

Case File Number PLN21073-A01

October 6, 2021

<b>Location:</b>	2400 Adeline Street
<b>Assessor's Parcel Number:</b>	005 -0436-011-02
<b>Proposal:</b>	Appeal of PLN20173, which consists of the demolition of an existing commercial building and construction of a five-story, 29-unit residential condominium building.
<b>Appellant:</b>	Mike Keenan
<b>Phone Number:</b>	(510)893-6419
<b>Owner:</b>	Ms. Conchita Romero, Trustee of the Conchita Romero Family Trust
<b>Case File Number:</b>	PLN20173-A01
<b>Planning Permits Required:</b>	Regular Design Review for new construction, Minor Conditional Use Permit to allow a Multi-Family Residential Facility in the HBX-4 Zone, and a Tentative Parcel Map to create condominiums.
<b>General Plan:</b>	Business Mix
<b>Zoning:</b>	HBX-4 Housing and Business Mix 4 Commercial Zone
<b>Environmental Determination:</b>	Exempt, Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
<b>Historic Status:</b>	Potentially Designated Historic Property (PDHP): OCHS Rating Dc3
<b>City Council district:</b>	3
<b>Status:</b>	Approved on May 17, 2020 and Appealed on May 27, 2021
<b>Staff Recommendation:</b>	Deny the appeal and uphold the Zoning Manager's Approval of PLN20173
<b>Finality of Decision:</b>	The decision of the Planning Commission is final pursuant to Planning Code Sections 17.134.060.
<b>For further information:</b>	Contact case planner Jose M. Herrera-Preza at 510-238-3808 or <a href="mailto:jherrera@oaklandca.gov">jherrera@oaklandca.gov</a>

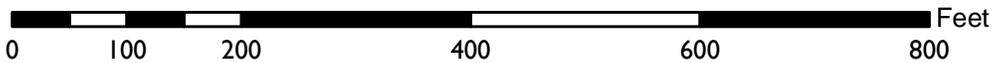
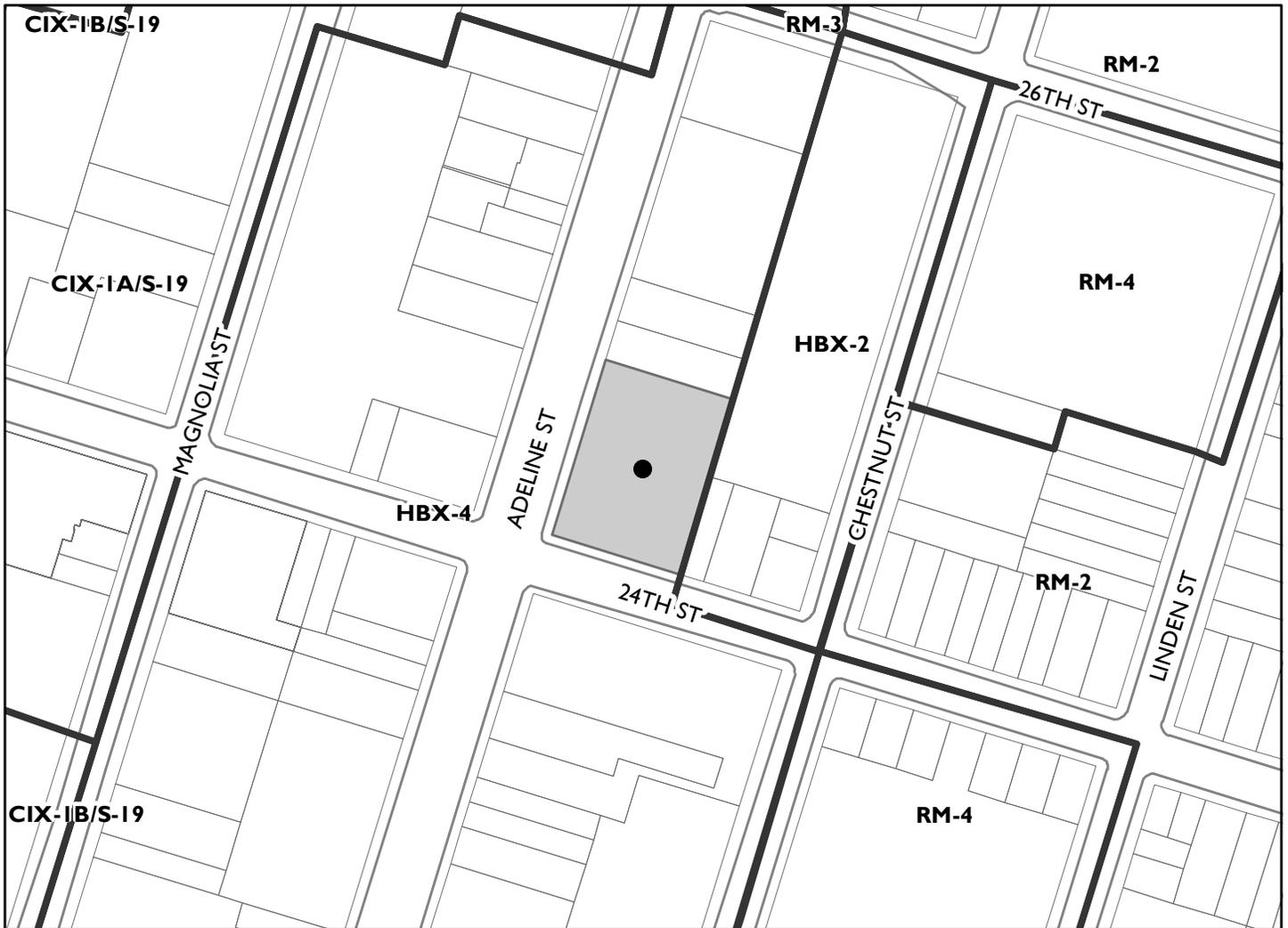
## SUMMARY

On December 7, 2020, Signature Land Advisors Inc. (the Applicant) applied for a Regular Design Review, Minor Conditional Use Permit (CUP), and a Tentative Parcel Map (TPM) to construct a five-story multi-family residential condominium building (the Project) at the subject property (See *Attachment A*). The Zoning Manager approved the project on May 17, 2021, after analyzing it for compliance with the applicable standards and regulations (See *Attachment B*). In his approval, the Zoning Manager found that the Project was well designed to complement existing nearby commercial and residential buildings, that the height and density was appropriate along Adeline Street, and that the design would provide a convenient and functional living environment for a multi-family development.

On May 27, 2021, Mike Keenan (the Appellant) appealed the Zoning Manager's decision alleging that the decision was not supported by substantial evidence (listed below) for the development and, therefore, doesn't comply with the applicable Design Review, Conditional Use Permit (CUP), or Tentative Parcel Map (TPM) findings (See *Attachment C*). The Appellant's specific arguments are described and responded to in detail in the *Basis of Appeal* Section of the report.

Staff has determined that the findings made for approving the Project clearly demonstrate that the Project complies with the applicable standards and criteria for approval and that the Appellant fails to present a case where the Zoning Manager's decision was in error or abuse of discretion and therefore recommend that the Planning Commission deny the appeal and uphold the Zoning Manager's decision. Staff supports approval of the Project as it fulfills several goals of the Oakland General Plan, including the construction of infill development and mixed housing types, and is well designed for the proposed location.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN20173-A01  
Appellant: Michael Keenan  
Address: 2400 Adeline Street  
Zone: HBX-4

## BACKGROUND

The Applicant submitted a planning application for the Project to the City of Oakland Bureau of Planning & Zoning on December 7, 2020, as case file PLN20173. After reviewing the Project application, staff sent out a public notice for the proposal on March 26, 2021 and received comments (*Attachment D*). The Zoning Manager approved the project on May 17, 2021. The appeal was filed on May 27, 2021, by Mike Kennan, the owner of the property located at 2434 Adeline Street (*Attachment C*).

## COMMUNITY OUTREACH

On March 17, 2021, a ten-day public notice period began including mailings to all property owners within a three-hundred-foot radius of the proposal and a public notice posted on site. Several property owners, including the appellant, submitted correspondence expressing concerns primarily related to density, building height, privacy, solar access, glare impacts, parking, and building type (*Attachment D*). These issues are discussed in the “Basis for the Appeal” section of this report.

While staff supports the project as approved on May 17, 2021, the Applicant voluntarily reached out to interest parties. On June 10, 2021, after the appeal was filed, the Applicant invited the Appellant and four other neighbors who had previously submitted comment letters and whose names were provided on the appeal application (*Attachment C*) to discuss the proposed project. Specific details of the neighbor outreach process were provided by the Applicant and are summarized below.

As a result of the community outreach, the applicant has voluntarily submitted several project design revisions including a reduction of the building height by 10-feet, elimination of the detached garage element, reduction of the overall unit count from 29 to 28 units, and reduction window opening sizes that look onto adjacent properties (*Attachment E*). Staff continues to support the Project as it was designed and approved in the May 17, 2021 Zoning Manager approval.

Name	Address	Outreach	Contact Made
Michael Kennan (Appellant)	2434 Adeline	Emailed, called, sent letter	Exchanged emails; Mr. Kennan asked that we focus on his previously submitted written comments
James Austin	2440 Adeline	Emailed, sent letter	Met at the site in June 2021
Jake Sternberg	2429 Adeline	Emailed, sent letter	Exchanged emails; Mr. Sternberg asked that we focus on his previously submitted written comments
Patrick Regan	2329 Adeline	Emailed, called, sent letter	Met at the site twice in June 2021
Samuel Romero	1116 24 <sup>th</sup>	Emailed, sent letter	Mr. Romero did not respond

## PROJECT DESCRIPTION

The Project consists of the demolition of an existing one-story 5,676 square-foot commercial building and the construction of a 43,297 square-foot, five-story residential building containing 29 residential units. *Attachment A* contains the project plans.

### Site Plan

The proposed project is at the corner of Adeline and 24<sup>th</sup> Streets and creates a continuous row of building forms on Adeline Street, which is considered the principal street due to its width and traffic volume. The building incorporates a height transition to a lower density residential neighborhood with a 30-foot rear setback. A parking area would span this 30-foot rear setback area behind the building. The curb cut on 24<sup>th</sup> Street would be the vehicle entrance into the project. Private open space would be conveniently accessed through private yards for ground floor units and private balconies for all the units above.

### Elevations

The front (Adeline Street) facade incorporates residential forms found in the neighborhood such as a change in grade elevations, individual porches and entrances at the ground floor, floor to ceiling industrial style window patterns and flat roof forms. The upper story bulk is broken up into volumes of vertical projections with windows and recesses containing balconies. A rectangular form spans from the second story to above the fourth story roof at the center of the Adeline Street façade. This form is over the main entrance at the ground floor. A cornice at the top of the façade creates a visual terminus and marks the location of the flat roof. The rear of the building has similar upper story projections and recesses as the front elevation, and the south (24<sup>th</sup> Street) and north elevations create visual interest through building articulation and window placement.

The building is generally smooth stucco with horizontal lap siding accents to punctuate the vertical projections on the front and rear of the building.

### **PROPERTY DESCRIPTION**

The subject property is a 23,628 square-foot parcel located the south-east corner of Adeline and 24<sup>th</sup> Streets. The subject site is a flat parcel within the McClymonds Neighborhood of West Oakland. As mentioned, the property contains a one-story commercial building. The existing building is utilitarian in design that consists of four vehicle bays and a small office on the corner of Adeline Street and 24<sup>th</sup> Street. The existing building is currently vacant but was most recently occupied by an automotive repair business.

The site is surrounded by single- and multi-story commercial buildings and two-story single-family residences. This mix of building types is reflective of this area of Oakland where long standing commercial activities exist adjacent to residential activities. The commercial/industrial buildings nearby are large single or multi-story buildings that bookend street blocks with smaller scale commercial/industrial buildings spread throughout. In between these commercial buildings are historic Victorian/turn-of-the-century residential buildings consisting primarily of one- to two-story Queen Anne cottages, Italianate and Craftsman buildings with hip-and-gable roofs and multiple bays. The east side of the subject block is surrounded by mostly commercial/industrial facilities but across Adeline Street is a row of continuous detached two-story single-family residences and recently constructed four-story residential buildings.

### **GENERAL PLAN ANALYSIS**

The property is in the *Housing and Business Mix* designation of the Land Use and Transportation Element of the General Plan (LUTE). The intent of the zone is: “Establish development standards that allow residential and business activities to compatibly co-exist and provide a transition between industrial areas and residential neighborhoods.” Desired Character and Uses is: “to provide development standards for Live/Work, Work/Live, and housing in areas with a strong presence of industrial and heavy commercial activities.” The proposed design for a multi-family facility and site is, therefore, consistent with the intent and desired character and uses of the LUTE as well as the following LUTE policies:

#### Policy N3.2 Encouraging Infill Development.

In order to facilitate the construction of needed housing units, infill development that is consistent with the

General Plan should take place throughout the City of Oakland.

Policy N3.8 Required High-Quality Design.

High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

Policy N6.1 Mixing Housing Types.

The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.

Policy N7.1 Ensuring Compatible Development.

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

The proposal is a residential in-fill development project that enhances an area of the city with a building that complements the existing commercial buildings and mix of residential types in the area.

**WEST OAKLAND SPECIFIC PLAN ANALYSIS**

The West Oakland Specific Plan (WOSP) mentions this area in the following policy:

Ind. Conv-3: Adeline Street: Located just outside the southeastern edge of the Mandela Grand Opportunity Area are several city blocks generally bound by 26th Street to the north, Magnolia Street to the west, West Grand Avenue to the south, and Chestnut Street to the east. The area to the north and east of Chestnut Street is characterized by residential land uses and McClymonds High School, whereas the area to the west of Magnolia Street is characterized by a mixture of business and industrial uses. **The area between Chestnut Street and Magnolia Street contains a mixture of business/industrial, residential and live/work uses. Retain this mix of land uses which act as a buffer between the business/industrial uses to the west and the residential uses to the east.** (emphasis added)

The project is consistent with this policy because residential uses are among the mixture of uses encouraged to be retained at this location.

**ZONING ANALYSIS**

Intent

The property is in the Housing and Business Mix – 4 Commercial Zone (HBX-4 Zone). The intent of the HBX-4 Zone is: “to provide development standards for live/work, work/live, and housing in areas with a strong presence of industrial and heavy commercial activities.”

