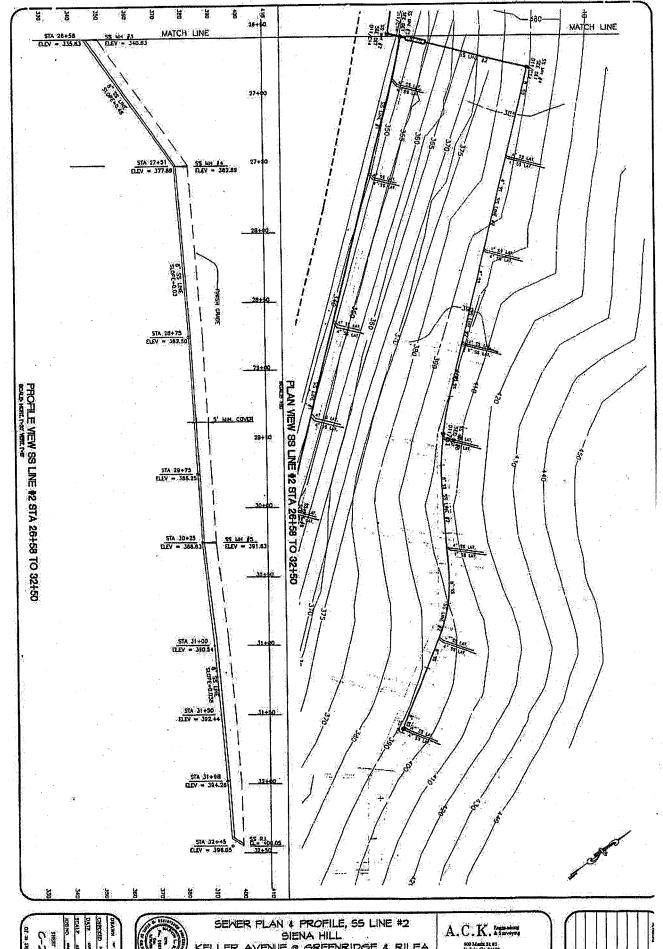
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A.C.K. Asserting

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ph. 177 444-8418
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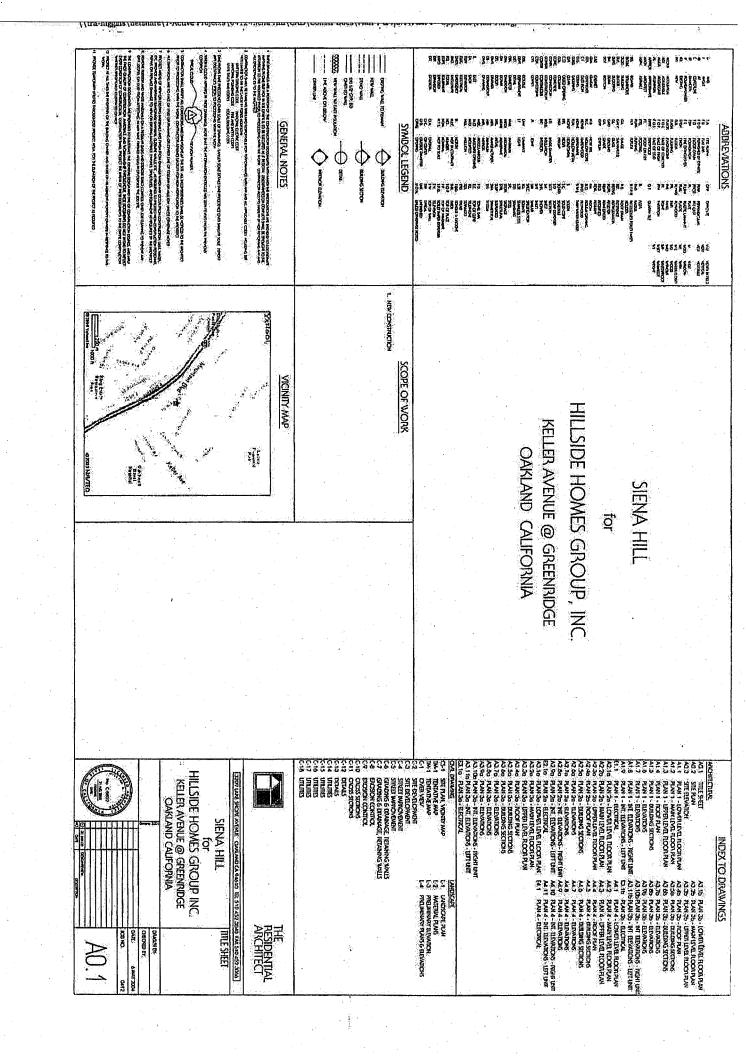


