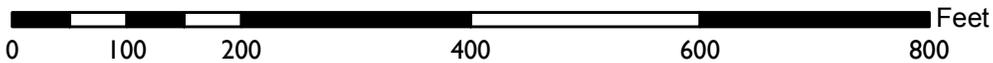
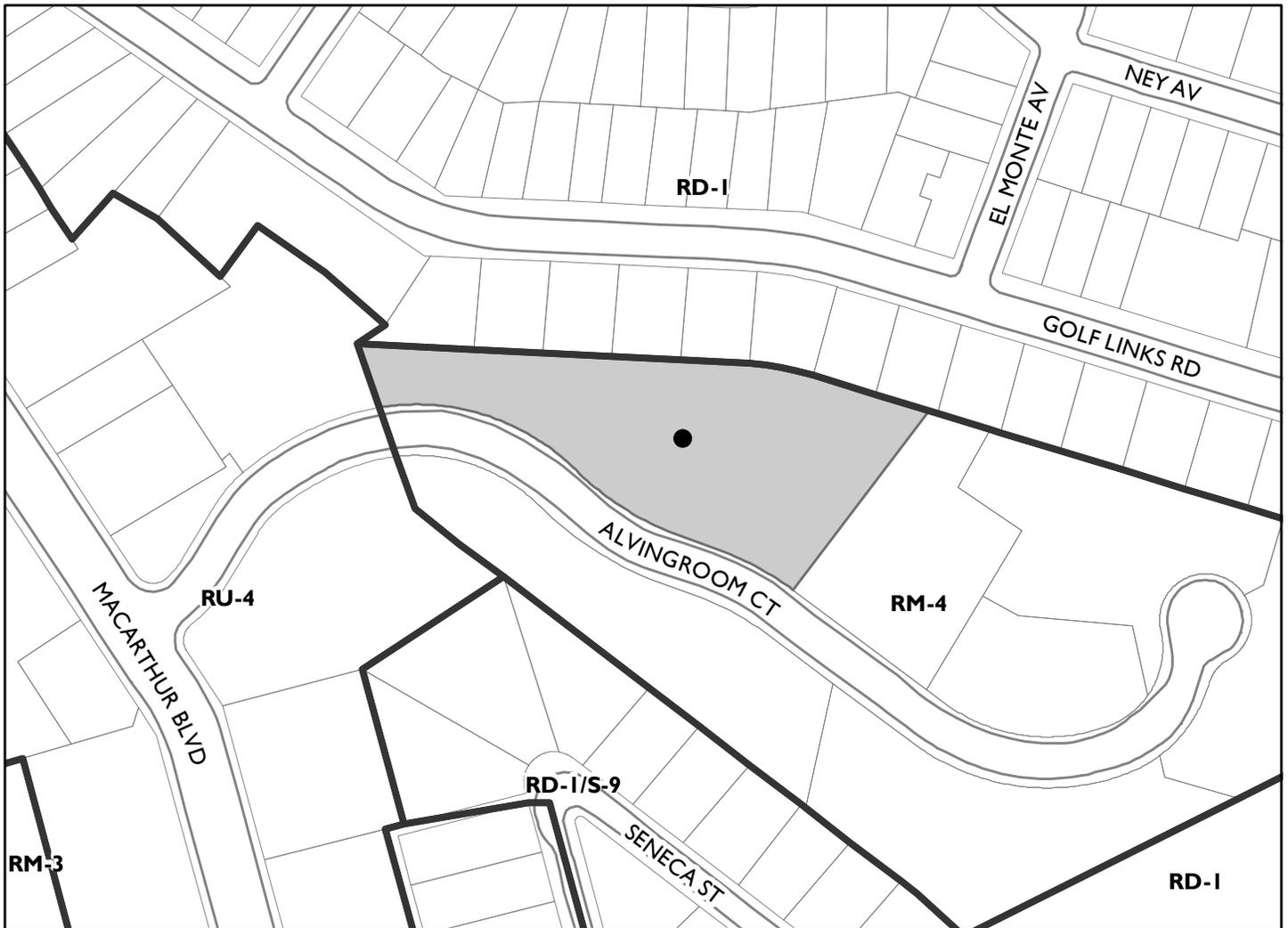


<b>Location:</b>	<b>2693 – 2701 Alvingroom Court (APN: 043a-04642-003-06)</b>
<b>Proposal:</b>	To convert an existing ground floor community room into two units in an existing three-story, 19-unit building on “Parcel 7” of the apartment complex.
<b>Applicant:</b>	Nielsen Studios
<b>Contact Person/ Phone</b>	Stan Nielsen ( 925- 324-4247
<b>Owner:</b>	RHC-OAK2, LP
<b>Planning Permits Required:</b>	Conditional Use Permit (CUP) for projects involving five or more units in the RM-4 Zone. The CUP is major because it involves seven or more units. The project also requires Regular Design Review approval for creation of dwelling units.
<b>General Plan:</b>	Mixed Housing Residential
<b>Zoning:</b>	RM-4
<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities, Section 15183: Projects consistent with a Community Plan, General Plan or Zoning.
<b>Historic Status:</b>	Non-Historic Property
<b>City Council District:</b>	7
<b>Date Filed:</b>	July 30, 2019
<b>Action to be Taken:</b>	Approve with Conditions
<b>Staff Recommendation:</b>	Decision based on staff report
<b>Finality of Decision:</b>	Appealable to City Council within 10 days
<b>For Further Information:</b>	Contact case planner <b>Eva Wu</b> at <b>510-238-3785</b> or <b>ewu@oaklandca.gov</b>

**SUMMARY**

The proposal is to convert an existing ground floor community room in building 2693 and 2701 into two units within an existing three-story, 19-unit building apartment complex on “Parcel 7” of an existing eight parcel development.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: REVI90016  
Applicant: Neilsen Studios  
Address: 2693 – 2701 Alvingroom Court  
Zone: RM-4

## PROPERTY DESCRIPTION

The site contains The Groove Apartments, previously known as E.C Reems Garden Apartments, which were built in 1948. This East Oakland gated apartment complex includes 15 buildings and 126 affordable units.

The Groove Apartment complex is nestled in a forested valley on the north side of MacArthur Boulevard in East Oakland. This complex encompasses eight parcels, a private road (E.C. Reems Court), and 15 buildings. The majority of the buildings are three to four stories high and contain two-bedroom apartments. Eight of the units are affordable to moderate income residents and the remaining 118 are affordable to low-income residents.

The project is on “Parcel 7,” which includes 1 freestanding building, three contiguous buildings, and 26 parking spaces. Building 2671 contains four units and Buildings 2685, 2693 and 2701 contain five units each.

## PROJECT DESCRIPTION

The proposed work is to convert a ground floor community room shared by Buildings 2693 and 2701 on Parcel 7 into two market rate units. There would be minor exterior upgrades, including new egress windows and stucco wall repair.

## GENERAL PLAN ANALYSIS

The subject property is located within the Mixed Housing Type Residential land use classification per the Oakland General Plan’s Land Use and Transportation Element (LUTE). The Mixed Housing Type Residential classification is intended to “create, maintain, and enhance residential areas typically located near the City’s major arterials, and characterized by a mix of single-family homes, townhouses, small multi-unit buildings, and neighborhood business where appropriate.” The desired characteristic and uses of the Mixed Housing Type Residential classification “should be primarily residential in character, with live-work types of development, small commercial enterprises, schools, and other small scale, compatible civic uses possible in appropriate locations.” The proposal is to provide additional residential units within a multi-unit complex thus is consistent with this LUTE Intent. The proposal is also consistent with the following LUTE objectives and policies:

**Objective N3: Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community.**

**Policy N3.1: Facilitating Housing Construction**

Facilitating the construction of housing units should be considered a high priority of the City of Oakland.

*The proposal will add two additional units to the housing stock.*

**Policy N7.1: Ensuring Compatible Development**

New residential development in Detached Unit and Mixed Housing Type areas should be compatible with the density, scale, design, and existing or desired character of surrounding development.

*The proposed project is within the existing building and is compatible with the density, scale, design and existing character of the surrounding buildings.*

## ZONING ANALYSIS

The project is located in the RM-4 Zone (Mixed Housing Type Residential). According to Section 17.17.050 of the Planning Code, the two additional units require a Conditional Use Permit (CUP) because the project results in five or more units in this the RM-4 zone. The CUP is major because Section 17.134.020

of the Planning Code states that residential projects requiring a CUP for density and resulting in more than seven living units is considered a major permit, and thus requires a decision from the Planning Commission.