Required Permits

The application requires Regular Design Review approval for new construction in an HBX Zone, the granting of a Minor Conditional Use Permit to establish a Multi-Family Residential Facility in the HBX-4 Zone, and a Tentative Parcel Map for condominium purposes. The proposed project complies with the required building setbacks, maximum building height, off-street parking spaces and group useable open space requirements.

Development Standards

The project meets all development requirement of the HBX-4 Zone. The following table summarizes key requirements of the zone and how the project meets these requirements.

Regulation	Requirement	Proposed (as approved)	Proposed (as modified)
Maximum Density	29 dwelling units (one unit per 800 square-feet of lot area)	29 dwelling units	28 dwelling units
Minimum Usable Open Space	2,900 square feet (100 square feet per unit. Each one (1) square foot of private usable open space equals two (2) square feet towards the total usable open space requirement.	2,451 square feet of private usable open space.	2,451 square feet of private usable open space.
Maximum Height	55 feet	55 feet including the architectural projection	46.75 feet including the architectural projection
Minimum Setbacks	10-foot rear setback; no other setbacks are required	5' Rear setback from detached garages.	30-foot rear setback
Maximum Floor Area Ratio (floor area/lot area)	2.5	1.9	1.83
Minimum Car Parking Spaces	21 spaces (1.0 per unit plus a 30 percent reduction for lot within ½ mile of a transit stop)	31 spaces	31 spaces
Bike Parking Spaces	No Long-term spaces because of private garages. 1 short-term space.	31 spaces long-term (1 per parking stall)	2 short-term and 7 long-term spaces

## ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15332 for Infill projects. In addition, the project is also exempt per Section 15183, for projects consistent with a community plan, general plan or zoning, and Section 15061(b)(3), the general exemption for projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Each of these sections constitute a separate and independent basis for the exemption.

## BASIS FOR THE APPEAL

The Appeal (*Attachment C*) was filed by Mike Kennan the owner of the property located at 2434 Adeline Street. The basis of Appeal is that the Zoning Manager is alleged to have abused his discretion and made a decision and determination not based on substantial evidence. Specifically, the Appeal alleges the following.

### Appellant Claim 1:

**The proposed size of 5 stories and 55 feet is not appropriate for the neighborhood, because the proposed development is surrounded by predominately two-story buildings.**

### Staff Response:

The appropriate maximum height for the neighborhood was established as part of the adoption of the West Oakland Specific Plan at 55 feet. The proposal as approved and the submitted revisions comply with this development standard. The site is not in a historic district.

Several buildings on Adeline Street range in height from one-to-three stories in height. Adeline Street is well suited to taller buildings because it has a 100-foot wide right-of-way and it is a significant

transportation corridor. As such, sites on Adeline Street are seen under the zoning and the West Oakland Specific Plan as an opportunity to substantially add to the housing stock through increased height and density maximums. The project is consistent with immediately adjacent developments such as the Adeline Lofts, a three-story, 38-unit building at 2340 Adeline, and a four-story 9-unit residential development at 2503-2511 Adeline Street.

Reducing the size of the development would decrease the number of units it would contain during a housing shortage in the city, region, and state.

**Appellant Claim 2:**

**Operating characteristics and neighborhood character: The majority of the surrounding neighborhood is live/work, work/live, or light industrial, with some residential. This is clearly stated in, and consistent with the area zoning designation of Housing and Business Mix as stated in the municipal code section 17.65.010. Using 2200 Adeline as a comparison: 2200 Adeline is a legacy industrial building that was repurposed entirely for work/live units, such that all tenants were required to have a business license. This has a working height of 46 feet and is 3 stories tall. The rents have been deliberately kept affordable, and the building currently houses a vibrant community of artist, craftspeople, and small business, with a very low turnover rate. Adeline Lofts, directly across the street at 1131 24<sup>th</sup> Street, is a legacy industrial building that was converted to live/work lofts, and was developed as affordable housing with a target of 30-60% AMI. A large, high density, market rate residential complex is not appropriate for the neighborhood and does not conform to the historic pattern of development. If this was a smaller, affordable oriented live/work development, it would be potentially acceptable.**

**Staff Response:**

The City of Oakland does not mandate that all development include an affordable housing component in the proposed project. When a project is not providing on-site affordable housing units, developers are required to pay development impacts fees dedicated to the future construction of affordable units. Currently, the affordable housing impact fee in Zone 2, the zone in which the Project is located, is \$17,500 per market-rate unit, as established under the City of Oakland Affordable Housing Impact Fee ordinance, Oakland Municipal Code Chapter 15.72 and the City of Oakland Master Fee Schedule.

A five-story 29-unit development is consistent with the current pattern of development in the neighborhood and complies with zoning and general plan standards. Furthermore, design elements have been incorporated into the building design to continue the pattern of development such as grade separation from the public right-of-way to ground floor units facing Adeline Street with walk up porches and industrial style fenestration window patterns.

As described above, multifamily development is consistent with both the intent of the Zoning, LUTE, and WOSP.

The subject site has one small existing building that is not conducive to the creation of multiple live/work units. The addition of 29 dwelling units to the housing stock will ameliorate the City's housing shortage more than the limited number of live/work units that could be created in the existing building.

**Appellant Claim 3:**

**Traffic: The main entrance as proposed, with access to 29 parking spots, is on 24<sup>th</sup> street. 24<sup>th</sup> St. is a narrow side street, with limited clearance. The intersection of 24<sup>th</sup> and Adeline is a site of frequent accidents. This location can't handle the existing traffic, adding more will only intensify the problem.**

**Staff Response:**

24<sup>th</sup> Street is a 60-foot public right-of-way that has two-way vehicular traffic with parking on both sides of the street. Furthermore, the development does not trigger any additional traffic analysis under the City’s Transportation Impact Review Guidelines since the relatively small, 29-unit development proposal does not have the potential to exceed 100-vehicle peak hour trips. As discussed in the “Development Standards” Section of this report, 0.7 parking spaces are required per unit. Indeed, the development exceeds the required off-street parking spaces.

The Appellant has not provided evidence that traffic accidents are an issue at the intersection. Regardless, the limited number of additional units proposed at the site will have a negligible effect on traffic safety.

**Appellant Claim 4:**

**Livability and development of abutting property: The privacy and security of all abutting properties will be severely impacted. The existing parking lot design directly exposes the backyard of 2434 Adeline to potential intruders. The back yard of 1116 24<sup>th</sup> street will also be indirectly exposed to intruders. There are significant construction issues where 1116 24<sup>th</sup> Street is presumably connected to the building that will be demolished. The size and location of the proposed development will significantly impact the solar access of 2434 Adeline St., removing any solar power generating capability for a significant period of time each year.**

**Staff Response:**

The project will not adversely impact abutting residences in terms privacy more than expected in an urban environment. The required rear setback in the HBX-4 Zone is 10 feet for residential facilities and the project provides a 30-foot rear setback adjacent to a single-family home at 1116 24<sup>th</sup> Street. Further, the existing condition of the subject property is a 10-foot tall transparent chain link fence with a barbed and razor wire where the side yard fence of 2434 Adeline is visible from Adeline Street. The construction of the building will provide greater privacy from Adeline Street frontage and proposed windows from the proposed project will not oriented directly on the rear yard.

In sum, the City has worked with the applicant to redesign the project during the regular design review process to provide additional setbacks than required, additional planting, and subsequently post appeal to modify windows facing 2434 Adeline Street through offsets and high placement to avoid privacy impacts. These methods are consistent with the guidelines and reasonable efforts to reduce privacy impacts while avoiding large blank walls on the facades.

Solar access is addressed through adherence to the rear setback requirement adjacent to residential properties. Other adjacent buildings are non-residential in occupancy.

Staff is unclear as to how the proposal will create a greater danger from intruders than currently exists. Finally, any construction issues regarding the adjacent building will be evaluated through the Building Permit and inspection process.

**Appellant Claim 5:**

**Comment on Section E and Section 16.04.010: Purpose: The zoning designation of HBX-4 is designed for live/work or similar uses. Residential condominiums do not meet the standards of that zoning designation, and does not conform to the intent of the General Plan, specifically: Policy N5.3 Supporting Live-Work Development: The City should support and encourage residents desiring to live and work at the same location where neither the residential use nor the work occupation adversely affects nearby properties or the character of the surrounding area. Within an area that is already zoned for mixed-use, a market rate residential complex does not meet the intention of Policy N6.1 Mixed Housing Types, nor Policy N7.1 Ensuring Compatible Development.**

**Staff Response:**

As mentioned in the “General Plan Analysis”, “West Oakland Specific Plan Analysis”, and “Zoning Analysis” sections of this report, there are several policies and intents in the LUTE, West Oakland Specific Plan, and Zoning that encourage a mix of residential housing types within this Housing and Business Mix neighborhood. Further, residential activities are permitted in the HBX-4 Zone and, as described in Attachment B, the project meets the Conditional Use Permit findings to construct a multi-family facility.

The LUTE notes: The LUTE contains many policies which may in some cases address different goals, policies and objectives and thus some policies may compete with each other. In deciding whether to approve a proposed project, the City, must decide whether, on balance, the project is consistent with the LUTE.

While, the proposed units are market rate and the project does not provide affordable units, the unit mix are generally offered at a price more affordable than a single-family home on a lot. In addition, the project includes a range of bedrooms which also generally are differentiated in price. Regardless, the City of Oakland does not mandate that all development include an affordable housing component in the proposed project. In-lieu of on-site affordable housing units, the developer is required to pay development impacts fees dedicated to the future construction of affordable units.

The intent of Policy N5.3 Supporting Live-Work development was intended to incentive adaptive re-use of existing vacant or underutilized non-residential buildings into live/work opportunities. The City has been supportive of that policy as evident in the buildings previously mentioned “Adeline Lofts” and “2200 Adeline Street”. Finally, the Policy only provides support for a mix of housing costs, unit sizes, types and ownership structures to be built in Oakland. This policy does not mandate that each new development project provide a range of costs, sizes, types, ownership structures within the development.

## **CONCLUSION**

The Appellant has not demonstrated any instance of error or abuse in discretion by the Zoning Manager, thus City staff considers the Zoning Manager’s decision to be valid and accurate. There is no reasonable basis for overturning staff’s determination, as reflected in the Findings for Approval (see Attachment B). Staff has reviewed the project based on the Findings for Approval prescribed in the Zoning code. Staff recommends that the Planning Commission deny the appeal and uphold the approval of the Regular Design Review and Minor Conditional Use Permit for the proposed development dated March 10, 2021. In the alternative, the Planning Commission may consider denying the appeal and upholding the approval with revisions as shown in Attachment F dated August 2021.

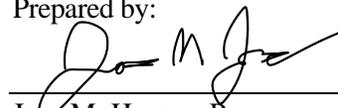
**RECOMMENDATIONS:**

1. Affirm staff's Environmental Determination, and
2. Deny the Appeal and uphold the Zoning Manager's decision based on the Findings included in the Zoning Manager's Decision Letter dated May 17, 2021 as well as the findings and evidence presented in this October 6, 2021 staff report, and based on the Conditions of Approval included in the Zoning Manager's Decision Letter.

OR

1. Affirm staff's Environmental Determination, and
2. Deny the Appeal and uphold the Zoning Manager's decision with revisions as shown in Attachment F based on the Findings included in the Zoning Manager's Decision Letter dated May 17, 2021 as well as the findings and evidence presented in this October 6, 2021 staff report, and based on the Conditions of Approval included in the Zoning Manager's Decision Letter.

Prepared by:



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Jose M. Herrera-Preza  
Planner III

Reviewed by:



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Robert D. Merkamp  
Zoning Manager  
Bureau of Planning

Approved for forwarding to the Planning Commission:



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Ed Manasse Deputy Director  
Bureau of Planning

**ATTACHMENTS:**

- A. Project Plans/Documents dated March 10, 2021
- B. Zoning Manager's Decision dated May 17, 2021 with CEQA Findings
- C. Appeal filed by Mike Keenan on behalf of himself and four other neighbors
- D. Public Comments from PLN20173 comment period.
- E. Community Engagement Summary from Signature Land Advisor's Inc.
- F. Revised Plans based on Community Engagement dated August 2021.

**LEGAL NOTICE:**

**ANY PARTY SEEKING TO CHALLENGE THIS DECISION IN COURT MUST DO SO WITHIN NINETY (90) DAYS OF THE ANNOUNCEMENT OF A FINAL DECISION, PURSUANT TO THE CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1094.6, UNLESS A SHORTER PERIOD APPLIES.**

# 2400 ADELINE

PLANNING REVIEW SUBMITTAL 2

03/10/2021



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ADELINE STREET

24TH STREET

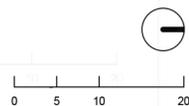


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OAKLAND, CA # 2019-1130

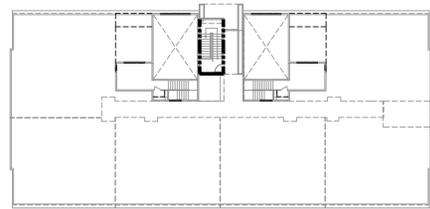
PLANNING REVIEW  
MARCH 10, 2021



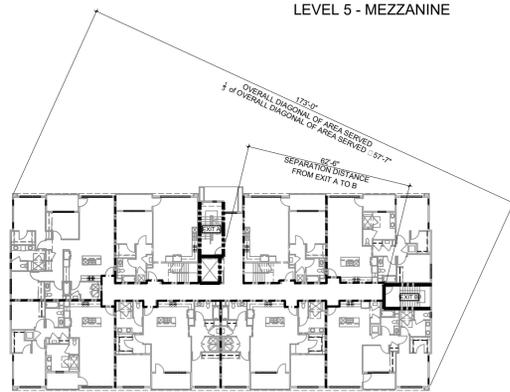
ARCHITECTURAL SITE PLAN

A1.0.0

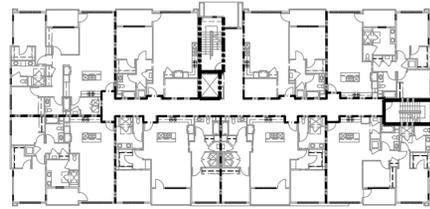
**RATED CONSTRUCTION DIAGRAM**



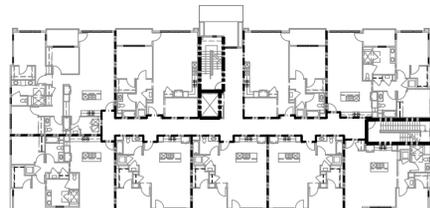
LEVEL 5 - MEZZANINE



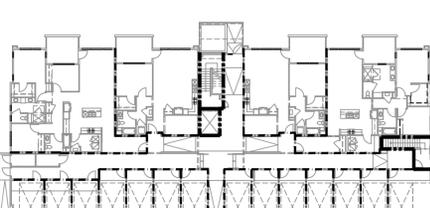
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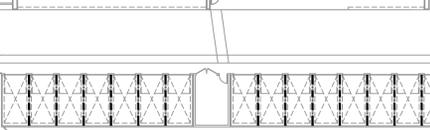
LEVEL 3



LEVEL 2



LEVEL 1



LEVEL 1

--- 1 HOUR FIRE PARTITION PER CBC SECTION 708.