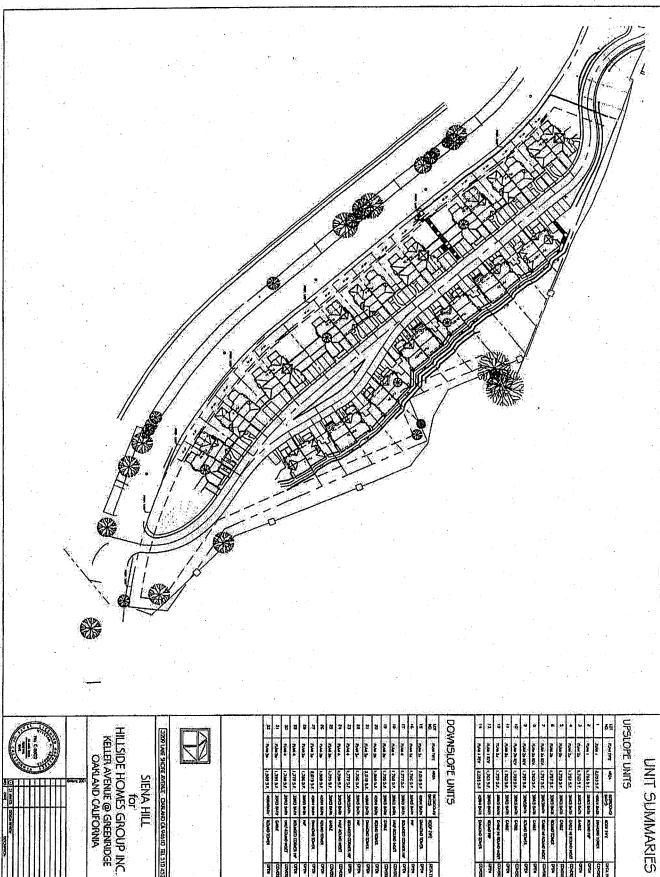


KELLER AVENUE & GREENRIDGE & RILEA OAKLAND, GA

A.C.K. Pages along 600 Marks 51, 65 Valleying Co. 54990 ph. 1070 4644-018 factor 4644-043