Section 17.136.040 of the Planning Code states that Regular Design Review approval is required for a new residential unit. The required findings for a Major CUP and Regular Design Review are attached and included in the *Findings* section of this report.

With the addition of two units, the project continues to meet the parking and open space requirements. Eleven parking spaces and 2,975 square foot of open space is required on Parcel 7 and the project includes 26 parking spaces and 5,441 square feet of open space. The open space is provided through four open grass lawns. There will also be a total of four bicycle parking space for short and long term bicycle parking.

## **ENVIRONMENTAL DETERMINATION**

For purposes of environmental review under the California Environmental Quality Act (CEQA), the project meets the criteria for a Categorical Exemption under Section 15301 of the CEQA Guidelines (Existing Facilities), and Section 15183 (Conformity to a community plan, general plan or zoning).

## **KEY ISSUES AND IMPACTS**

Staff recommends approval of the project. The proposal will add two units to the City's housing stock during a housing crisis. Although a community room will be removed, there will be ample outdoor open space for the residents, and the project does not require a Variance for usable open space or parking. The addition of only two units will not have a substantial effect on the neighborhood in terms of traffic, street capacity, or density.

## **RECOMMENDATIONS:**

- For approvals:
1. Affirm staff's environmental determination.
  2. Approve the Major Conditional Use Permit, and Design Review subject to the attached findings and conditions of approval.

Prepared by:

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Eva Wu  
Planner II

Reviewed by:

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Neil Gray  
Planner IV

Reviewed by:

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Robert Merkamp, Zoning Manager  
Bureau of Planning

Approved for forwarding to the  
City Planning Commission:

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Ed Manasse, Acting Deputy Director  
Bureau of Planning and Building

**LEGAL NOTICE: The decision of the City Planning Commission is final and not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of the date the decision is announced (Code of Civil Procedure Section 1094.6).**

**ATTACHMENTS:**

- A. Findings
- B. Conditions of Approval
- C. Plans

## ATTACHMENT A: FINDINGS

### FINDINGS FOR APPROVAL:

This proposal meets all the required findings under the **General Use Permit (OMC Sec. 17.134.050), Regular Design Review Criteria (OMC Sec. 17.136.050(A))** of the **Oakland Planning Code (Title 17)**; as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

### SECTION 17.134.050 – GENERAL USE PERMIT CRITERIA:

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

The proposal of two new residential units is within an existing three-story multi-unit residential building and thus will not affect the size or design of the development. The addition of only two units on a multi-acre property will have minimal effect on the character of the neighborhood, the generation of traffic, the capacity of surrounding streets, or

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

The proposed new units will provide a convenient and functional living environment within an existing facility.

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

The proposal of new units will provide housing stock to the community and region during a housing crisis.

- D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.050.**

The proposal conforms to all significant aspects of the Design Review criteria set forth in Chapter 17.136 of the Oakland Planning Code, as outlined below.

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

See General Plan Analysis, above.

### SECTION 17.13.050A – REGULAR DESIGN REVIEW CRITERIA FOR RESIDENTIAL FACILITIES:

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

The proposed units are within an existing building and will not affect bulk or height. All work will match exterior material and textures.

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

The proposed design will protect and preserve neighborhood characteristics by matching the existing context.

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

The proposal is within an existing building and will not affect the landscape. Existing trees within the project area will be protected through a tree protection plan prepared by Davey Resource Group dated July 2019.

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

The project is not situated on a hill.

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

See General Plan Analysis, above.

## ATTACHMENT B: CONDITIONS OF APPROVALS

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### **1. Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials staff report and the approved plans dated **July 17, 2019**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

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

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two calendar** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

### **3. Compliance with Other Requirements**

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

### **4. Minor and Major Changes**

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

### **5. Compliance with Conditions of Approval**

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum

setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.

- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

## **6. Signed Copy of the Approval/Conditions**

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

## **7. Blight/Nuisances**

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

## **8. Indemnification**

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

## **9. Severability**

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

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

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special

inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with Engineering Services and/or the Bureau of Building, if directed by the Director of Public Works, Building Official, Director of City Planning, Director of Transportation, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

#### **11. Public Improvements**

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

#### **12. Trash and Blight Removal**

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### **13. Graffiti Control**

Requirement:

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### **14. Landscape Plan**

c. ***Landscape Plan Required***

- **Requirement:** The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, respectively), and with any applicable streetscape plan.

**When Required:** Prior to approval of construction-related permit

**Initial Approval:** Bureau of Planning

**Monitoring/Inspection:** N/A

d. ***Landscape Installation***

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

**When Required:** Prior to building permit final

**Initial Approval:** Bureau of Planning

**Monitoring/Inspection:** Bureau of Building

e. ***Landscape Maintenance***

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

**When Required:** Ongoing

**Initial Approval:** N/A

**Monitoring/Inspection:** Bureau of Building

15. **Lighting**

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

**When Required:** Prior to building permit final

**Initial Approval:** N/A

**Monitoring/Inspection:** Bureau of Building

16. **Tree Permit**

a. ***Tree Permit Required***

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

**When Required:** Prior to approval of construction-related permit

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

**Monitoring/Inspection:** Bureau of Building

b. ***Tree Protection During Construction***

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

- i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
- iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
- iv. Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration.
- v. If any damage to a protected tree should occur during or as a result of work on the site, the project applicant shall immediately notify the Public Works Department and the project's consulting arborist shall make a recommendation to the City Tree Reviewer as to whether the damaged tree can be preserved. If, in the professional opinion of the Tree Reviewer, such tree cannot be preserved in a healthy state, the Tree Reviewer shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Tree Reviewer to compensate for the loss of the tree that is removed.
- vi. All debris created as a result of any tree removal work shall be removed by the project applicant from the property within two weeks of debris creation, and such debris shall be properly disposed of by the project applicant in accordance with all applicable laws, ordinances, and regulations.

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

c. ***Tree Replacement Plantings***

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

- i. No tree replacement shall be required for the removal of nonnative species, for the removal of trees which is required for the benefit of remaining trees, or where insufficient planting area exists for a mature tree of the species being considered.
- ii. Replacement tree species shall consist of *Sequoia sempervirens* (Coast Redwood), *Quercus agrifolia* (Coast Live Oak), *Arbutus menziesii* (Madrone), *Aesculus californica* (California

Buckeye), Umbellularia californica (California Bay Laurel), or other tree species acceptable to the Tree Division.

- iii. Replacement trees shall be at least twenty-four (24) inch box size, unless a smaller size is recommended by the arborist, except that three fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate.
- iv. Minimum planting areas must be available on site as follows:
  - For Sequoia sempervirens, three hundred fifteen (315) square feet per tree;
  - For other species listed, seven hundred (700) square feet per tree.
- v. In the event that replacement trees are required but cannot be planted due to site constraints, an in lieu fee in accordance with the City's Master Fee Schedule may be substituted for required replacement plantings, with all such revenues applied toward tree planting in city parks, streets and medians.
- vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

#### **17. Construction-Related Permit(s)**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### **18. Hazardous Materials Related to Construction**

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

- a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;
- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's

Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## 19. **Vegetation Management on Creekside Properties**

Requirement: The project applicant shall comply with the following requirements when managing vegetation prior to, during, and after construction of the project:

- a. Identify and leave “islands” of vegetation in order to prevent erosion and landslides and protect habitat;
- b. Trim tree branches from the ground up (limbing up) and leave tree canopy intact;
- c. Leave stumps and roots from cut down trees to prevent erosion;
- d. Plant fire-appropriate, drought-tolerant, preferably native vegetation;
- e. Provide erosion and sediment control protection if cutting vegetation on a steep slope;
- f. Fence off sensitive plant habitats and creek areas if implementing goat grazing for vegetation management;
- g. Obtain a Tree Permit before removing a Protected Tree (any tree 9 inches diameter at breast height or dbh or greater and any oak tree 4 inches dbh or greater, except eucalyptus and Monterey pine);
- h. Do not clear-cut vegetation. This can lead to erosion and severe water quality problems and destroy important habitat;
- i. Do not remove vegetation within 20 feet of the top of the creek bank. If the top of bank cannot be identified, do not cut within 50 feet of the centerline of the creek or as wide a buffer as possible between the creek centerline and the development;
- j. Do not trim/prune branches that are larger than 4 inches in diameter;
- k. Do not remove tree canopy;
- l. Do not dump cut vegetation in the creek;
- m. Do not cut tall shrubbery to less than 3 feet high; and
- n. Do not cut short vegetation (e.g., grasses, ground-cover) to less than 6 inches high.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## 20. **Creek Protection Plan**

### d. ***Creek Protection Plan Required***

Requirement: The project applicant shall submit a Creek Protection Plan for review and approval by the City. The Plan shall be included with the set of project drawings submitted to the City for site improvements and shall incorporate the contents required under section 13.16.150 of the Oakland Municipal Code including Best Management Practices (“BMPs”) during construction and after construction to protect the creek. Required BMPs are identified below in sections (b), (c), and (d).