--- 2 HOUR FIRE BARRIER PER CBC SECTION 707.

**BUILDING AREA**

(IN SQUARE FEET)					
BUILDING LEVEL	CONDITIONED R2	COMMON SPACE R2	UNCONDITIONED (PORCH/DECK) R2	GARAGE/ UTILITY U	FLOOR TOTAL
1	4925	2054	498	3573	11050
2	9249	1363	693	0	11305
3	9357	1338	630	0	11325
4	9357	1338	630	0	11325
5	546	197	0	0	743
TOTAL BY OCC.	32888	6093	2451	3573	-
BUILDING TOTAL:					45748

**ALLOWABLE AREA**

ALLOWABLE AREA: BASED ON CBC 506.2.4					
ALLOWABLE AREA EQUATION: $A_n \leq A_s + (NS \times l_f)$					
FRONTAGE INCREASE EQUATION: $l_f \leq F / P - 0.25W / 30$					
CONST. TYPE	ALLOWABLE AREA FACTOR	P PERIMETER	F FRONTAGE	W WIDTH	
TYPE VA	NO FRONTAGE INCREASE TAKEN				
TOTAL P	N/A				
TOTAL F	N/A				
AVERAGE W	N/A				
$l_f$	ALLOWABLE AREA	SEE CHART			
ALLOWABLE AREA RATIOS					
ALLOWABLE AREA EQUATION: (ACTUAL R2 / ALLOWABLE R2) + (ACTUAL U / ALLOWABLE U)					
STORY	R2 ALLOWABLE	U (TYPE VA) ALLOWABLE	R2 ACTUAL	U ACTUAL	AREA FACTOR
1	36000	27000	7477	3573	0.34
2	36000	N/A	11306	N/A	0.31
3	36000	N/A	11325	N/A	0.31
4	36000	N/A	11505	N/A	0.32
5	36000	N/A	743	N/A	0.02
			TOTAL (LESS THAN 2)		1.29

**BUILDING MIX**

(FRONT HALF)					
LEVEL 5			VERTICAL CIRC.	PLAN 4	
LEVEL 4	PLAN 8	PLAN 4	VERTICAL CIRC.	PLAN 4	PLAN 6
LEVEL 3	PLAN 8	PLAN 3	VERTICAL CIRC.	PLAN 3	PLAN 6
LEVEL 2	PLAN 8	PLAN 3	VERTICAL CIRC.	PLAN 3	PLAN 6
LEVEL 1	PLAN 9	PLAN 3	VERTICAL CIRC.	PLAN 3	PLAN 6 ALT.
(BACK HALF)					
LEVEL 4	PLAN 6	PLAN 7		PLAN 7	PLAN 5
LEVEL 3	PLAN 6	PLAN 7		PLAN 7	PLAN 5
LEVEL 2	PLAN 6	PLAN 1	PLAN 1	PLAN 1	PLAN 2
LEVEL 1	7-BANK GARAGE	ENTRY CORRIDOR		7-BANK GARAGE (1ACC.)	

**UNIT AREA**

UNIT 1 (IN SQUARE FEET)			NET
	CONDITIONED R2	UNCONDITIONED (PORCH/DECK) R2	UNIT TOTAL
UNIT 1	807	81	888

UNIT 2 (IN SQUARE FEET)			NET
	CONDITIONED R2	UNCONDITIONED (PORCH/DECK) R2	UNIT TOTAL
UNIT 2	857	72	929

UNIT 3 (IN SQUARE FEET)			NET
	CONDITIONED R2	UNCONDITIONED (PORCH/DECK) R2	UNIT TOTAL
UNIT 3	899	84	983

UNIT 4 (IN SQUARE FEET)			NET
	CONDITIONED R2	UNCONDITIONED (PORCH/DECK) R2	UNIT TOTAL
UNIT 4	1056	81	1137

UNIT 5 (IN SQUARE FEET)			NET
	CONDITIONED R2	UNCONDITIONED (PORCH/DECK) R2	UNIT TOTAL
UNIT 5	1094	72	1166

UNIT 6 (IN SQUARE FEET)			NET
	CONDITIONED R2	UNCONDITIONED (PORCH/DECK) R2	UNIT TOTAL
UNIT 6	1148	74	1222

UNIT 6 ALT. (IN SQUARE FEET)			NET
	CONDITIONED R2	UNCONDITIONED (PORCH/DECK) R2	UNIT TOTAL
UNIT 6 ALT.	1359	119	1478

UNIT 7 (IN SQUARE FEET)			NET
	CONDITIONED R2	UNCONDITIONED (PORCH/DECK) R2	UNIT TOTAL
UNIT 7	1150	88	1238

UNIT 8 (IN SQUARE FEET)			NET
	CONDITIONED R2	UNCONDITIONED (PORCH/DECK) R2	UNIT TOTAL
UNIT 8	1359	74	1433

UNIT 9 (IN SQUARE FEET)			NET
	CONDITIONED R2	UNCONDITIONED (PORCH/DECK) R2	UNIT TOTAL
UNIT 9	1482	119	1601

**STACKED FLAT - TYPE VA / GARAGE BUILDING - TYPE VB**

THIS PROJECT SHALL COMPLY WITH ALL OTHER REGULATIONS AND ORDINANCES ADOPTED BY JURISDICTION HAVING AUTHORITY.

**APPLICABLE CODES:**

- 2019 CALIFORNIA BUILDING CODE (CBC) PART 2, VOLUMES 1 AND 2, TITLE 24 CITY OF OAKLAND ORDINANCE #13576
- 2019 CALIFORNIA ELECTRICAL CODE (CEC) PART 3, TITLE 24 CITY OF OAKLAND ORDINANCE #13576
- 2019 CALIFORNIA MECHANICAL CODE (CMC) PART 4, TITLE 24 CITY OF OAKLAND ORDINANCE #13576
- 2019 CALIFORNIA PLUMBING CODE (CPC) PART 5, TITLE 24 CITY OF OAKLAND ORDINANCE #13576
- 2019 CALIFORNIA ENERGY CODE PART 6, TITLE 24 CITY OF OAKLAND ORDINANCE #13576
- 2019 CALIFORNIA FIRE CODE (CFC) PART 9, TITLE 24 CITY OF OAKLAND ORDINANCE #13576
- 2019 CALIFORNIA GREEN BUILDING CODE (CAL GREEN) PART 11 CITY OF OAKLAND MUNICIPAL CODE

PARTIAL LIST OF APPLICABLE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARDS APPLICABLE TO ALL BUILDING TYPES:

- NFPA 13. - AUTOMATIC SPRINKLER SYSTEMS (AMENDED BY CSFM)
- NFPA 24. - PRIVATE FIRE SERVICE MAINS
- NFPA 72. - NATIONAL FIRE ALARM CODE (AMENDED BY CSFM)

REFER TO CBC CHAPTER 35 FOR ADDITIONAL STANDARDS NOT PROVIDED ON THIS LIST.

OCCUPANCY 29-PLEX APARTMENT: GROUPS R-2 / U RESIDENTIAL, PRIVATE GARAGE/UTILITY GARAGE BUILDINGS: GROUP U

**TYPE V-A CONSTRUCTION**

- SEPARATIONS:** WALLS SEPARATING DWELLING UNITS (R2) SHALL BE 1-HOUR FIRE PARTITIONS COMPLYING WITH CBC SECTION 708.
- WALL SEPARATING PRIVATE GARAGES (U) FROM CORRIDORS AND COMMON USE SPACES SHALL BE 1HR RATED FIRE BARRIERS COMPLYING WITH CBC SECTION 707. DOORS SHALL BE 20 MIN RATED.
- WALLS SEPARATING ELEVATOR, STAIR, AND SHAFT ENCLOSURES FROM OTHER USES SHALL BE 2-HOUR FIRE BARRIERS, COMPLYING WITH CBC SECTION 707. SHAFT ENCLOSURES SHALL HAVE RATED CONSTRUCTION COMPLYING WITH CBC SECTION 713. DOORS SHALL BE 90 MIN RATED.
- ALL FLOOR/CEILING ASSEMBLIES ARE REQUIRED TO BE 1-HR RATED HORIZONTAL ASSEMBLIES COMPLYING WITH CBC SECTION 711.
- DOORS IN RATED CONSTRUCTION SHALL COMPLY WITH CBC SEC 716.5

ALLOWABLE HEIGHT: 70 FEET (R2, TYPE VA, WITHOUT AREA INCREASE)

ALLOWABLE STORIES: 4 STORIES (R2, TYPE VA, WITHOUT AREA INCREASE)

ALLOWABLE FLOOR AREA: SEE "ALLOWABLE AREAS" ON THIS SHEET.

CBC SEC 406.3.1: GROUP U IS PERMITTED TO BE 1,000 SQ. FT. PER GARAGE WHEN PROVIDING 1-HOUR FIRE BARRIERS BETWEEN GARAGES. MULTIPLE PRIVATE GARAGES ARE PERMITTED IN A BUILDING WHERE EACH PRIVATE GARAGE IS SEPARATE BY A 1-HR FIRE BARRIER

FIRE RESISTIVE RATING REQ'S FOR STRUCTURAL MEMBERS: 1-HOUR RATED CONSTRUCTION IS REQUIRED FOR PRIMARY STRUCTURAL FRAME, EXTERIOR WALLS AND INTERIOR BEARING WALLS, FLOOR ASSEMBLIES AND ASSOCIATED SECONDARY MEMBERS, AND ROOF CONSTRUCTION.

BEARING WALLS, AND PRIMARY STRUCTURAL ELEMENTS SHALL BE PROTECTED COMPLYING WITH CBC SECTION 704.

FIRE RESISTIVE RATING REQ'S FOR EXTERIOR WALLS: ALL EXTERIOR WALLS, BEARING AND NON-BEARING, ARE REQUIRED TO BE 1-HOUR RATED COMPLYING WITH CBC SECTION 705.

MAXIMUM AREA OF EXTERIOR WALL OPENINGS: UNPROTECTED SPRINKLERED - PER CBC TABLE 705.8

**ACCESSIBILITY**

- APPLICATION** ALL COVERED MULTIFAMILY DWELLING UNITS SHALL BE ADAPTABLE AND ACCESSIBLE INTO AND THROUGHOUT THE DWELLING UNIT PER PROVISIONS DESCRIBED IN CHAPTER 11A - DIVISION IV.
- IN BUILDINGS WITH ONE OR MORE ELEVATOR, ALL ROOMS OR SPACES LOCATED ON THE PRIMARY ENTRY LEVEL SHALL BE SERVED BY AN ACCESSIBLE ROUTE AND SHALL COMPLY WITH DIVISION IV.
- ALL BUILDINGS ARE REQUIRED TO HAVE AN ACCESSIBLE ENTRANCE PER CBC 1106A.
- ALL DWELLING UNITS REQUIRED TO BE ADAPTABLE AND ACCESSIBLE SHALL COMPLY WITH THE FOLLOWING SECTIONS:
- 1130A ACCESSIBLE ROUTE
  - 1131A CHANGES IN LEVEL IN ACCESSIBLE ROUTE
  - 1132A DOORS
  - 1133A KITCHENS
  - 1134A BATHING AND TOILET FACILITIES
  - 1135A LAUNDRY ROOMS
  - 1136A ELECTRICAL RECEPTACLE, SWITCH, AND CONTROL HEIGHTS

**SOLAR ZONE REQUIRED**

CALIFORNIA ENERGY CODE - SECTION 110.10 MANDATORY REQUIREMENTS FOR SOLAR READY BUILDINGS:

- (b) SOLAR ZONE: 1B. LOW-RISE AND HIGH-RISE MULTI-FAMILY BUILDINGS, HOTEL/MOTEL OCCUPANCIES, AND NONRESIDENTIAL BUILDINGS, THE SOLAR ZONE SHALL BE LOCATED ON THE ROOF OR OVERHANG OF THE BUILDING OR ON THE ROOF OR OVERHANG OF ANOTHER STRUCTURE LOCATED WITHIN 250 FEET OF THE BUILDING OR ON COVERED PARKING INSTALLED WITH THE BUILDING PROJECT AND HAVE A TOTAL AREA NO LESS THAN 15 PERCENT OF THE TOTAL ROOF AREA OF THE BUILDING EXCLUDING ANY SKYLIGHT AREA.

REFER TO ROOF PLAN FOR SIZE AND LOCATION.

**TYPE V-B CONSTRUCTION**

**SEPARATIONS:** WALLS SEPARATING PRIVATE GARAGES (U) FROM PRIVATE GARAGES (U) SHALL BE 1HR RATED FIRE BARRIERS COMPLYING WITH CBC 707.

ALLOWABLE HEIGHT: 40 FEET (U, TYPE VB, WITHOUT AREA INCREASE)

ALLOWABLE STORIES: 2 STORIES (U, TYPE VB, WITHOUT AREA INCREASE)

ALLOWABLE FLOOR AREA: 16,500 SQ. FT.