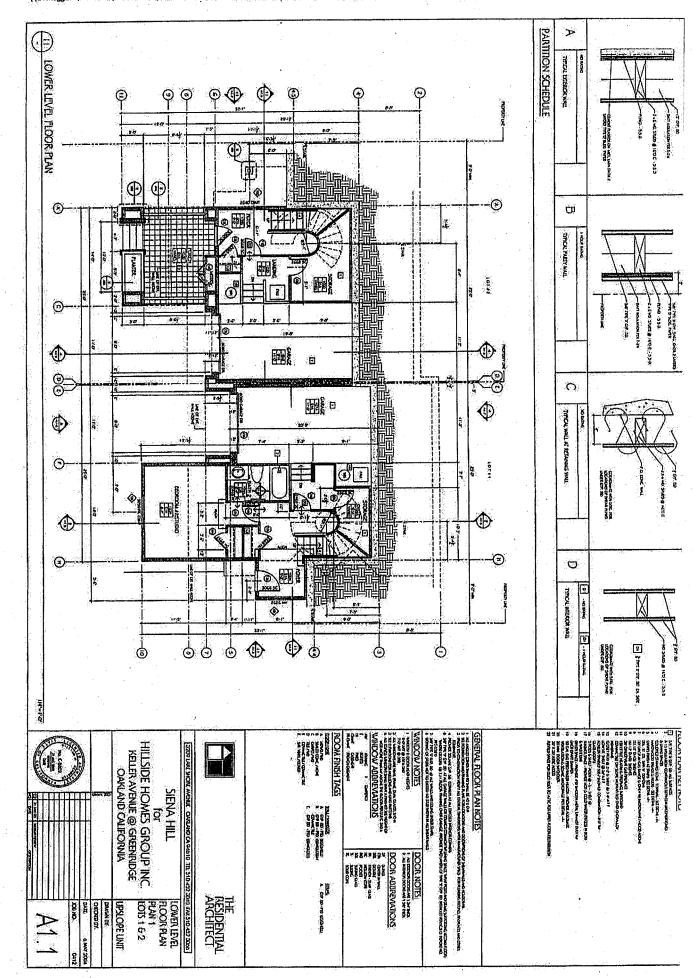


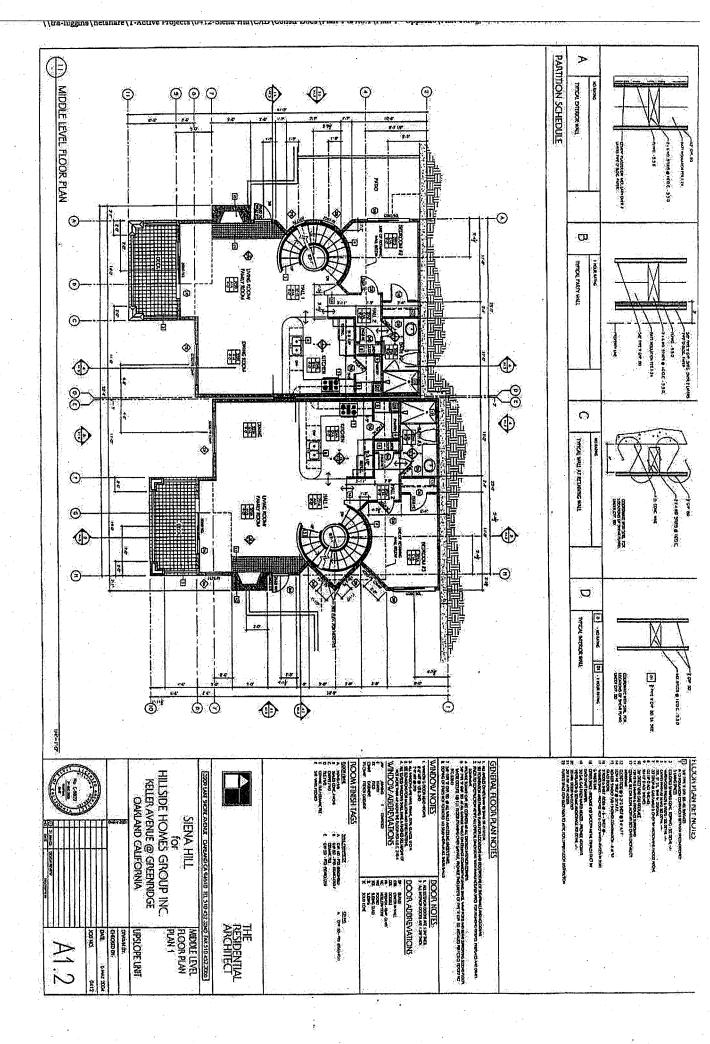


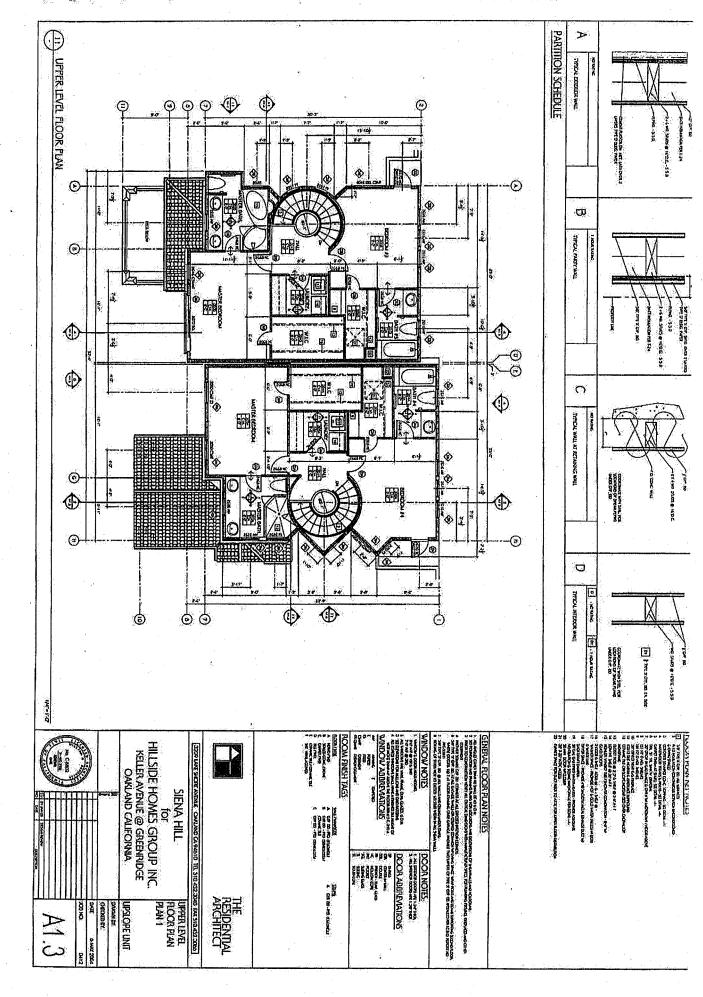


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SIENA HILL
for
HILLSIDE HOMES GROUP INC.
KELLER AVENUE @ GREENRUDGE
OAKLAND CALIFORNIA SIENA HILL ROSE DATE OF THE BOOK OF THE STATE OF THE STAT PC&N 1 **INN 340 TS4N**