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

### e. ***Construction BMPs***

Requirement: The Creek Protection Plan shall incorporate all applicable erosion, sedimentation, debris, and pollution control BMPs to protect the creek during construction. The measures shall include, but are not limited to, the following:

- i. On sloped properties, the downhill end of the construction area must be protected with silt fencing (such as sandbags, filter fabric, silt curtains, etc.) and hay bales oriented parallel to the contours of the slope (at a constant elevation) to prevent erosion into the creek.
- ii. The project applicant shall implement mechanical and vegetative measures to reduce erosion and sedimentation, including appropriate seasonal maintenance. One hundred (100) percent biodegradable erosion control fabric shall be installed on all graded slopes to protect and stabilize the slopes during construction and before permanent vegetation gets established. All graded areas shall be temporarily protected from erosion by seeding with fast growing annual species. All bare slopes must be covered with staked tarps when rain is occurring or is expected.
- iii. Minimize the removal of natural vegetation or ground cover from the site in order to minimize the potential for erosion and sedimentation problems. Maximize the replanting of the area with native vegetation as soon as possible.
- iv. All work in or near creek channels must be performed with hand tools and by a minimum number of people. Immediately upon completion of this work, soil must be repacked and native vegetation planted.
- v. Install filter materials (such as sandbags, filter fabric, etc.) acceptable to the City at the storm drain inlets nearest to the project site prior to the start of the wet weather season (October 15); site dewatering activities; street washing activities; saw cutting asphalt or concrete; and in order to retain any debris flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding.
- vi. Ensure that concrete/granite supply trucks or concrete/plaster finishing operations do not discharge wash water into the creek, street gutters, or storm drains.
- vii. Direct and locate tool and equipment cleaning so that wash water does not discharge into the creek.
- viii. Create a contained and covered area on the site for storage of bags of cement, paints, flammables, oils, fertilizers, pesticides, or any other materials used on the project site that have the potential for being discharged to the creek or storm drain system by the wind or in the event of a material spill. No hazardous waste material shall be stored on site.
- ix. Gather all construction debris on a regular basis and place it in a dumpster or other container which is emptied or removed at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.
- x. Remove all dirt, gravel, refuse, and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
- xi. Broom sweep the street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping. At the end of each workday, the entire site must be cleaned and secured against potential erosion, dumping, or discharge to the creek, street, gutter, or storm drains.
- xii. All erosion and sedimentation control measures implemented during construction activities, as well as construction site and materials management shall be in strict accordance with the control standards listed in the latest edition of the Erosion and Sediment Control Field Manual published by the Regional Water Quality Control Board (RWQCB).
- xiii. Temporary fencing is required for sites without existing fencing between the creek and the construction site and shall be placed along the side adjacent to construction (or both sides

of the creek if applicable) at the maximum practical distance from the creek centerline. This area shall not be disturbed during construction without prior approval of the City.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

f. ***Post-Construction BMPs***

Requirement: The project shall not result in a substantial increase in stormwater runoff volume or velocity to the creek or storm drains. The Creek Protection Plan shall include site design measures to reduce the amount of impervious surface to maximum extent practicable. New drain outfalls shall include energy dissipation to slow the velocity of the water at the point of outflow to maximize infiltration and minimize erosion.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

g. ***Creek Landscaping***

Requirement: The project applicant shall include final landscaping details for the site on the Creek Protection Plan, or on a Landscape Plan, for review and approval by the City. Landscaping information shall include a planting schedule, detailing plant types and locations, and a system to ensure adequate irrigation of plantings for at least one growing season.

Plant and maintain only drought-tolerant plants on the site where appropriate as well as native and riparian plants in and adjacent to riparian corridors. Along the riparian corridor, native plants shall not be disturbed to the maximum extent feasible. Any areas disturbed along the riparian corridor shall be replanted with mature native riparian vegetation and be maintained to ensure survival.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

h. ***Creek Protection Plan Implementation***

Requirement: The project applicant shall implement the approved Creek Protection Plan during and after construction. During construction, all erosion, sedimentation, debris, and pollution control measures shall be monitored regularly by the project applicant. The City may require that a qualified consultant (paid for by the project applicant) inspect the control measures and submit a written report of the adequacy of the control measures to the City. If measures are deemed inadequate, the project applicant shall develop and implement additional and more effective measures immediately.

When Required: During construction; ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**21. Construction Days/Hours**

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

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

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **22. Construction Noise**

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **23. Operational Noise**

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**24. Affordable Housing Impact Fee**

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

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

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

**25. Residential Tenants**

Requirement: The property owner shall comply with all applicable laws and requirements concerning residential tenants, including but not limited to, the City's Rent Adjustment Ordinance (OMC chap. 8.22, Article I), Just Cause Eviction Ordinance (OMC chap. 8.22, Articles II & III), Tenant Protection Ordinance (OMC chap. 8.22, Article V) and Code Compliance Relocation Ordinance (OMC chap. 15.60). Existing and former tenants temporarily or permanently evicted, displaced or relocated due to the project or City action related to the project may be entitled to protections and benefits, including, but not limited to, relocation payments and the right to return to previous units. The property owner may be required to submit evidence of compliance with applicable tenant protection laws upon request of the City. For more information, please contact the Oakland Housing Assistance Center: 250 Frank H. Ogawa Plaza, 6<sup>th</sup> Floor, Oakland, California, 94612; (510) 238-6182.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

**26. Capital Improvements Impact Fee**

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

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

**27. Construction Activity in the Public Right-of-Way**

**a. *Obstruction Permit Required***

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

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

**b. *Traffic Control Plan Required***

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

c. ***Repair of City Streets***

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

**28. Bicycle Parking**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**29. Transportation Impact Fee**

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

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

**30. Southeast Oakland Traffic Impact Program**

Requirement: The project applicant shall submit payment to the City in accordance with chapter 10.70 of the Oakland Municipal Code for funding capital improvement projects to accommodate future traffic demand in the Southeast Oakland area.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

**31. Plug-In Electric Vehicle (PEV) Charging Infrastructure**

a. ***PEV-Ready Parking Spaces***

Requirement: The applicant shall submit, for review and approval of the Building Official and the Zoning Manager, plans that show the location of parking spaces equipped with full electrical circuits designated for future PEV charging (i.e. "PEV-Ready") per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-Ready parking spaces.

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**32. Construction and Demolition Waste Reduction and Recycling**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

### **33. Underground Utilities**

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **34. Green Building Requirements**

#### **a. *Compliance with Green Building Requirements During Plan-Check***

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

- i. The following information shall be submitted to the City for review and approval with the application for a building permit:
  - Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
  - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
  - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
  - Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
  - Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
  - Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
  - Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- ii. The set of plans in subsection (i) shall demonstrate compliance with the following:

- CALGreen mandatory measures.
- All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
- The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. ***Compliance with Green Building Requirements During Construction***

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

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

c. ***Compliance with Green Building Requirements After Construction***

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

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

35. **Employee Rights**

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

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**Applicant Statement**

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

---

Name of Project Applicant

---

Signature of Project Applicant

---

Date









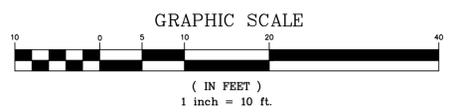
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**LEGEND**

EXISTING TREE TO REMAIN WITH CRITICAL ROOT ZONE (CRZ) & STRUCTURAL CRITICAL ROOT ZONE (SRZ)

PROPOSED TREE PROTECTION FENCE (SEE DETAIL & SPECIFICATIONS)



**TREE PROTECTION PLAN**

**ALVINGROOM CT**  
OAKLAND, CA 94605

WSSI Project Number: DRGWEST299



**REVISIONS**

No.	Date	Description	Rev. By	App. By

DATE: JULY 2019      SCALE: AS NOTED

Horizontal Datum:  
Vertical Datum:  
Boundary and Topo Source:

Design	Draft	Approved
BD	BD	---

Sheet #  
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Studies and Solutions, Inc.  
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5300 Wellington Branch Drive • Suite 100  
Gainesville, Virginia 20155  
Phone: 703-679-5600 • Fax: 703-679-5601  
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OWNER: Redevelopment Agency  
of the City of Oakland  
APN: 43A-4651-9-15

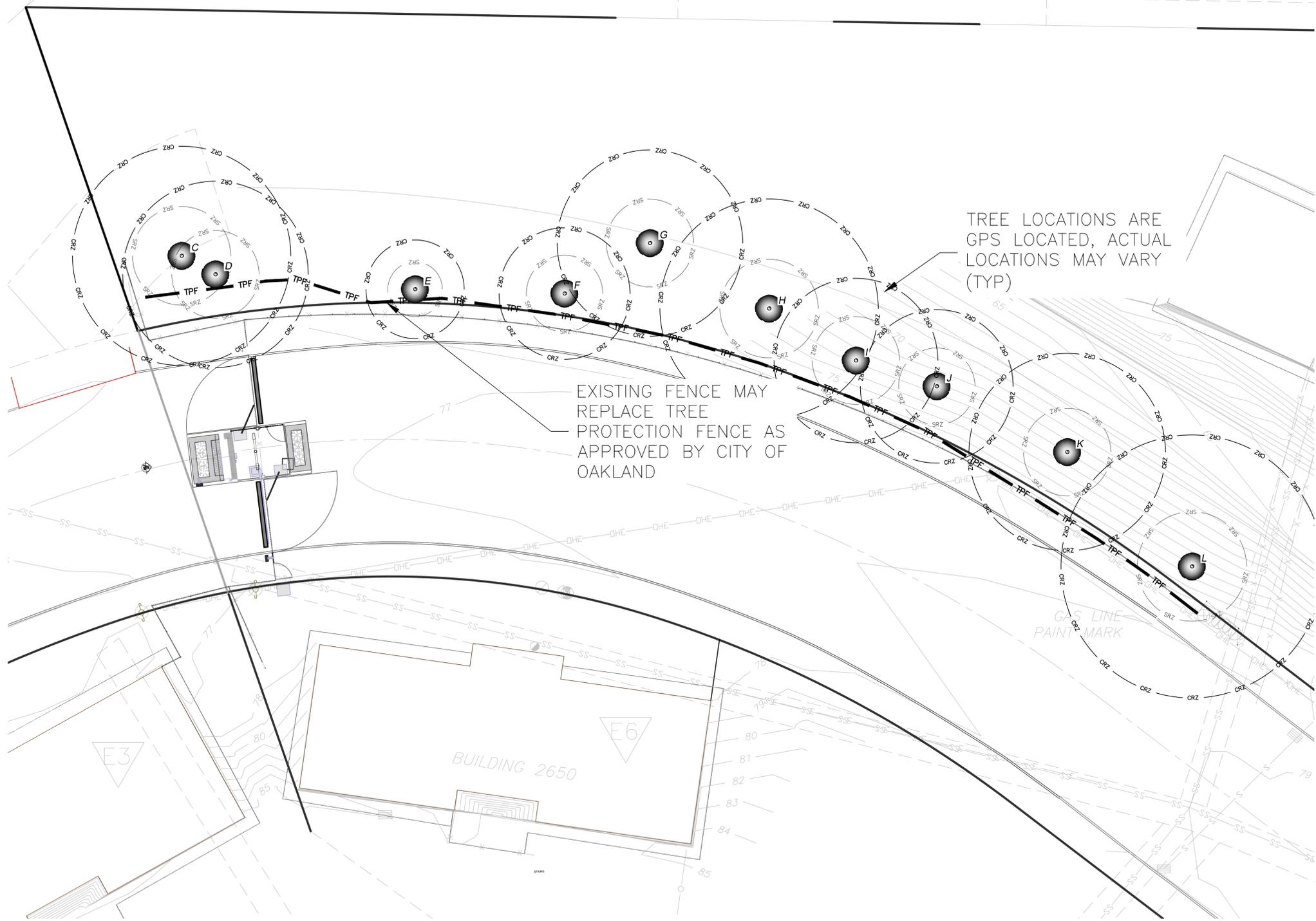
OWNER: Doris J & Larry Brown  
APN: 43A-4651-9-7

OWNER: Teresa Frie  
APN: 43A-4651-9-9

**LEGEND**

EXISTING TREE TO REMAIN  
WITH CRITICAL ROOT ZONE (CRZ) &  
STRUCTURAL CRITICAL ROOT ZONE  
(SRZ)

PROPOSED TREE PROTECTION FENCE  
(SEE DETAIL & SPECIFICATIONS)



TREE PROTECTION PLAN

ALVINGROOM CT  
OAKLAND, CA 94605

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WSSI Project Number: DRGWEST299



REVISIONS		App. By
No.	Description	Rev. By

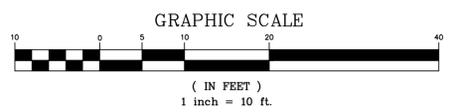
DATE: JULY 2019 SCALE: AS NOTED

Horizontal Datum:  
Vertical Datum:  
Boundary and Topo Source:

Design	Draft	Approved
BD	BD	---

Sheet #  
**LJ-2**

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**ZONING INFORMATION**

Listed below are Setback, Height, and Floor Space Area Restrictions as disclosed by applicable Zoning or Building Codes unless "None" is stated below. The source of this information is City of Oakland Planning/Zoning <http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/s/codes/index.htm#ZoningMap> (510) 444-2469

Zoning Designation: RM-2 Mixed Housing-High Density  
 Max Building Height: 25 ft/Roof 30 ft  
 Minimum Lot Area: Single Family = 2,500 sq ft Duplex = 4,000 sq ft  
 Minimum Frontage: 25 ft  
 Minimum Lot Width: 25 ft/45 ft Max  
 Bulk Density: Less than 4,000 sf = 1 primary bldg 4,000 sq ft or greater 2 units.  
 Note: Must meet open space per unit, landscaping, sidewalk and setbacks, then 100% of remaining lot.

Minimum setbacks for lots equal to or greater than four thousand (4,000) square feet.  
 Minimum front (<20% 20 ft 4  
 Minimum front (<20% 5 ft 4  
 Minimum interior side 3 ft/4 9  
 Minimum street side 3 ft/4 4  
 Rear 15 ft 11

Parking Requirements:  
 One-Family Dwelling: 2 Spaces per dwelling  
 Two-Family or Multi Family: 1.5 Spaces per dwelling

**MISCELLANEOUS NOTES**

- N1 Property has direct access to MacArthur Boulevard and EC Reems Court which are public right-of-ways.
- N2 The address of 2600-2795 EC REEMS COURT was observed by the surveyor posted on property as of date of survey.
- N3 The basis of bearings of this survey is based on the centerline line of MacArthur Boulevard, shown as S 35°13'30" E, per Record of Survey No. 1582.
- N4 The table below describes the type and number of parking stalls entirely within the property boundary. Stalls that are partially within the boundary are listed under the heading "partial". Partial stalls are not counted in the total.

MARKED PARKING				
REGULAR	HANDICAPPED	TRAILER	PARTIAL	TOTAL
63	0	0	0	63

- N5 There was no observable evidence of earth moving work, building construction or building additions within recent months.
- N6 There were no changes in street right-of-way lines either completed or proposed, and available from controlling jurisdiction or evidence of recent street or sidewalk construction repairs.
- N7 There was no observable evidence of site use as a solid waste dump, sump, sanitary landfill or cemetery.
- N8 The subject property is located at the intersection of MacArthur Boulevard and EC Reems Court.
- N9 No evidence of potential wetlands was observed on the subject property at the time the survey was conducted, nor have we received any documentation of any wetlands being located on the subject property.
- N10 This survey map correctly represents the facts at the time of the survey.
- N11 There are no discrepancies between the boundary lines of the property as shown on this survey map and as described in the legal description presented in the title commitment.
- N12 The boundary lines of the property are contiguous with the boundary lines of all adjoining streets, highways, right-of-ways and easements, public or private, as described in their most recent respective legal descriptions of record. The parcels are contiguous with no gaps or gores.
- N13 The subject property APN#'s 43A-4642-3-6, 43A-4642-3-7, 43A-4642-3-8, 43A-4642-3-9, 43A-4642-3-10, 43A-4642-3-11, 43A-4642-3-12, 43A-4642-3-13; Owner: 2700 Alvingroom Court LP Contains: 329,257 sq. ft. or 7.5587 acres, more or less.
- N14 All Elevations shown hereon was derived and based from a found City of Oakland Benchmark, ID #1009 Station: 80/H, being a Pin Monument located in the intersection of 82nd Avenue and MacArthur Boulevard. Elevation: 77.374, City of Oakland Datum.