CBC SEC 406.3.1: GROUP U IS PERMITTED TO BE 1,000 SQ. FT. PER GARAGE WHEN PROVIDING 1-HOUR FIRE BARRIERS BETWEEN GARAGES. MULTIPLE PRIVATE GARAGES ARE PERMITTED IN A BUILDING WHERE EACH PRIVATE GARAGE IS SEPARATE BY A 1-HR FIRE BARRIER

MAXIMUM AREA OF EXTERIOR WALL OPENINGS: UNPROTECTED SPRINKLERED - PER CBC TABLE 705.8

**ACCESSIBILITY**

**APPLICATION** EACH FACILITY PROVIDED FOR COVERED MULTIFAMILY DWELLINGS AND FACILITIES THAT SERVE COVERED MULTIFAMILY DWELLINGS SHALL PROVIDE ACCESSIBLE PARKING PER 1109A.1

AN ACCESSIBLE ROUTE SHALL CONNECT AT LEAST ONE ACCESSIBLE BUILDING ENTRANCE OF EACH COVERED MULTIFAMILY DWELLING UNIT WITH EXTERIOR SPACES AND FACILITIES THAT SERVE THAT DWELLING UNIT.

ALL FACILITIES THAT SERVE COVERED MULTIFAMILY DWELLINGS SHALL COMPLY WITH THE FOLLOWING SECTIONS:

- 1130A ACCESSIBLE ROUTE
- 1131A CHANGES IN LEVEL IN ACCESSIBLE ROUTE
- 1132A DOORS

**MATERIAL LEGEND**

- ①A Stucco
  - ①B Smooth Troweled Stucco
  - ② Wood-look Siding
  - ③ Wood Fascia
  - ④ TPO Roof Material
  - ⑤ Composition Roof Shingle
  - ⑥ Metal Garage Door
  - ⑦ Unit Stoop Access (Private)
  - ⑧ Vinyl Window
  - ⑨ Vinyl Door
  - ⑩ Metal Awning
  - ⑪ Metal Railing
  - ⑫ Metal Sign
  - ⑬ Metal Column
  - ⑭ Building Address
  - ⑮ Unit Address
  - ⑯ Rolling Gate
  - ⑰ Security Gate
  - ⑱ Wood Trellis
  - ⑲ Metal Downspout
  - ⑳ Welded Wire Mesh
  - ㉑ CMU Wall
- \* Egress Window For Emergency Escape



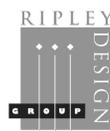
FRONT RIGHT PERSPECTIVE



FRONT ELEVATION



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PLANNING REVIEW  
MARCH 10, 2021

CONCEPTUAL ELEVATIONS

A2.0.0

MATERIAL LEGEND

- ①A Stucco
- ①B Smooth Troweled Stucco
- ② Wood-look Siding
- ③ Wood Fascia
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- ⑤ Composition Roof Shingle
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- ⑬ Metal Column
- ⑭ Building Address
- ⑮ Unit Address
- ⑯ Rolling Gate
- ⑰ Security Gate
- ⑱ Wood Trellis
- ⑲ Metal Downspout
- ⑳ Welded Wire Mesh
- ㉑ CMU Wall

\* Egress Window For Emergency Escape



REAR RIGHT PERSPECTIVE



REAR ELEVATION



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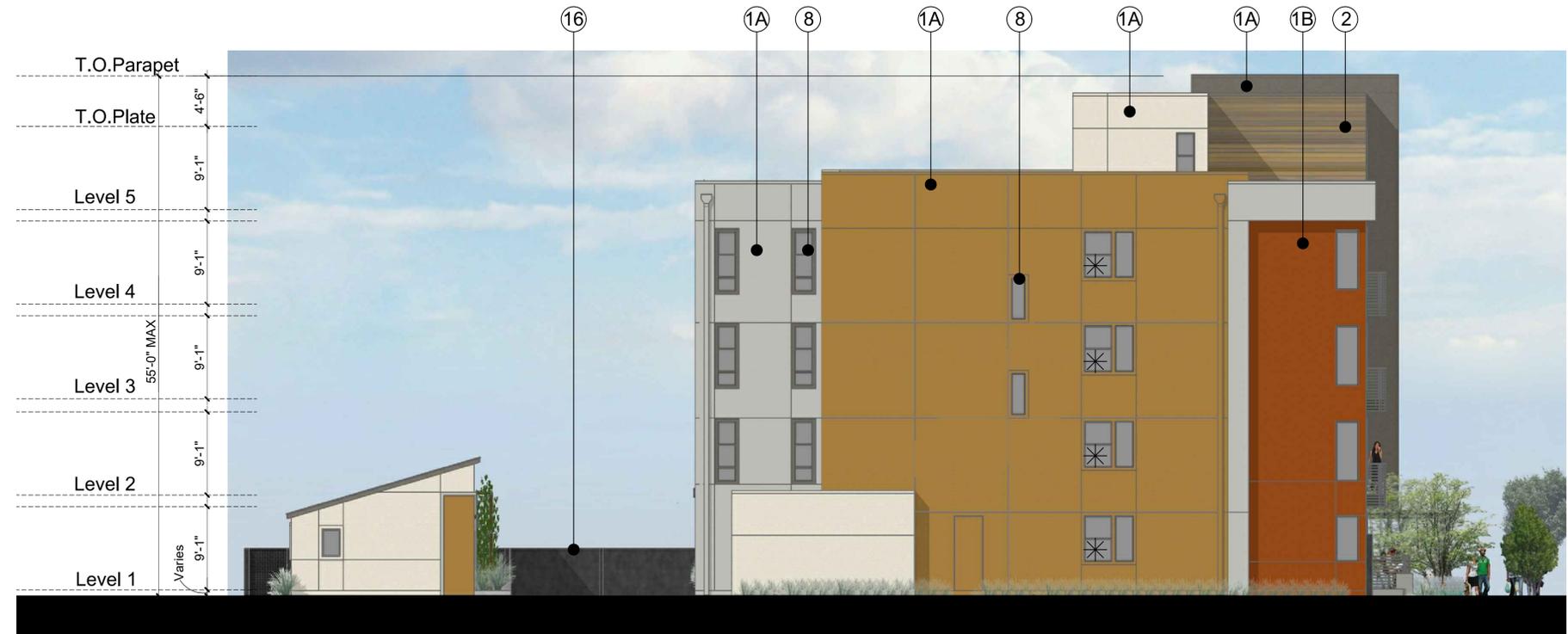
PLANNING REVIEW  
MARCH 10, 2021

CONCEPTUAL ELEVATIONS

A2.0.1

MATERIAL LEGEND

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  - ㉑ CMU Wall
- \* Egress Window For Emergency Escape



LEFT ELEVATION



RIGHT ELEVATION



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PLANNING REVIEW  
MARCH 10, 2021

CONCEPTUAL ELEVATIONS

A2.0.2

**MATERIAL LEGEND**

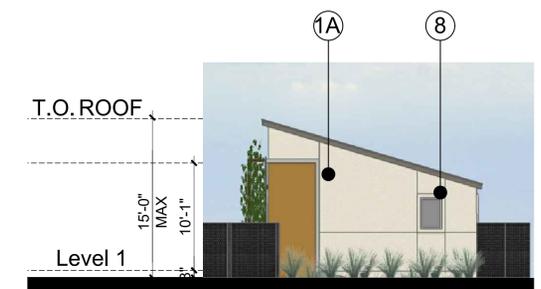
- ①A Stucco
- ①B Smooth Troweled Stucco
- ② Wood-look Siding
- ③ Wood Fascia
- ④ TPO Roof Material
- ⑤ Composition Roof Shingle
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- ㉑ CMU Wall



GARAGE & TRASH ENCLOSURE REAR ELEVATION



GARAGE & TRASH ENCLOSURE FRONT ELEVATION



GARAGE & TRASH ENCLOSURE SIDE ELEVATION



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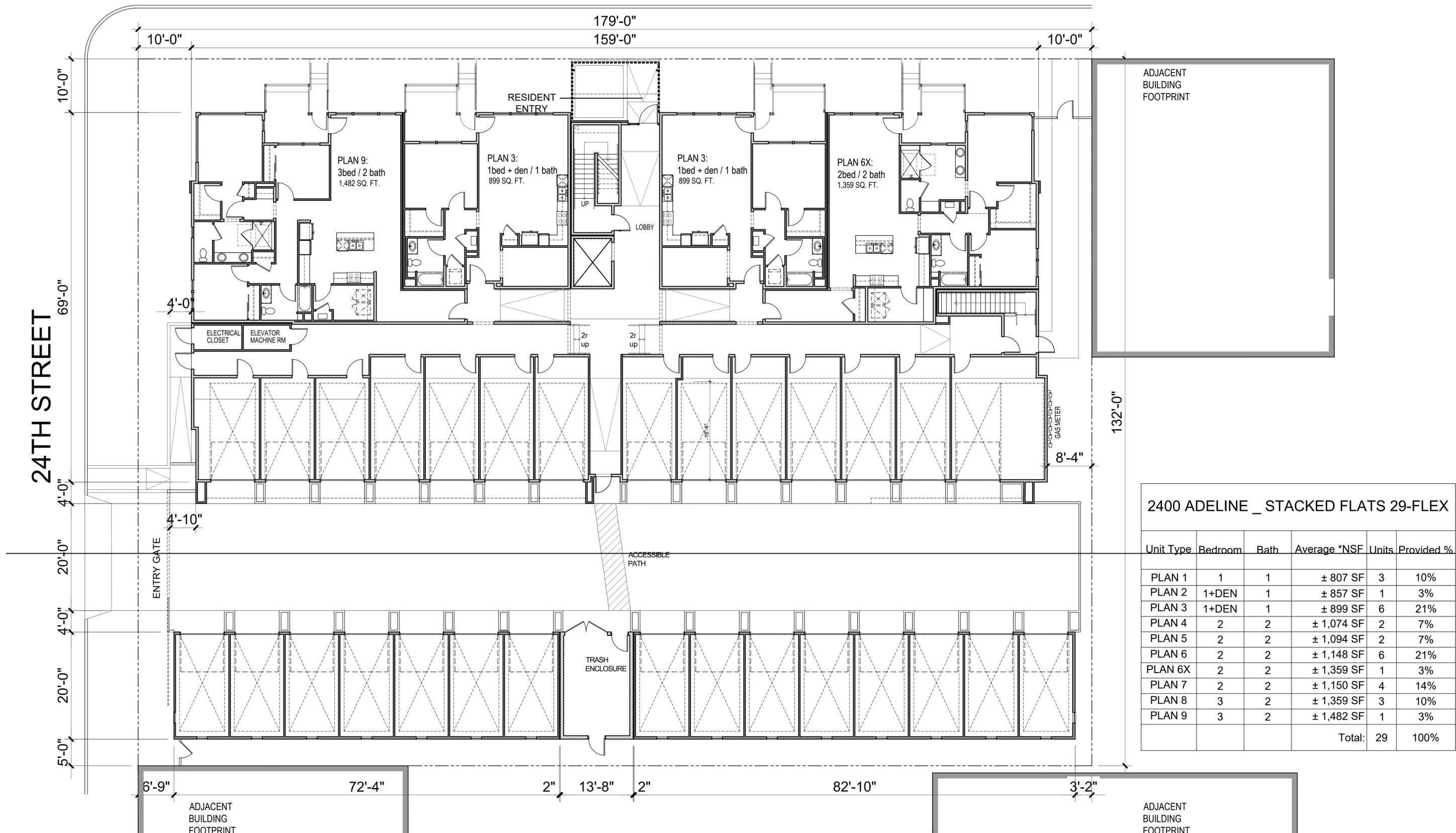
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CONCEPTUAL ELEVATIONS

A2.0.3

# ADELINE STREET

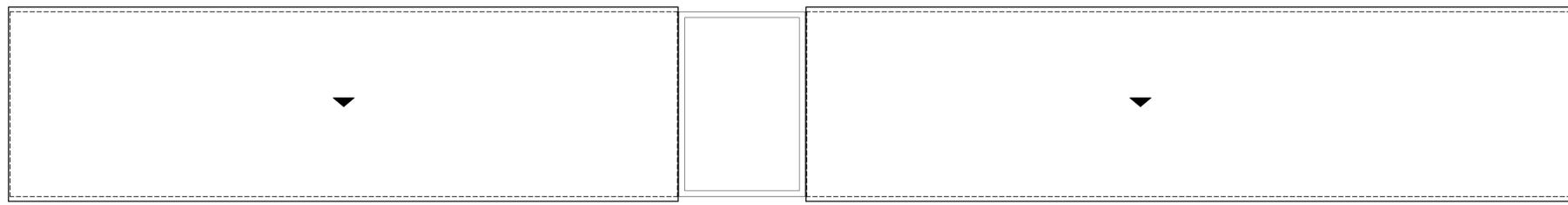


**2400 ADELINE \_ STACKED FLATS 29-FLEX**

Unit Type	Bedroom	Bath	Average *NSF	Units	Provided %
PLAN 1	1	1	± 807 SF	3	10%
PLAN 2	1+DEN	1	± 857 SF	1	3%
PLAN 3	1+DEN	1	± 899 SF	6	21%
PLAN 4	2	2	± 1,074 SF	2	7%
PLAN 5	2	2	± 1,094 SF	2	7%
PLAN 6	2	2	± 1,148 SF	6	21%
PLAN 6X	2	2	± 1,359 SF	1	3%
PLAN 7	2	2	± 1,150 SF	4	14%
PLAN 8	3	2	± 1,359 SF	3	10%
PLAN 9	3	2	± 1,482 SF	1	3%
Total:				29	100%



LEVEL 2



GARAGE BUILDING ROOF



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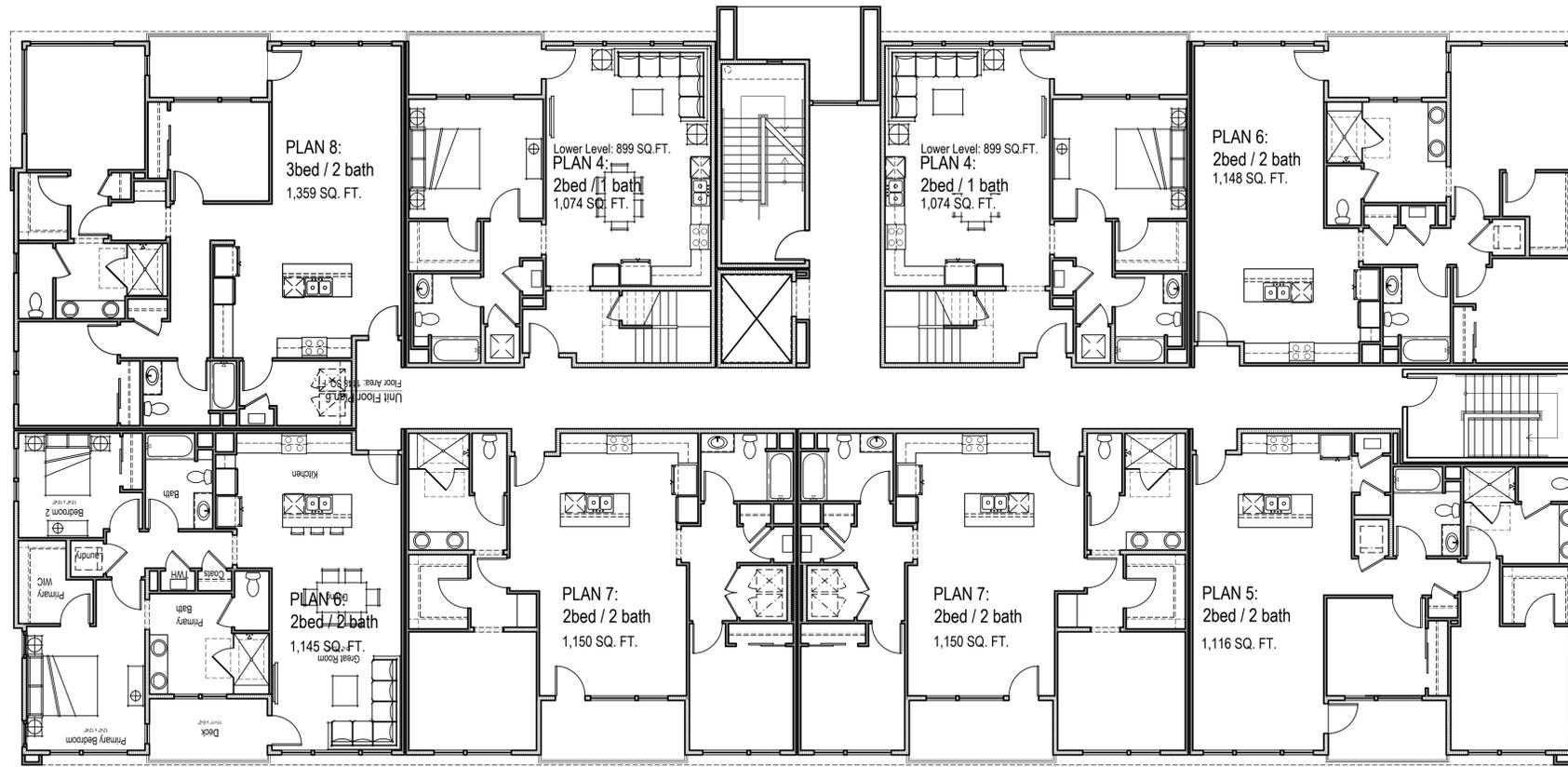
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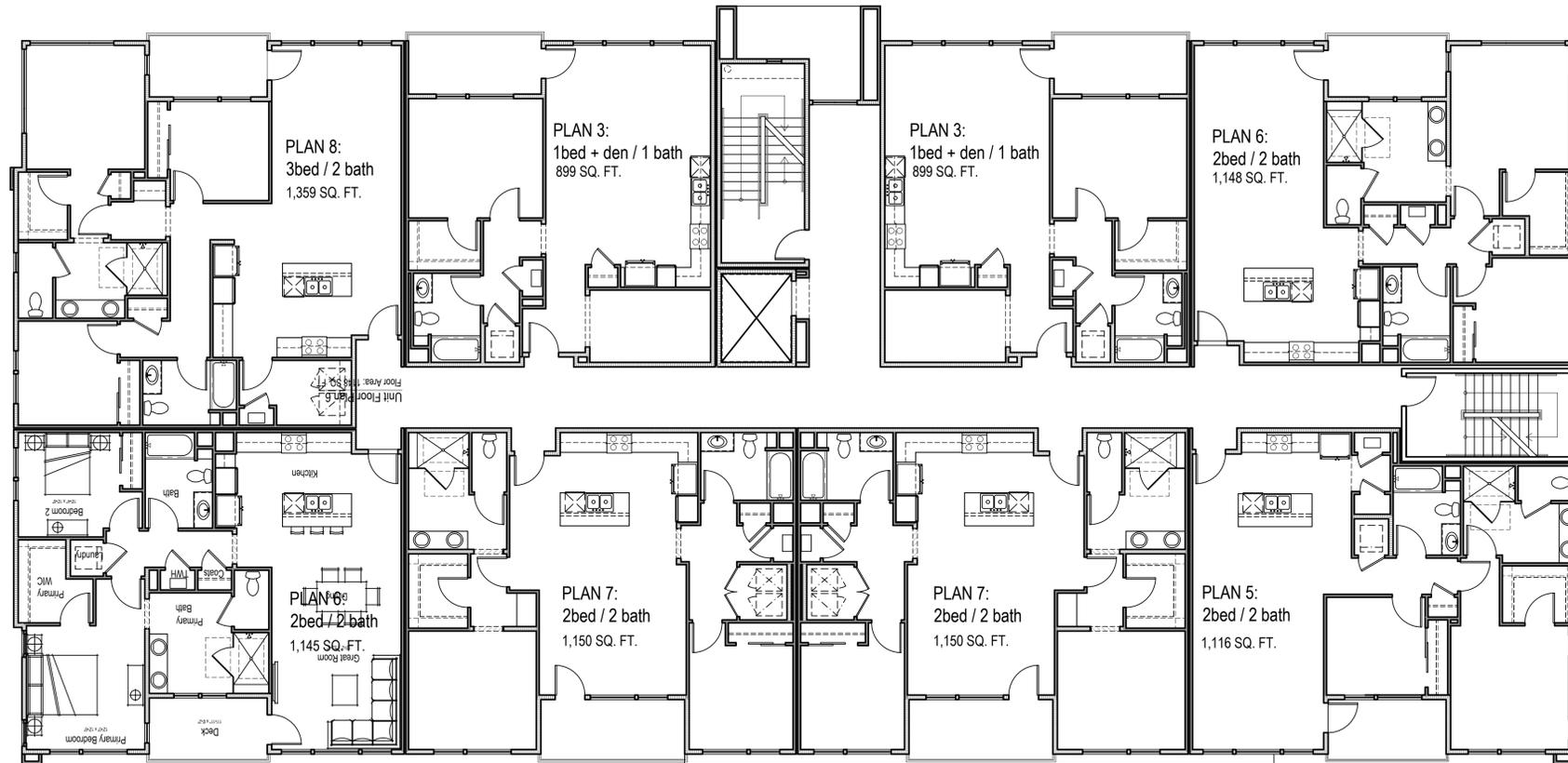


BUILDING PLAN  
LEVEL 2

A3.0.1



LEVEL 4



LEVEL 3



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**SIGNATURE  
 DEVELOPMENT  
 GROUP**



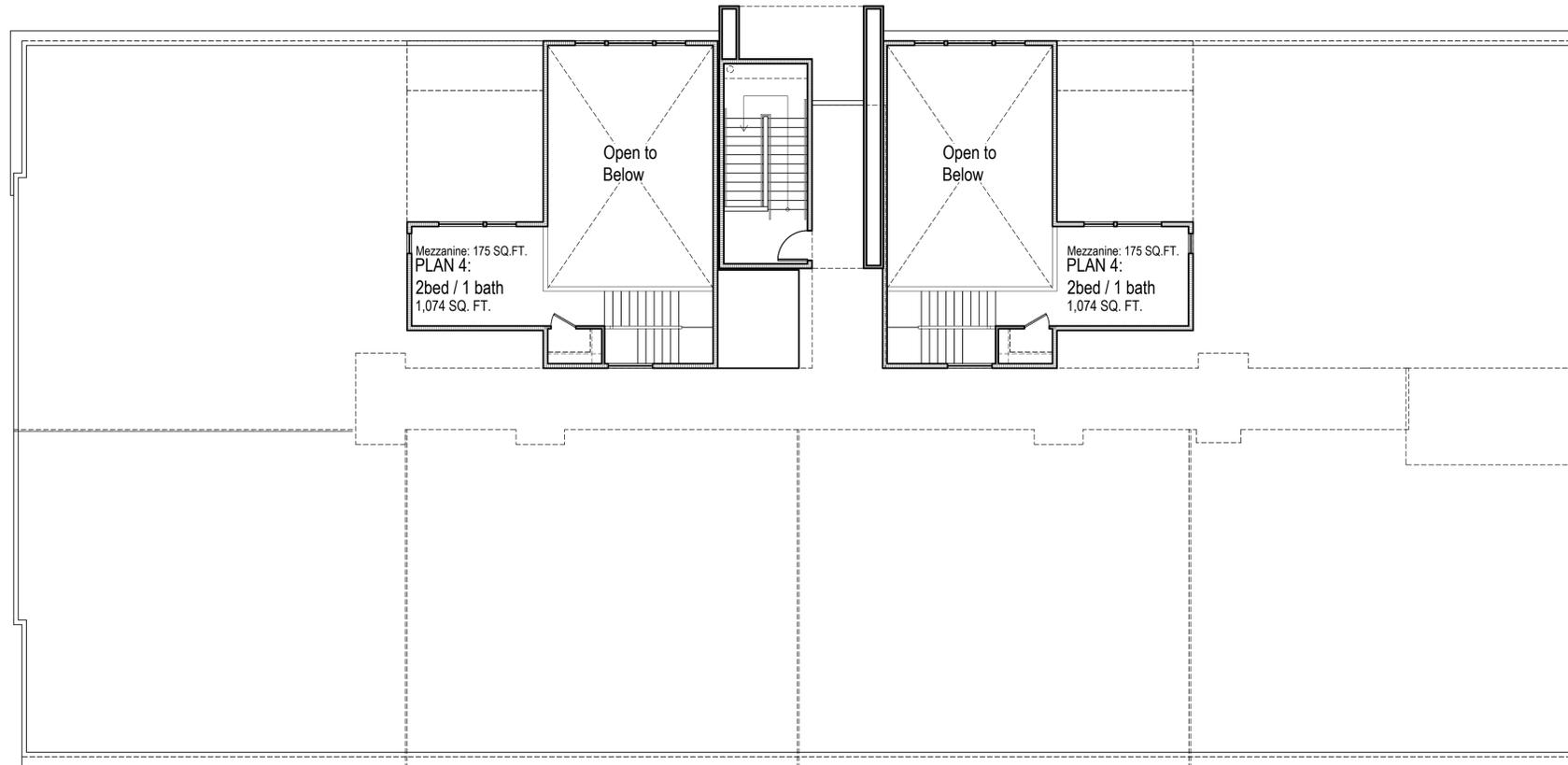
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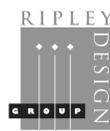
**BUILDING PLAN**  
 LEVEL 3 & 4

**A3.0.2**



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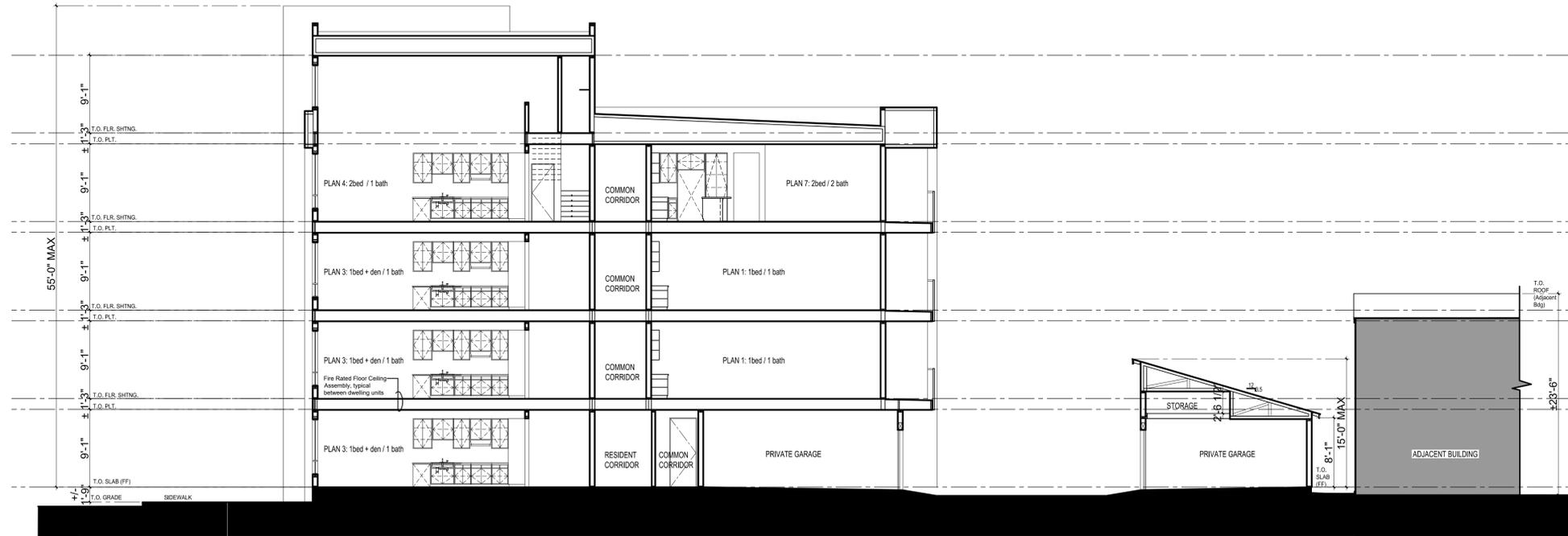
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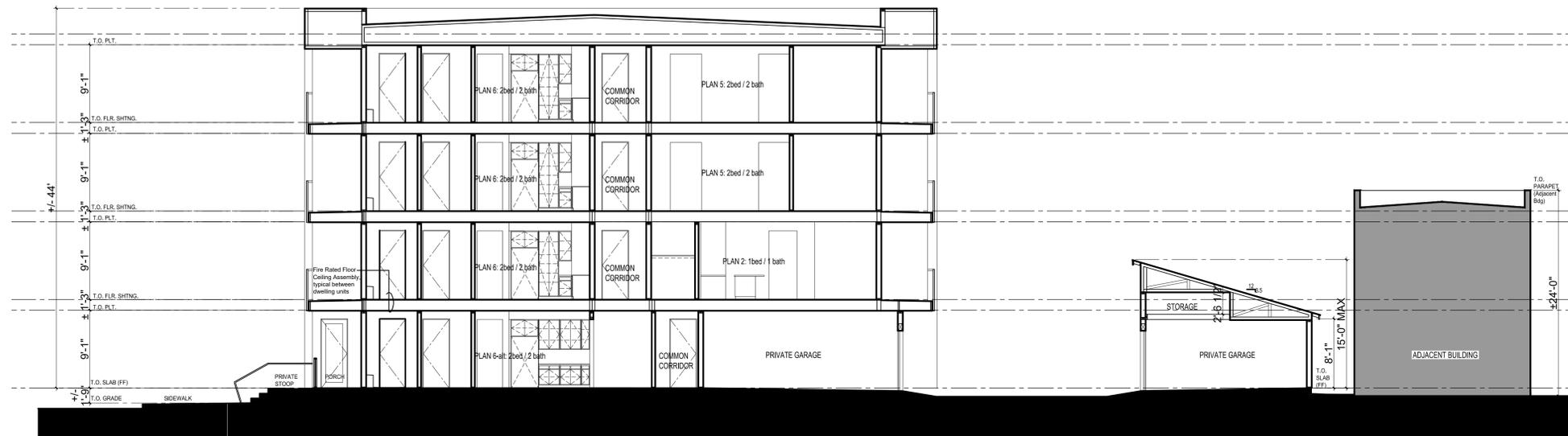
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**BUILDING PLAN**  
 MEZZANINE LEVEL