**SURVEY RELATED ITEMS CORRESPONDING TO SCHEDULE B TITLE COMMITMENT**

- 14. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
 Granted to: City of Oakland, a municipal corporation  
 Purpose: Establish, construct and maintain public sewer system  
 Recording Date: November 27, 1928 Recording No: Y-81930, Book 1848, Page 437, of Official Records  
 Affects: As defined therein and Re-Recording Date: February 6, 1930 and Re-Recording No: AA-8096, Book 2311, Page 168, of Official Records Release by Groom Development Co., Inc., recorded November 9, 1948, Book 5651 OR, Page 432, which releases the City of Oakland from any obligation to maintain, repair or reconstruct a portion of the 24 inch conduit for sanitary sewer now existing within the boundaries of said easement, by reason of the construction of a garage over the same. Release executed by Costlemont Development Co., a corporation, recorded September 1, 1954, Book 7413 OR, Page 195, which releases the City of Oakland from any obligation to maintain, repair or reconstruct an office building addition, by reason of the construction of said office building addition over the 24 inch conduit for sanitary sewer now existing within the boundaries of said easement.  
**AFFECTS AS SHOWN HEREON.**
- 15. Permanent building restrictions contained in the deed to Alameda County East Bay Title Insurance Company, recorded July 17, 1946, Book 4950 OR, Page 20, Alameda County Records.  
**AFFECTS. SUBJECT TO TERMS AND CONDITIONS CONTAINED THEREIN. NO PLOTTABLE ISSUES.**
- 16. Sanitary sewer easement as shown on the Map of Tract 786, filed September 28, 1946, Map Book 12, Pages 50 and 51, Alameda County Records.  
**AFFECTS AS SHOWN HEREON.**
- 17. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
 Granted to: City of Oakland, a municipal corporation  
 Purpose: Establish, maintain and construct public sewer system  
 Recording Date: December 28, 1946  
 Recording No: TT-114010, Book 5047, Page 182, of Official Records.  
**AFFECTS AS SHOWN HEREON.**
- 18. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
 Granted to: City of Oakland, a municipal corporation  
 Purpose: Establish, maintain and construct public sewer system  
 Recording Date: December 28, 1946  
 Recording No: TT-114013, Book 5047, Page 184, of Official Records.  
**AFFECTS AS SHOWN HEREON.**
- 19. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
 Granted to: City of Oakland, a municipal corporation  
 Purpose: Establish, maintain and construct public sewer system  
 Recording Date: October 16, 1947  
 Recording No: AB-89048, Book 5178, Page 495, of Official Records.  
**AFFECTS AS SHOWN HEREON.**
- 20. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
 Granted to: City of Oakland, a municipal corporation  
 Purpose: Establish, maintain and construct public sewer system  
 Recording Date: February 25, 1948  
 Recording No: AC-15570, Book 5207, Page 300, of Official Records.  
**AFFECTS AS SHOWN HEREON.**
- 21. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
 Granted to: City of Oakland  
 Purpose: Establish, maintain and construct public sewer system  
 Recording Date: May 22, 1948  
 Recording No: Book 5205 OR, Page 424, of Official Records.  
**AFFECTS AS SHOWN HEREON AND BEING THE STREET OF E.C. REEMS COURT IN ITS ENTIRETY**
- 22. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
 Granted to: City of Oakland  
 Purpose: Establish, maintain and construct public sewer system  
 Recording Date: November 24, 1947  
 Recording No: Book 5323 OR, Page 447, of Official Records.  
**DOES NOT AFFECT. NOT PLOTTED.**
- 23. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
 Granted to: East Bay, Municipal Utility District  
 Purpose: Laying down, constructing, reconstructing, removing, replacing, repairing, maintaining, operating and using pipelines for the transmission and distribution of water  
 Recording Date: February 4, 1949  
 Recording No: AD-8148, Book 5719, Page 281, of Official Records.  
**AFFECTS AS SHOWN HEREON.**
- 24. Restrictions, continuing until January 1, 1975, and for additional periods of 5 years, contained in the agreement made by Groom Development Co., Inc., recorded February 7, 1949, Book 5721 OR, Page 364, Alameda County Records.  
**AFFECTS. SUBJECT TO TERMS AND CONDITIONS CONTAINED THEREIN. NO PLOTTABLE ISSUES.**
- 25. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
 Granted to: The Neighborhood Church of Oakland, California, a corporation  
 Purpose: A non-exclusive, perpetual easement and right of way for ingress and egress of pedestrians and vehicles  
 Recording Date: November 7, 1956  
 Recording No: Book 8197, Page 509, Alameda County Records.  
**AFFECTS AS SHOWN HEREON.**
- 33. The effect of and matters disclosed by Record of Survey filed 8/30/99, Book 23, of Surveys, Page 95, Alameda County Records. **AFFECTS AND IS PLOTTED HEREON.**
- 42. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
 Granted to: Comcast of California/Colorado, LLC, its successors and assigns  
 Purpose: Broadband communications services and facilities  
 Recording Date: April 21, 2009  
 Recording No: 2009116931, of Official Records  
**AFFECTS. BLANKET IN NATURE ACROSS ALL PARCELS. NOT PLOTTED.**



**UTILITY NOTE**

THE SURVEY SHOWS THE LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE COLLECTED PURSUANT TO ALTA SECTION 5 E IV TOGETHER WITH EVIDENCE FROM PLANS REQUESTED BY THE SURVEYOR AND OBTAINED FROM THE UTILITY COMPANIES, OR PROVIDED BY THE CLIENT AND MARKINGS REQUESTED BY THE SURVEYOR PURSUANT TO A 811 UTILITY LOCATE OR SIMILAR REQUEST

**FLOOD ZONE**

A field survey was not conducted to determine the flood zone areas. Any flood zone lines distinguishing between flood areas are graphically plotted from FEMA Flood Insurance Rate Maps (FIRM). A flood elevation certificate may be needed to determine or verify the location of the flood areas. The subject property's community does participate in the program. It is determined that the subject property resides in the following Flood Zone "X" and Flood Zone "A" as determined by or shown by FIRM Community Panel No. 06001C0095G dated 08/03/2009 and is in a Special Flood Hazard Zone. The Flood Insurance Rate Program was contacted on 07/19/2018 by telephone or email (www.fema.gov)

**ALTA/NSPS LAND TITLE SURVEY**

FOR  
**E.C. Reems Garden Apartments, Oakland, CA**  
 PARTNER PROJECT NUMBER 18-218568  
 PROPERTY ADDRESS: 2600-2795 E. C Reems Court, aka E.C. Reems Garden Apartments, Oakland, CA  
 ALTA SURVEY BASED AND RELIED ON CHICAGO TITLE COMPANY'S PRELIMINARY TITLE REPORT ORDER No. 35604342-356-KT3-JM, UPDATE "E" BEARING AN EFFECTIVE DATE OF NOVEMBER 05, 2018 AT 7:30 AM.

**CERTIFICATION**

To: Chicago Title Company:  
 This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 7a, 7b1, 7c, 8, 9, 11, 13, 14, 16, 17, 18, 19, and 20 of Table A thereof. The fieldwork was completed on July 14, 2018.