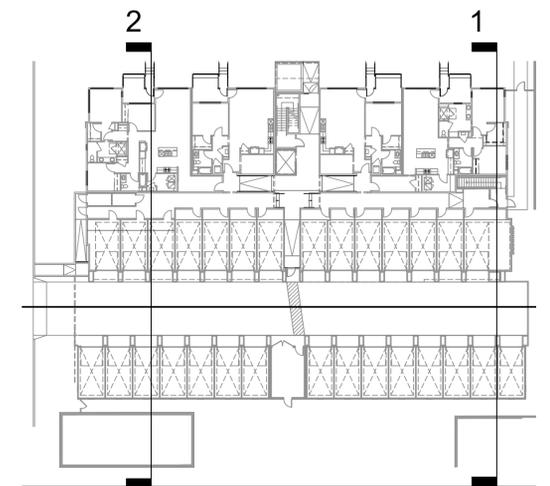
**A3.0.3**



SECTION 1



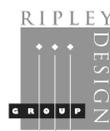
SECTION 2



Key Map

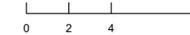


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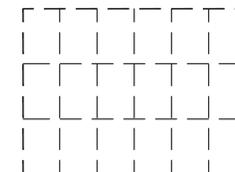
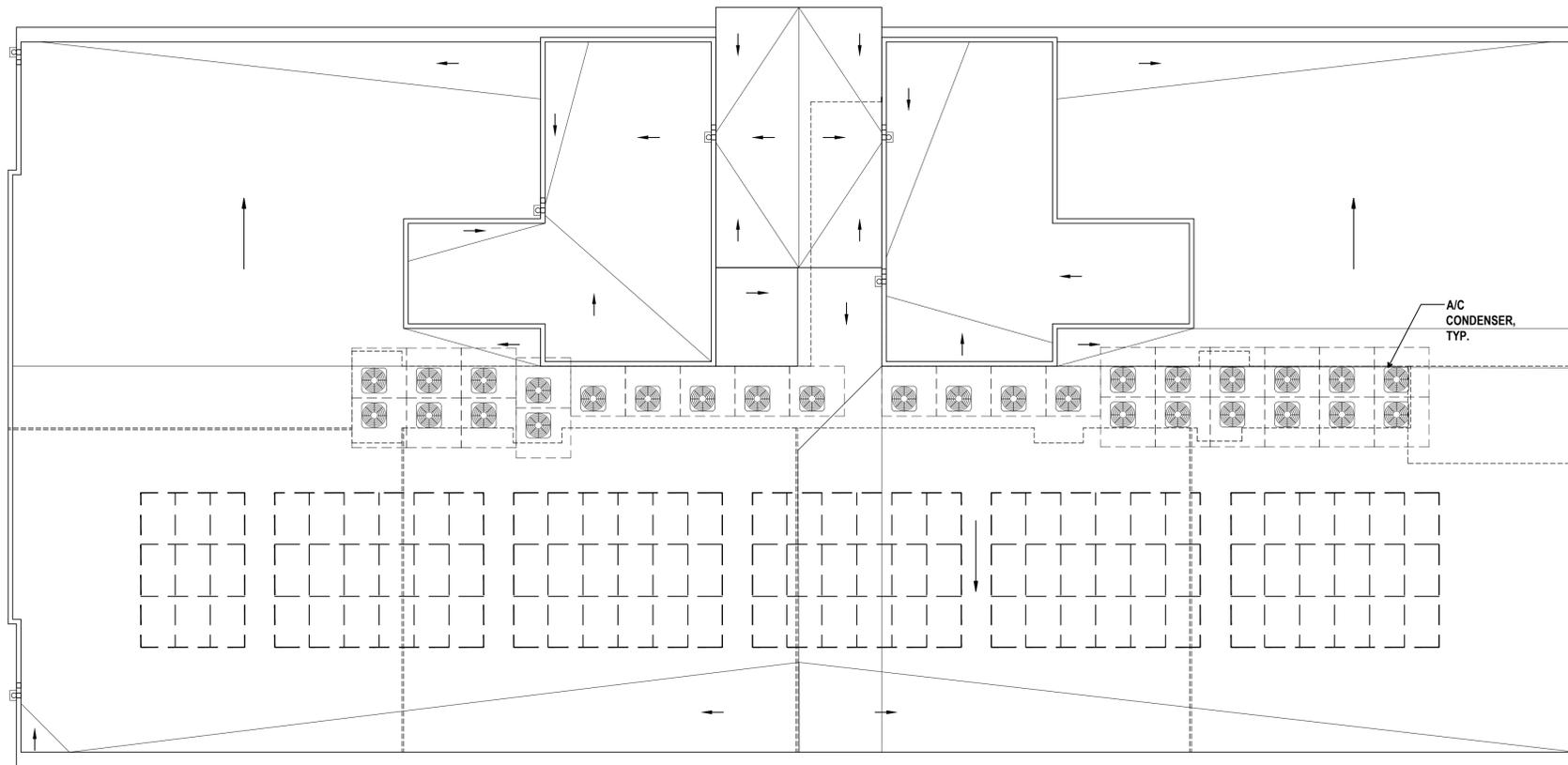
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PLANNING REVIEW  
 MARCH 10, 2021



BUILDING SECTIONS

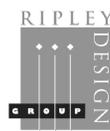
A4.0.0



**SOLAR ZONE**  
 ROOF AREA: 11752 SQ. FT.  
 SOLAR AREA REQUIRED: (.15x11,752 SF)  
 1,763 SF  
 SOLAR AREA PROVIDED: 1802 SQ. FT.



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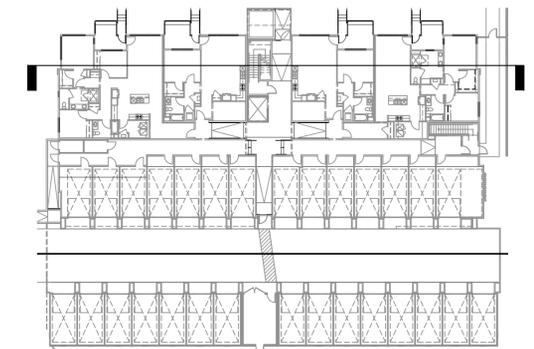
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0 4 8 16

ROOF PLAN

**A3.0.4**



Key Map



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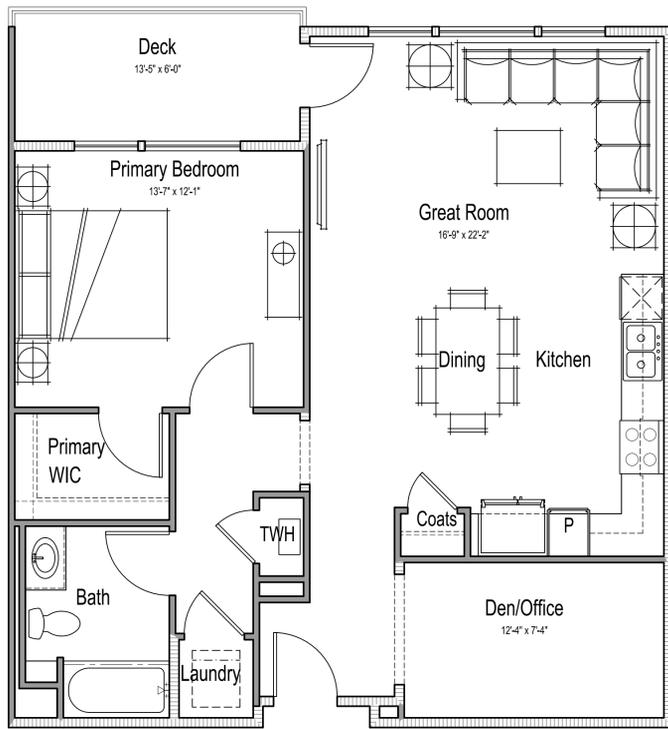
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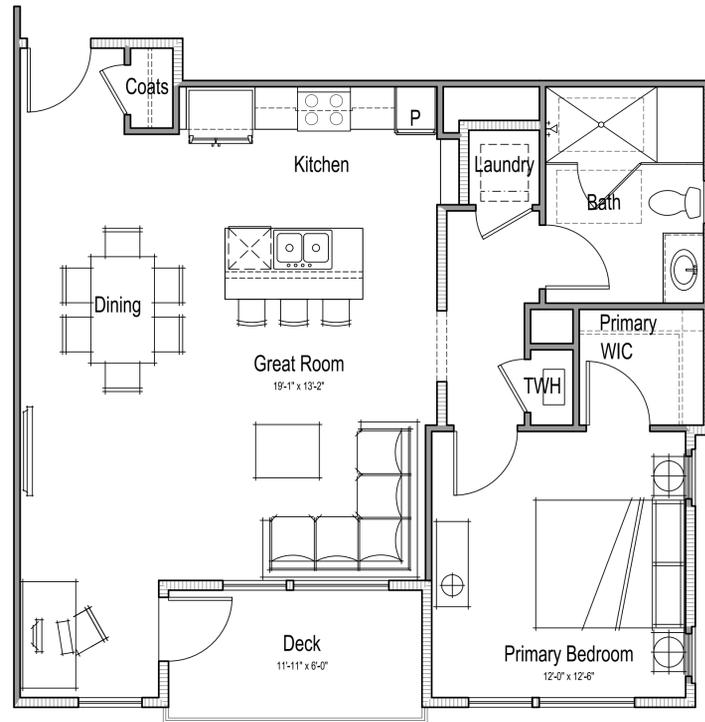


BUILDING SECTIONS

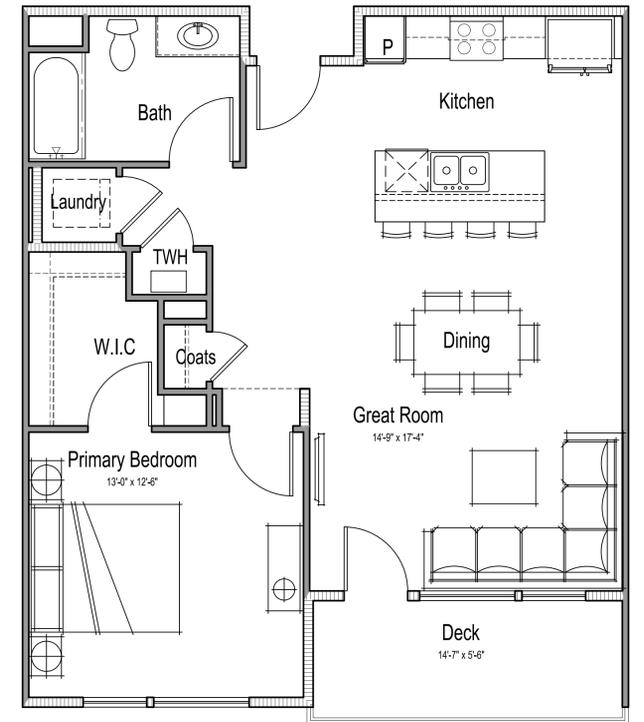
A4.0.1



Unit Floor Plan 3  
Floor Area: 899 SQ. FT.



Unit Floor Plan 2  
Floor Area: 857 SQ. FT.



Unit Floor Plan 1  
Floor Area: 807 SQ. FT.

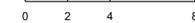


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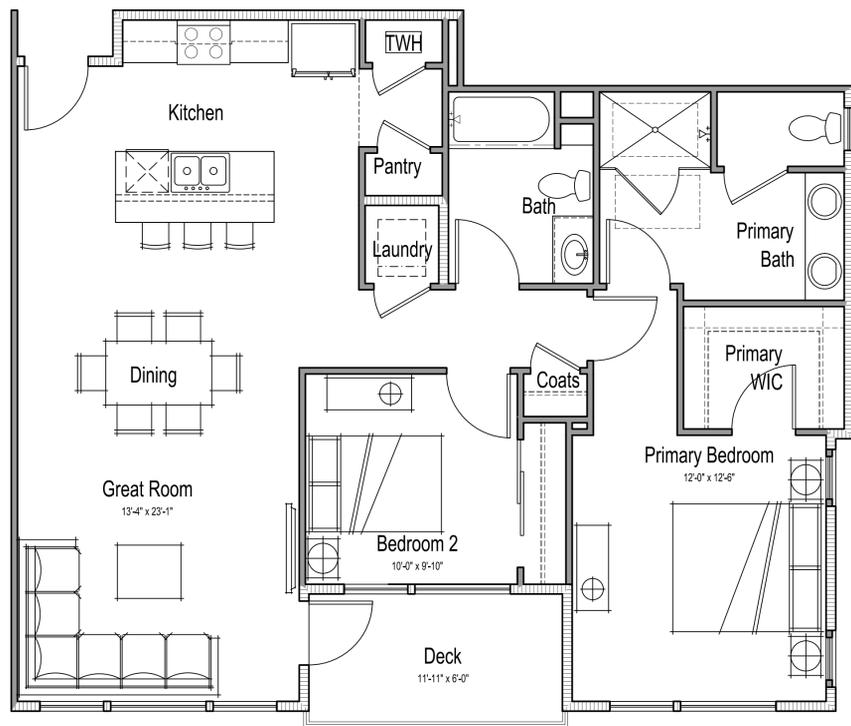
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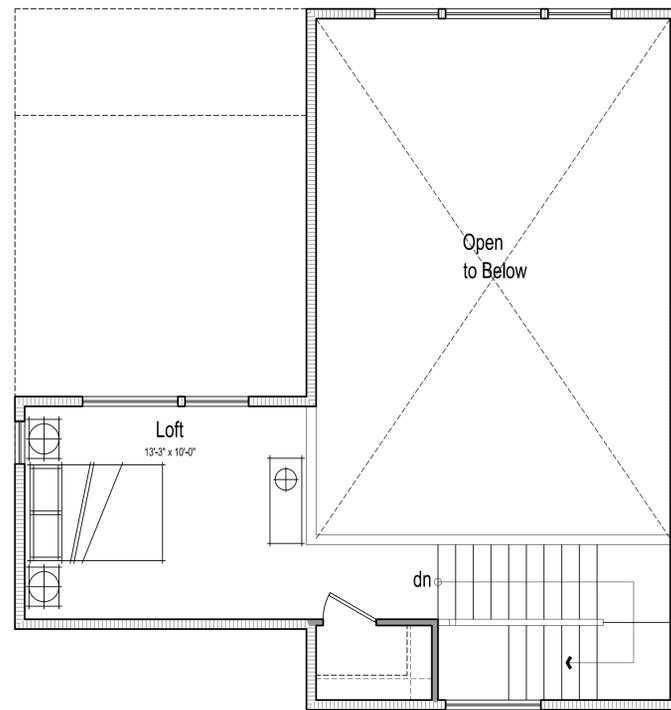


UNIT PLANS

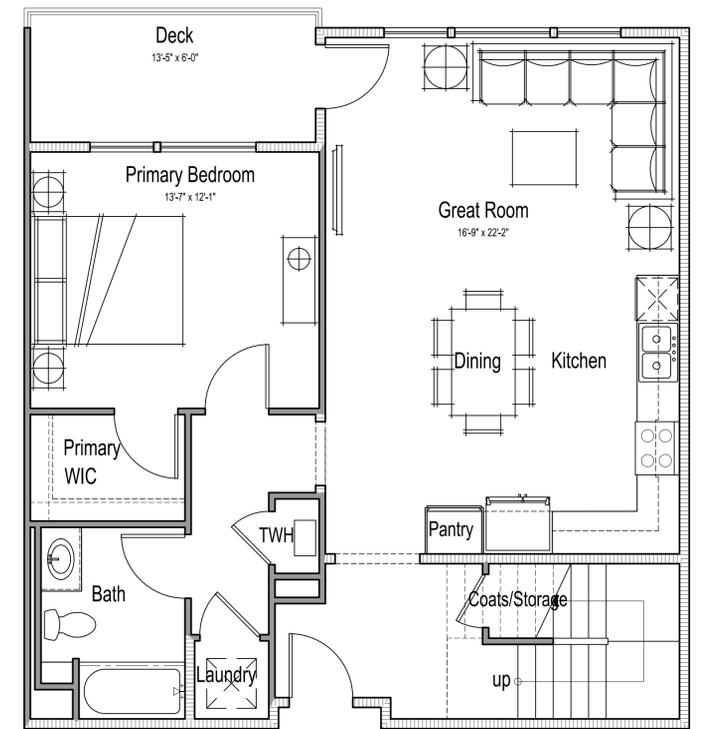
A5.0.0



Unit Floor Plan 5  
 Floor Area: 1094 SQ. FT.



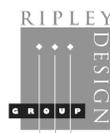
Unit Floor Plan 4  
 Loft Floor Area: 175 SQ. FT.



Unit Floor Plan 4  
 First Floor Area: 899 SQ. FT.

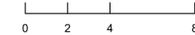


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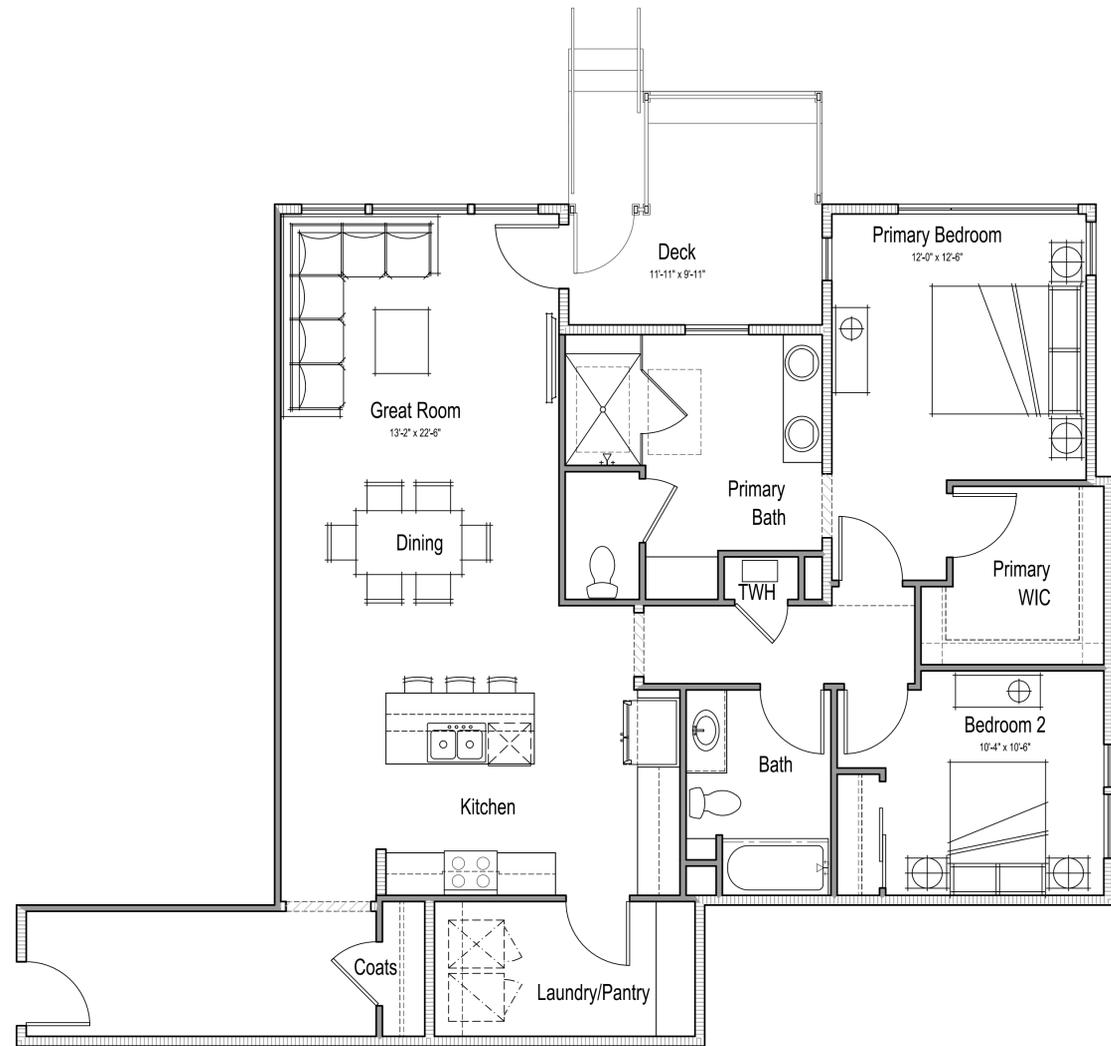
2400 ADELINE  
 OAKLAND, CA # 2019-1130

PLANNING REVIEW  
 MARCH 10, 2021

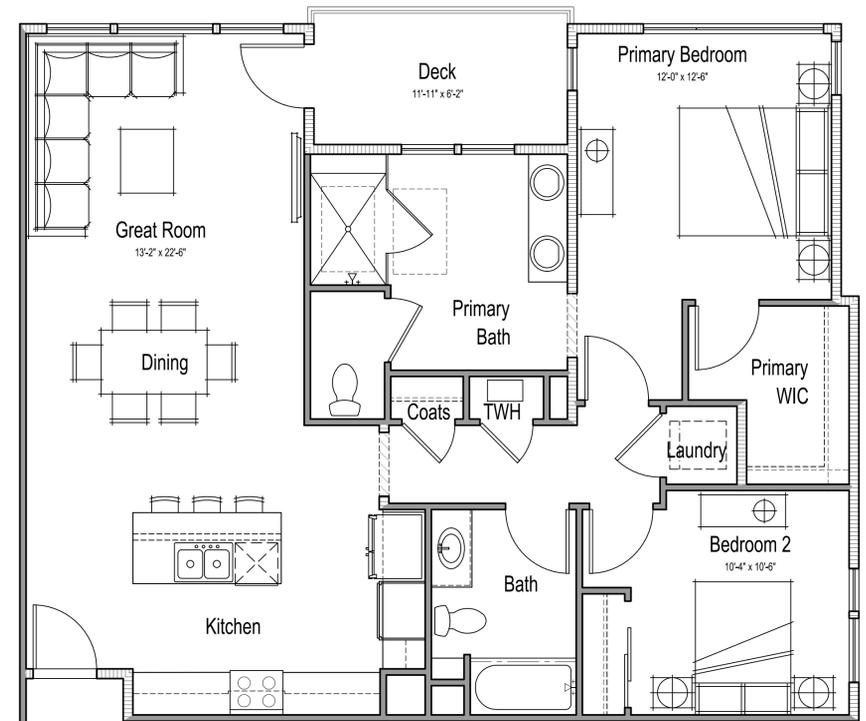


UNIT PLANS

A5.0.1



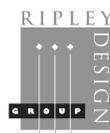
Unit Floor Plan 6-ALT  
 Floor Area: 1359 SQ. FT.



Unit Floor Plan 6  
 Floor Area: 1148 SQ. FT.

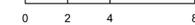


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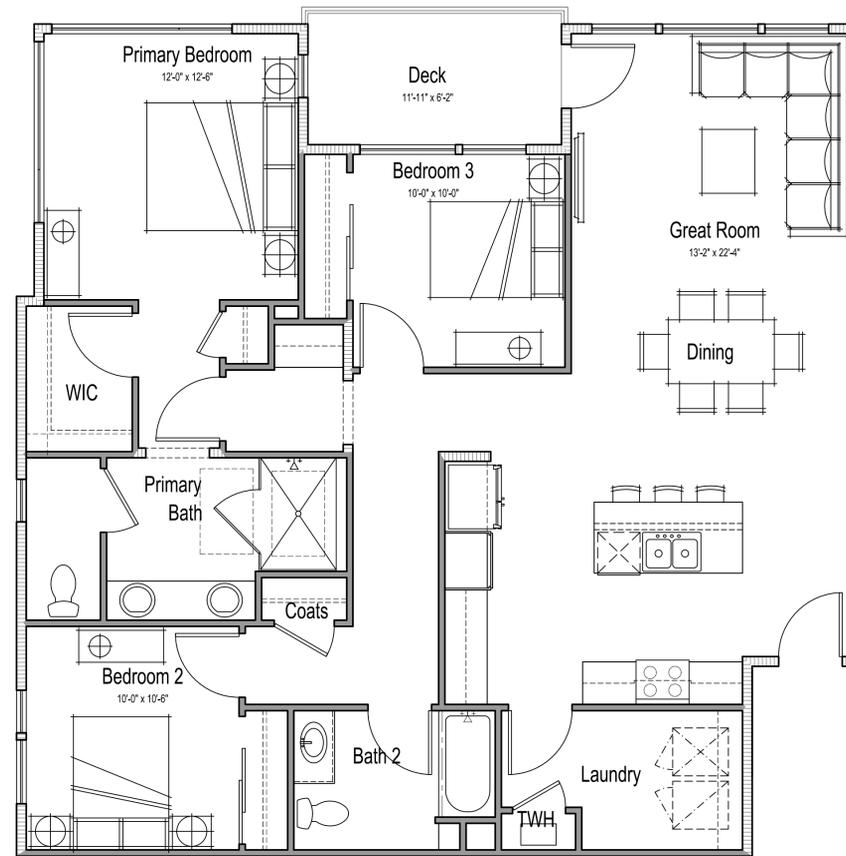
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PLANNING REVIEW  
 MARCH 10, 2021

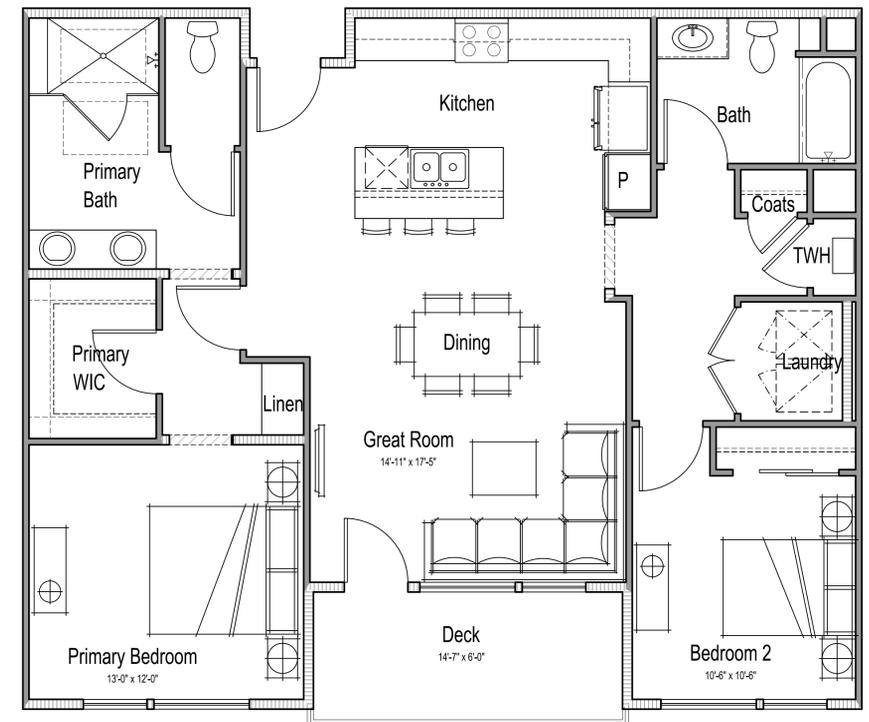


UNIT PLANS

A5.0.2



Unit Floor Plan 8  
 Floor Area: 1359 SQ. FT.