Date of Plat or Map: 11/30/2018  
 James M. Powers  
 PLS No.: 8541  
 IN THE STATE OF: CALIFORNIA  
 DATE OF SURVEY: July 24, 2018  
 DATE OF LAST REVISION: NOVEMBER 30, 2018



**STATEMENT OF ENCROACHMENTS**

- E1 Chain link fence extends no more than 1.4' ± across P/L (SEE SHEET 5)
- E2 Iron fence crosses P/L 12.8' SE of nearest P/C (SEE SHEET 4)
- E3 Building lies over an existing 5.0' /E (SEE SHEET 6)
- E4 Building overhang extends no more than 3.6' across P/L (SEE SHEET 6)
- E5 Building lies over an existing 8.0' W/E (SEE SHEET 6)
- E6 Building lies over an existing 5.0' S/E (SEE SHEET 6)



Survey Prepared By:  
 Red Plains Surveying Company  
 1917 S. Harvard Avenue  
 Oklahoma City, OK 73128  
 Phone: 405-603-7842 / Fax:  
 405-603-7852  
 Email: Comments@rpsurveying.com



TITLE LEGAL DESCRIPTION

Parcel One: Beginning at a point on the Northeastern line of Tract 790, filed December 13, 1946, Map Book 13, Pages 66, 67 and 68, Alameda County Records, distant thereon North 54° 26' 30" West 0.73 feet from the Southeastern line of Lot 7 of said tract; thence along said line of said Tract 790 and the direct production thereof, North 54° 26' 30" West 482.39 feet; thence North 19° 10' 34" West 43.80 feet to a point on the general Southern line of Alvingroom Court, as described in Street Dedication from Groom Development, Co., Inc., a Corporation to City of Oakland, a Municipal Corporation, recorded December 16, 1949, Series No. AD-88517, Book 5966 or, Page 108; thence along the last mentioned line the seven following courses and distances: Easterly along the arc of a curve to the right with a radius of 180.00 feet from a tangent bearing North 79° 10' 51" East a distance of 79.548 feet; thence Easterly and Southeastery along the arc of a compound curve to the right with a radius of 216.00 feet, a distance of 73.827 feet; thence South 52° 45' East tangent to the preceding arc, a distance of 64.00 feet; thence Southeastery along the arc of a curve to the left, with a radius of 210.00 feet, tangent to the preceding course, a distance of 68.173 feet; thence South 71° 21' East tangent to the preceding arc, a distance of 62.00 feet; thence Southeastery along the arc of a curve to the right, with a radius of 225.00 feet, and tangent to the preceding course, a distance of 64.534 feet; and thence South 54° 55' East tangent to the preceding arc, a distance of 85.80 feet to a line drawn North 16° 03' 44" East from the point of beginning; thence South 16° 03' 44" West, 121.18 feet to the point of beginning.

Parcel Two: Beginning at a point on the Northeastern line of Tract 790, filed December 13, 1946, Map Book 13, Pages 66, 67 and 68, Alameda County records, distant thereon North 54° 26' 30" West 0.73 feet from the Southeastern line of Lot 7 of said tract; thence along said line of Tract 790, the two following courses and distances: South 54° 26' 30" East 150.20 feet, and South 49° 23' East 63.06 feet to the Southeastern line, produced Southwesterly of the parcel of land described in the Deed to Alameda County-East Bay Title Insurance Company, recorded July 17, 1946, Book 4950 or, Page 20, Alameda County records; thence along said produced line and along said Southeastern line, North 60° 59' 13" East 296.51 feet; thence North 63° 50' 30" West 75.845 feet; thence North 15° 57' 30" West 10 feet to a point on the general Southern line of Alvingroom Court, as described in Street Dedication from Groom Development Co., Inc., a corporation to City of Oakland, a Municipal Corporation, recorded December 16, 1949, Series No. AD-88517, Book 5966 or, Page 108; thence along the last mentioned line, the four following courses and distances: Southwesterly along the arc of a curve to the right with a radius of 125.00 feet, from a tangent which bears South 50° 07' 45" West a distance of 21.535 feet, thence Southwesterly and Westerly along the arc of a compound curve to the right with a radius of 190.00 feet; a distance of 104.458 feet, thence Westerly and Northwesterly along the arc of a compound curve to the right with a radius of 245.00 feet, a distance of 143.604 feet, and thence North 54° 55' West tangent to the preceding arc, a distance of 89.20 feet to a line drawn North 16° 03' 44" East from the point of beginning; thence South 16° 03' 44" West 121.18 feet to the point of beginning.

Parcel Three: Beginning at an angle point in the Northeastern line of MacArthur Boulevard, formerly Foothill Boulevard, which point is distant along the said line, North 16° 53' 30" West 156.63 feet from the Northwestern line of the path along the Northwestern line of Block F, as said path and block are shown on the Map of Toler Heights, filed September 30, 1907, Map Book 23, Page 34, Alameda County Records; thence North 72° 57' 24" East 139.90 feet to the most Western corner of Lot 2, Tract 790, filed December 13, 1946, Map Book 13, Pages 66, 67 and 68, Alameda County records; thence along the Northwestern line of said tract, North 53° 31' 45" East 163.33 feet to the Northeastern line of said tract; thence along the direct production Northwesterly of said Northeastern line, North 54° 26' 30" West 116 feet; thence North 19° 10' 34" West 45.80 feet to a point on the general Southern line of Alvingroom Court, as described in the Street Dedication from Groom Development Co., Inc., a corporation to the City of Oakland, a Municipal Corporation, recorded December 16, 1949, Series No. AD-88517, Book 5966 or, Page 108; thence along the last mentioned line the six following courses and distances: Westerly and Southwesterly along the arc of a curve to the left with a radius of 160.00 feet, from a tangent bearing South 79° 10' 51" West a distance of 22.845 feet; thence Southwesterly along the arc of a compound curve to the left with a radius of 265.00 feet, a distance of 90.190 feet; thence Southwesterly along the arc of a compound curve to the left with a radius of 119.00 feet, a distance of 45.693 feet; thence South 29° 30' West tangent to the preceding arc, a distance of 50.00 feet; thence Southwesterly along the arc of a curve to the right, with a radius of 168.00 feet, a distance of 55.345 feet; and thence Southwesterly, Southerly and Southerly along the arc of a reverse circle to the left with a radius of 20.00 feet, a distance of 29.261 feet to the Northeastern line of MacArthur Boulevard, formerly Foothill Boulevard; thence along the last mentioned line, South 35° 13' 30" East 64.138 feet to the point of beginning.

Parcel Four: Beginning at the most Southern corner of Lot 19, Tract 786, filed September 28, 1946, Map Book 12, Pages 50 and 51, Alameda County records, said corner being on the Southeastern line of the parcel of land described to Alameda County-East Bay Title Insurance Company, recorded July 17, 1946, Series No. TT-61416; thence along said Southeastern line the two following courses and distances: South 75° 55' 30" West 166.48 feet, and South 60° 59' 13" West 140 feet to a point distant thereon North 60° 59' 13" East 296.51 feet from the Northeastern line of Tract 790, filed December 13, 1946, Map Book 13, Pages 66, 67 and 68, Alameda County records; thence North 63° 50' 50" West 75.845 feet; thence North 15° 57' 30" West 10.00 feet to a point on the Southeastern line of Alvingroom Court, as described in Street Dedication from Groom Development Co., Inc., a Corporation to City of Oakland, a Municipal Corporation, recorded December 16, 1949, under recorder's Series No. AD-88517, in Book 5966 of official records of Alameda County, Page 108; thence along the Southeastern line and Eastern line of said Alvingroom Court, the following four courses and distances: Northeastery and Northerly along the arc of curve to the left with a radius of 125.00 feet, from a tangent which bears North 50° 07' 45" East, a distance of 68.168 feet, thence tangent to the preceding arc North 18° 53' East 16.228 feet, thence Northerly and Northeastery along the arc of a circle to the right with a radius of 40.00 feet and tangent to the preceding course, a distance of 28.008 feet, and thence Northeastery, Northerly and Northwesterly along the arc of a reverse circle to the left with a radius of 45.00 feet, a distance of 73.535 feet to the point from which the center of said circle bears South 55° 22' 29" West; thence North 55° 22' 29" East 20.33 feet to line drawn South 15° 11' 24" West from a point on the Southwestern line of said Tract 786, distant thereon North 74° 48' 36" West 29.15 feet from the Southeastern line of Lot 14 of said Tract 786; thence along the last mentioned line the three following courses and distances: South 74° 48' 36" East 93 feet, Southeastery along the arc of a circle to the right with a radius of 160 feet and tangent to the preceding course, a distance of 98.81 feet, and South 38° 25' 36" East tangent to the preceding arc 117.17 feet to the point of beginning.

Parcel Five: Beginning at a point on the Southwestern line of Tract 786, distant thereon North 74° 48' 36" West 29.15 feet from the Southeastern line of Lot 14 of said tract, filed September 28, 1946, Map Book 12, Pages 50 and 51, Alameda County records; thence along said Southwestern line of Tract 786, North 74° 48' 36" West 299.50 feet to a point distant thereon North 74° 48' 36" West 9.40 feet from the Southeastern line of Lot 9 of said tract; thence South 15° 11' 24" West 65 feet; thence South 52° 12' East 75 feet; thence South 32° 52' 02" West 73 feet; thence South 57° 07' 58" East 40 feet; thence North 87° 40' 44" East 108.50 feet; thence South 15° 57' 30" East 70.17 feet to a point on the Northwestern line of Alvingroom Court, as described in Street Dedication from Groom Development Inc., a Corporation to City of Oakland, a Municipal Corporation, recorded December 16, 1949, Series No. AD-88517, Book 5966 or, Page 108; thence along the exterior boundary line of said Alvingroom Court, the four following courses and distances: Northeastery and Northerly along the arc of a curve to the left with a radius of 75.00 feet, from a tangent which bears North 31° 32' 38" East, a distance of 16.573 feet; thence North 18° 53' East tangent to the said last mentioned arc 16.228 feet; thence Northerly along the arc of a circle to the left with a radius of 40.00 feet and tangent to the preceding arc, a distance of 28.008 feet; and thence Northwesterly, Northerly, Northeastery, Easterly and Southeastery along the arc of a reverse circle to the right with a radius of 45.00 feet, a distance of 130.856 feet to a point from which the center of last said circle bears South 55° 22' 29" West; thence North 55° 22' 29" East 20.33 feet to a line drawn South 15° 11' 24" West from the point of beginning; thence North 15° 11' 24" East 67.50 feet to the point of beginning.

Parcel Six: Beginning at a point on the Southwestern line of Tract 786, filed September 28, 1946, Map Book 12, Pages 50 and 51, Alameda County records, distant thereon North 74° 48' 36" West 9.40 feet from the Southeastern line of Lot 9 of said tract; thence South 15° 11' 24" West 65 feet; thence South 52° 12' East 75 feet; thence South 32° 52' 02" West 73 feet to the actual point of commencement; thence South 57° 07' 58" East 40 feet; thence North 87° 40' 44" East 108.50 feet; thence South 15° 57' 30" East 70.17 feet to a point on the Northwestern line of Alvingroom Court, as described in Street Dedication from Groom Development Co., Inc., a Corporation to City of Oakland, a Municipal Corporation, recorded December 16, 1949, Series No. AD-88517, Book 5966 or, Page 108; thence along the Northwestern, Northern and Northeastern line of said Alvingroom Court, the four following courses and distances: Southwesterly along the arc of curve to the right with a radius of 75.00 feet, from a tangent which bears South 31° 32' 38" West, a distance of 37.249 feet, thence Southwesterly and Westerly along the arc of compound curve to the right which a radius of 140.00 feet, a distance of 76.969 feet, thence Westerly and Northwesterly along the arc of a compound curve to the right with a radius of 195.00 feet, a distance of 114.297, feet, and thence North 54° 55' West tangent to the preceding arc, a distance of 12.50 feet to a line drawn South 32° 52' 02" West from the actual point of commencement; thence North 32° 52' 02" East 103.17 feet to the actual point of commencement.

Parcel Seven: Beginning at the most Western corner of Tract 786, filed September 28, 1946, Map Book 12, Pages 50 and 51, Alameda County records; thence along the Southwestern line of said Tract 786, the three following courses and distances: South 88° 59' 45" East 388.45 feet; Easterly along the arc of a curve to the right with a radius of 310 feet and tangent to the preceding course, a distance of 76.75 feet; and South 74° 48' 36" East tangent to the preceding arc, a distance of 101.115 feet to a point distant thereon, North 74° 48' 36" West 7.925 feet from the Southeastern line of Lot 8 of said tract; thence South 35° 05' West 219.49 feet to a point on the general Northern line of Alvingroom Court, as described in Street Dedication from Groom Development Co., Inc. a Corporation to City of Oakland, a Municipal Corporation, recorded December 16, 1949, Series No. AD-88517, Book 5966 or, Page 108, Alameda County records; thence along the last mentioned line, the six following courses and distances: Northwesterly along the arc of a curve to the left with a radius of 275 feet from a tangent bearing North 54° 55' West a distance of 75.874 feet; North 71° 21' West tangent to the preceding arc, a distance of 62 feet; Northwesterly along the arc of a curve to the right, with a radius of 160 feet and tangent to the preceding course, a distance of 51.941 feet; North 52° 45' West tangent to the preceding arc a distance of 64 feet; Northwesterly along the arc of a curve to the left with radius of 266 feet and tangent to the preceding course, a distance of 90.917 feet; and Northwesterly along the arc of a compound curve to the left with a radius of 210 feet, a distance of 111.733 feet to a line drawn South 19° 10' 34" East, from the point of beginning; thence North 19° 10' 34" West 62.46 feet to the point of beginning.

Parcel Eight: Beginning at a point on the Southwestern line of Tract 786, filed September 28, 1946, Map Book 12, Pages 50 & 51, Alameda County records, distance of thereon North 74° 48' 36" West 7.925 feet from the Southeastern line of Lot 8 of said tract; thence along said Southwestern line of Tract 786, South 74° 48' 36" East 62.375 feet to a point distant thereon North 74° 48' 36" West 9.40 feet from the Southeastern line of Lot 9 of said tract; thence South 15° 11' 24" West 65.00 feet; thence South 52° 12' East 75.00 feet; thence South 32° 52' 02" West 176.17 feet to a point on the Northeastern line of Alvingroom Court, as described in Street Dedication from Groom Development Co., Inc., a Corporation to City of Oakland, a Municipal corporation, recorded December 16, 1949, Series No. AD-88517, Book 5966 or, Page 108; thence along the last mentioned line North 54° 55' West 162.50 feet to a line drawn South 35° 05' West from the point of beginning; thence North 35° 05' East 219.49 feet to the point of beginning.

Parcel Nine: A portion of a Record of Survey prepared by Russell Reid Penland, JR, PLS 5726 and Filed August 30, 1999 in Map Book 23, Page 95 in the Alameda County Records, being more particularly described as follows: COMMENCING at a found 1/4" Iron Pin at the intersection of MacArthur Boulevard and 84th Avenue as shown on Record of Survey Number 1582, filed August 30, 1999 in Book 23 of Surveys, Page 95 in the Alameda County Records; Thence, SOUTH 35°13'30" EAST a distance of 335.00' along the Center Line of MacArthur Boulevard to a Found Nail and Tag per said Record of survey, Thence; NORTH 63°41'18" EAST a distance of 40.63' to point on the Northeastern line of MacArthur Boulevard same being the Southwest Corner of Parcel 3 as shown on Record of Survey 1582 and being the POINT OF BEGINNING; Thence; NORTH 35°13'30" WEST along said Northeastern line a distance of 64.59' to a curve turning to the right with an arc length of 29.26', with a radius of 20.00', with a chord bearing of NORTH 06°41'20" EAST, with a chord length of 26.72', Thence; along a reverse curve turning to the left with an arc length of 55.34', with a radius of 166.00', with a chord bearing of NORTH 39°03'05" EAST, with a chord length of 55.09', Thence; NORTH 29°30'00" EAST a distance of 50.00'; Thence; on a curve turning to the right with an arc length of 45.69', with a radius of 119.00', with a chord bearing of NORTH 40°30'00" EAST, with a chord length of 45.41', Thence along a compound curve turning to the right with an arc length of 90.19', with a radius of 265.00', with a chord bearing of NORTH 61°15'00" EAST, with a chord length of 89.76', Thence along a compound curve turning to the right with an arc length of 22.85', with a radius of 160.00', with a chord bearing of NORTH 75°05'26" EAST, with a chord length of 22.83' to a point being the common corner of Parcel 10 and Parcel 11 shown on Record of Survey 1582; Thence; NORTH 18°56'15" WEST a distance of 50.38' to a point being the Southwest Corner of Parcel 7 as shown on Record of Survey 1582; Thence; NORTH 19°10'34" WEST a distance of 62.95' to point on the Southerly line of Tract Number 786 filed in Map Book 12, Page 50 in the Alameda County Records; Thence along the Southerly line of said Tract SOUTH 88°58'41" EAST a distance of 389.45' to a point of curvature, turning to the right with an arc length of 76.81', with a radius of 310.00', with a chord bearing of SOUTH 81°52'46" EAST, with a chord length of 76.62', Thence; SOUTH 74°46'51" EAST a distance of 556.00'; to a point of curvature, turning to the right with an arc length of 98.70', with a radius of 160.00', with a chord bearing of SOUTH 57°06'31" EAST, with a chord length of 97.14', Thence; SOUTH 39°26'12" EAST a distance of 117.17'; Thence; SOUTH 75°55'30" WEST a distance of 166.49'; Thence; SOUTH 60°59'13" WEST a distance of 436.50' to a point along the Northeastery line of Tract Number 790 filed in Map Book 13, Page 66 in the Alameda County Records, same being the Southeast corner of Parcel 16 as shown on Record of Survey 1582, Thence along said Northeastery line NORTH 49°23'00" WEST a distance of 63.06'; Thence; NORTH 54°26'30" WEST a distance of 516.40' to a point being the common corner of Parcel 10 and Parcel 11 shown on Record of Survey 1582; Thence; SOUTH 53°31'45" WEST a distance of 163.34'; Thence; SOUTH 72°57'24" WEST a distance of 139.90' to the POINT OF BEGINNING.

PARCEL NINE BEING PARCELS 1-8 COMBINED. (PARCEL NINE ABOVE IS SHOWN AS A CONVENIENCE ONLY)

STREET VACATION BY QUITCLAIM DEED PROVIDED BY CLIENT. NOT RECORDED AT TIME OF SURVEY THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OAKLAND, IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A portion of Alvingroom Court, East of MacArthur Boulevard, said portion being all of that portion of Alvingroom Court lying Easterly of a line across said Alvingroom Court; said line being more particularly described as follows:

Commencing at the point of intersection of the Northeastern line of MacArthur Boulevard, formerly Foothill Boulevard, with the Northwestern line of the 10 foot path along the Northwestern line of Block F, as said path and block are shown on the "Map of Toler Heights," filed September 30, 1907, in the Office of the County Recorder of Alameda County, and of record in Map Book 23, Page 34; thence along said line of MacArthur Boulevard, the two following courses and distances: N 16° 53' 30" W 156.63 feet, and N 35° 13' 30" W 64.138 feet; thence Northwesterly, Northern and Northwesterly along the arc of a curve to the right having a radius of 20 feet and tangent to the preceding course, through a central angle of 83° 49' 39"; a distance of 29.261 feet; thence Northwesterly along the arc of a reverse curve to the left, having a radius of 166 feet; through a central angle of 19° 06' 09", a distance of 55.345 feet; thence tangent to the preceding arc N 29° 30' E 50 feet; thence Northwesterly along the arc of a curve to the right, having a radius of 119 feet and tangent to the preceding course, through a central angle of 22", a distance of 45.693 feet; thence Northwesterly along the arc of a compound curve to the right having a radius of 266 feet, through a central angle of 19° 30' a distance of 90.190 feet, thence along a compound curve to the right with a radius of 160 feet, a distance of 22.845 feet to the point of beginning; thence N 19° 10' 34" W along a line extending from the Southern line of Alvingroom Court to the Northern line of Alvingroom Court as said Court is described in that Instrument from The Groom Company incorporated to the City of Oakland recorded December 16, 1948, in Book 5966 at Page 108 in the Office of the Recorder of Alameda County, California, Recorder's Series No. 88517.

SUBJECT, HOWEVER, to the reservation and exception from the vacation, pursuant to the provisions of Sections 8330 and 8331 of the Streets and Highway Code of the State of California, of the permanent easement and right of any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge Alameda County Flood Control and Water Conservation District facilities and sanitary sewers and storm drains, and appurtenant structures in, upon, over, and across all of that portion of Alvingroom Court proposed to be vacated and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, renew and enlarge lines of pipe, conduit, cables, wires, poles, and other convenient structures, equipment, and fixtures, for the operation of cable television, gas pipe lines, telegraph and telephone lines, and for the transportation or distribution of electric energy, and water, and for incidental purposes, including convenient access and the right to keep the easement property free of buildings and other structures, and inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon, over and across all that portion of Alvingroom Court proposed to be vacated, and subject to the findings of the City Council of the City of Oakland that the public convenience, necessity and safety required that there shall be a guard on duty 24 hours every day to allow access by the Oakland Police Department and Oakland Fire Department, and any and all County, City and public utility personnel to the portion of Alvingroom Court proposed to be vacated.

ALTA/NSPS LAND TITLE SURVEY



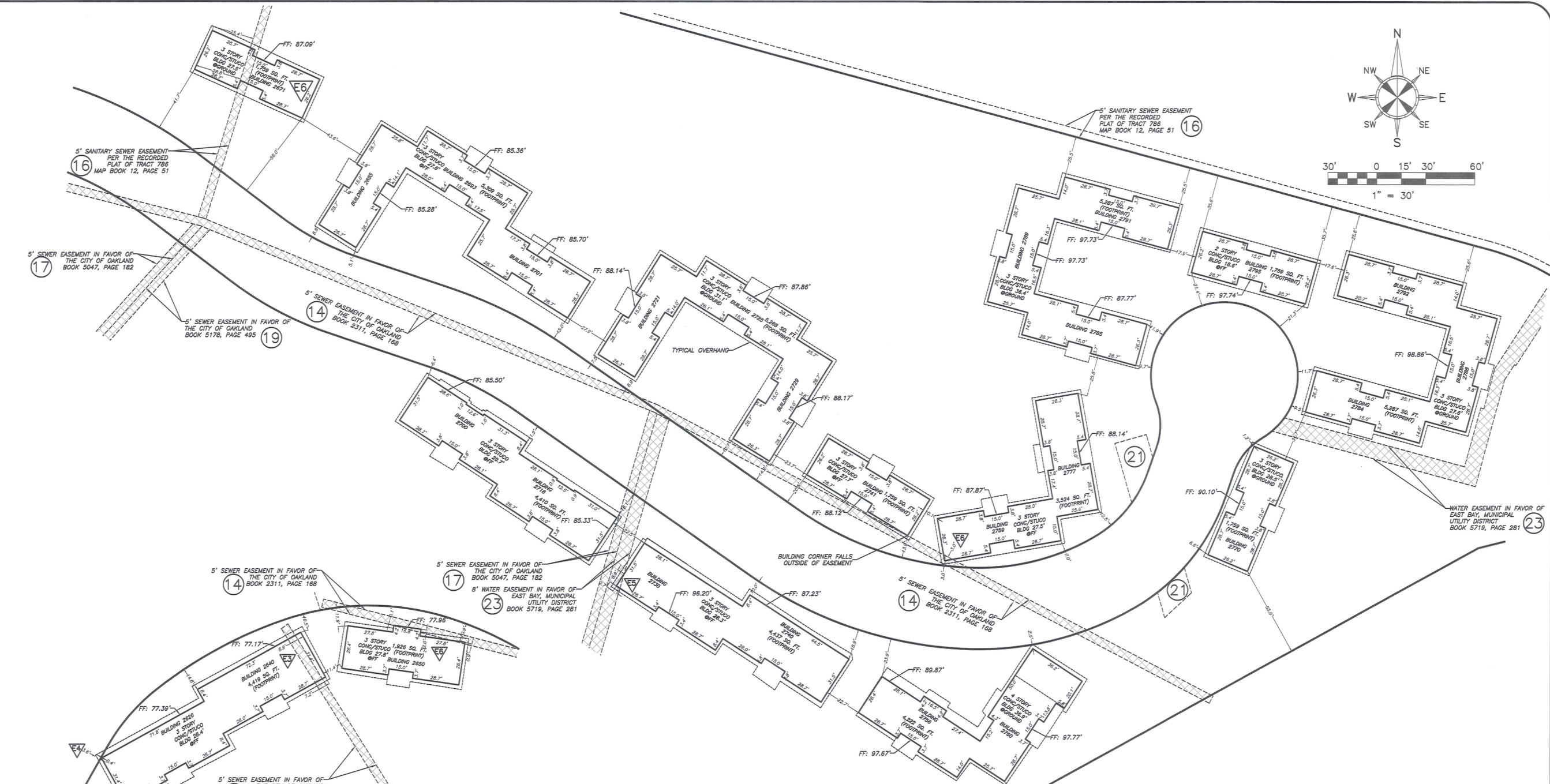
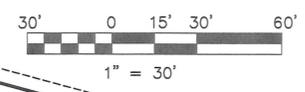
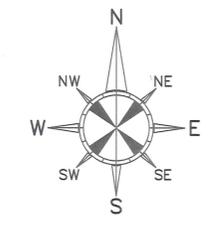
1761 EAST GARRY AVENUE
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**STATEMENT OF ENCROACHMENTS**

- ▼E1 Chain link fence extends no more than 1.4' ± across P/L (SEE SHEET 5)
- ▼E2 Iron fence crosses P/L 12.8' SE of nearest P/C (SEE SHEET 4)
- ▼E3 Building lies over an existing 5.0' S/E (SEE SHEET 6)
- ▼E4 Building overhang extends no more than 3.6' across P/L (SEE SHEET 6)
- ▼E5 Building lies over an existing 8.0' W/E (SEE SHEET 6)
- ▼E6 Building lies over an existing 5.0' S/E (SEE SHEET 6)

ALTA/NSPS LAND TITLE SURVEY

**PARTNER**  
Engineering and Science, Inc.®

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