Unit Floor Plan 7  
 Floor Area: 1150 SQ. FT.



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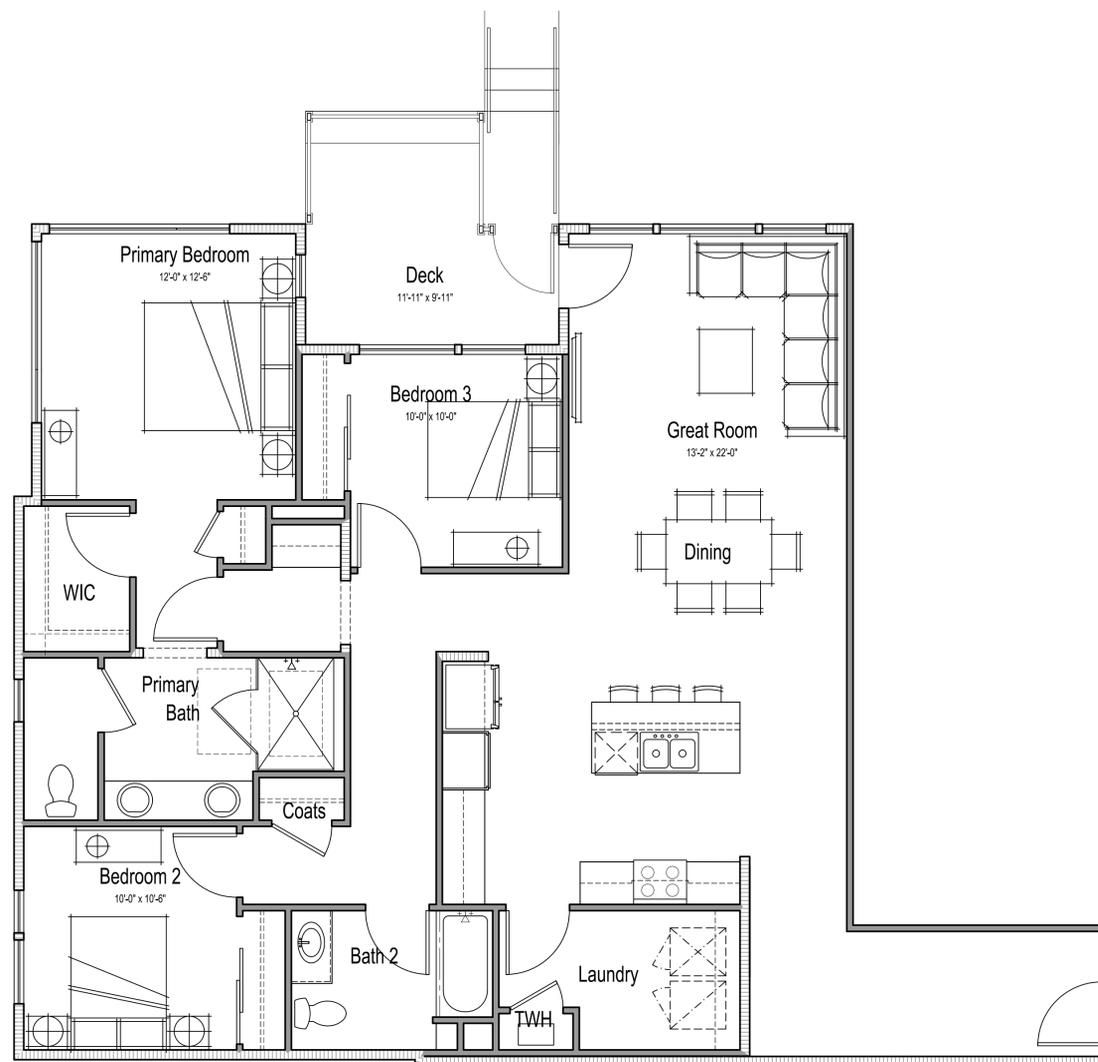
2400 ADELINE  
 OAKLAND, CA # 2019-1130

PLANNING REVIEW  
 MARCH 10, 2021



UNIT PLANS

A5.0.3



Unit Floor Plan 9  
 Floor Area: 1482 SQ. FT.

# COLOR SCHEME

STUCCO BODY/TRIM 1	
STUCCO BODY/TRIM 2	
STUCCO BODY 3	
STUCCO BODY 4	
STUCCO ACCENT 1	
STUCCO ACCENT 2	
WOOD LOOK SIDING	
CMU WALL	
CANOPY/RAILING	
GARAGE DOOR 1	
GARAGE DOOR 2	
SLOTTED METAL FENCE PANEL	
FASCIA	



29-PLEX,  
FRONT PERSPECTIVE



29-PLEX,  
REAR PERSPECTIVE



GARAGE BUILDINGS/  
TRASH ENCLOSURE



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2400 ADELINE  
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PLANNING REVIEW  
MARCH 10, 2021

COLOR SCHEME & DETAILS

A6.0.0



MAIN ENTRY PERSPECTIVE



STOOP PERSPECTIVE



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2400 ADELINE  
 OAKLAND, CA # 2019-1130

PLANNING REVIEW  
 MARCH 10, 2021

EXTERIOR DETAILS

A6.0.1

# CITY OF OAKLAND



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

Planning and Building Department  
Bureau of Planning

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

May 17, 2021

Signature Land Advisors, Inc.  
C/O Nick Nieto  
2335 Broadway, Suite 200  
Oakland, CA 94612

**RE: Case File No. PLN20173/T2000106; 2400 Adeline Street (APN: 005 -0436-011-02)**

Dear Applicant:

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

The following table summarizes the proposed project:

<b>Proposal:</b>	Construction of a four-story, 43,297-square foot residential development consisting of 29 residential condominiums.
<b>Planning Permits Required:</b>	Regular Design Review for new construction, Minor Conditional Use Permit to allow a Multi-Family Residential Facility in the HBX-4 zone, and a Tentative Parcel Map to create condominiums.
<b>General Plan:</b>	Housing and Business Mix
<b>Zoning:</b>	HBX-4 Housing and Business Mix 4 Commercial Zone
<b>Environmental Determination:</b>	Exempt, Section 15303 of the State CEQA Guidelines: New construction of small structures; Section 15301 existing facilities', Exempt, Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
<b>Historic Status:</b>	Potentially Designated Historic Property (PDHP): OCHS Rating Dc3
<b>City Council District:</b>	III

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten (10) calendar days from the date of this letter, by **4:00 p.m. on May 24, 2021**. An appeal shall be on a form provided by the Bureau of Planning of the Planning and Building Department, and submitted via email to: (1) **Jose M. Herrera-Preza, Planner III, at [jherrera@oaklandca.gov](mailto:jherrera@oaklandca.gov)**, (2) **Robert Merkamp, Zoning Manager, at [Rmerkamp@oaklandca.gov](mailto:Rmerkamp@oaklandca.gov)**, and (3) Catherine Payne, Development Planning Manager, at [Cpayne@oaklandca.gov](mailto:Cpayne@oaklandca.gov). The appeal form is available online at <https://www.oaklandca.gov/documents/appeal-application-form>. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or decision-making body or wherein the decision is not supported by substantial evidence. Applicable appeal fees in the amount of **\$2404.01** in accordance with the City of Oakland Master Fee Schedule must be paid within five (5) calendar days (**June 1, 2021**) of filing the appeal.

If the fifth (5th) calendar day falls on a weekend or City holiday, appellant will have until the end of the following City business day to pay the appeal fee. Failure to timely appeal (or to timely pay all appeal fees) will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter. For further information, see the attached Interim City Administrator Emergency Order No. 3 and Interim Procedures for Appeals of City Planning Bureau Decisions for Development Projects.

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

If you have any questions, please contact the case planner, **Jose M. Herrera-Preza, Planner II** at (510) 238-3808 or [jherrera@oaklandca.gov](mailto:jherrera@oaklandca.gov), however, this does not substitute for filing of an appeal as described above.

Very Truly Yours,



ROBERT D. MERKAMP  
Zoning Manager

cc: Sam Romero: [romerocityhouse@gmail.com](mailto:romerocityhouse@gmail.com)>  
Imma De La Cruz : [imma.delacruz@gmail.com](mailto:imma.delacruz@gmail.com)>  
Patrick Regan: [obsoletefutures@gmail.com](mailto:obsoletefutures@gmail.com)>  
James Austin: [hotsteel@sbcglobal.net](mailto:hotsteel@sbcglobal.net)>  
Tom Quaglia: [tomquaglia@att.net](mailto:tomquaglia@att.net)  
Jake Watters: [typeinthenumber@gmail.com](mailto:typeinthenumber@gmail.com)  
MK Machine: [mkmachine@gmail.com](mailto:mkmachine@gmail.com)  
Adam Munich: [me@adammunich.com](mailto:me@adammunich.com)

Attachments:

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

## **ATTACHMENT A: FINDINGS**

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

### **SECTION 17.134.050 – 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 requires a Conditional Use Permit to allow the construction of a multi-family residential facility in the HBX-4 commercial zone. The subject property is a vacant, 23,628 square-foot parcel located at the southeast corner of 24<sup>th</sup> and Adeline Streets.

The subject site is flat, formerly a charter bus depot facility and currently occupied by an automotive repair business within an existing one-story building. The proposal will demolish the existing facilities to allow the construction of a four-story, 29-unit residential condominium building and associated site improvements, which includes new landscaping and a site design configuration to reflect the rhythm of both commercial and residential buildings along the block face of Adeline Street and transition to the lower height buildings on 24<sup>th</sup> Street.

The site is surrounded by single and multi-story commercial buildings and two-story single-family residences reflective of this area of Oakland where long standing commercial activities adjacent to residential neighborhoods. The subject property is located within an area of the city that contains large commercial/industrial buildings pockmarked with Victorian/turn of the century residential buildings consisting primarily of one- to two-story Queen Anne cottages, Italianate and Craftsman buildings with hip and gable roofs and multiple bays.

The proposed multi-family facility is appropriate because it is similar in height to the 2200 Adeline Warehouse Lofts and shape to the existing multi-story commercial buildings in the neighborhood. The proposed density is appropriate along the Adeline Street commercial corridor which bicycle routes and transit stops. The design of the building complements the commercial buildings at the corners of Adeline through the use of materials and fenestration. The height of the building maintains a low-rise residential scale at Adeline but allows for a 30' rear setback to create a height transition to the two adjacent buildings along 24<sup>th</sup> Street (see Design Review findings, below), and the surrounding streets have ample capacity to serve the new units.

**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 location, design, and site plan of the development will provide a convenient and functional living environment for a multi-family development. The site design of the project eliminates curb cuts along Adeline Street to create a continuous row of building forms. The development also continues the residential forms found in the neighborhood such as a change in grade elevations at Adeline Street and commercial setbacks to the rear of the building. The design aesthetic will complement the surrounding commercial and residential buildings through the incorporation of individual porch and entrances at the ground floor, floor to ceiling industrial style window patterns and flat roof forms. Open space will be conveniently accessed through private yards and group open space at the center of the site. Grouping the parking to the rear adjacent to smaller scale building creates a height buffer to the existing buildings and creates a car-free area in front of the development.

**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 project will enhance the existing site with attractive improvements and provide much needed housing units near public transit. The project will enhance the multi-family residential opportunities in a mixed density residential neighborhood.

**D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.**

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 Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.**

The property is in the Housing and Business Mix designation of the General Plan. The intent of the zone is: “Establish development standards that allow residential and business activities to compatibly co-exist and provide a transition between industrial areas and residential neighborhoods.” Desired Character and Uses is: “to provide development standards for Live/Work, Work/Live, and housing in areas with a strong presence of industrial and heavy commercial activities.” The proposed design for a multi-family facility and site is, therefore, consistent with the intent and desired character and uses of the General Plan as well as the following Policies:

Policy N3.2 Encouraging Infill Development.

In order to facilitate the construction of needed housing units, infill development that is consistent with the General Plan should take place throughout the City of Oakland.

Policy N3.8 Required High-Quality Design.

High-quality design standards should be required of all new residential construction. Design requirements and permitting procedures should be developed and implemented in a manner that is sensitive to the added costs of those requirements and procedures.

Policy N6.1 Mixing Housing Types.

The City will generally be supportive of a mix of projects that provide a variety of housing types, unit sizes, and lot sizes which are available to households with a range of incomes.

Policy N7.1 Ensuring Compatible Development.

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

The proposal is a residential in-fill development project that enhances an area of the city with a building that complements the existing commercial buildings and mix of residential types in the area.

**SECTION 17.136.050.A - REGULAR DESIGN REVIEW CRITERIA:**

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

The project will improve the entire 23,628-square foot parcel, located the south-east corner of Adeline and 24<sup>th</sup> Streets. The subject property is located within an area of the City that has a historic neighborhood context of commercial/industrial buildings near residences. The commercial/industrial buildings nearby are large single or multi-story buildings that bookend street blocks with smaller scale commercial/industrial buildings spread throughout. In addition, there are a mix of housing types within these blocks consisting primarily of one- to two-story

residential buildings with hip and gable roofs. The subject site is surrounded by mostly commercial/industrial facilities by across Adeline Street from detached two-story single-family residences.

The proposed development will construct a four-story, 29-unit residential development with primary orientation towards the Adeline Street frontage. The proposed design is compliant with the base zone height and density. The design integrates character defining architectural elements found in the existing commercial/industrial buildings in the area while adding elements at the ground floor such as the residential walk-up porch style entrances also found across Adeline Street. The upper stories of the building incorporate design elements such as nested bays, industrial sash window patterns and building site plans that allow for significant height transition to adjacent lower height buildings. The transition is executed through a 30-foot setback by siting the detached 15-foot tall garage structures (which are setback five feet from the rear property line) and a two-vehicle drive aisle buffering the existing property at 1116 24<sup>th</sup> Street from the proposed building.

The proposed design applies a combination of materials including smooth cement plaster, horizontal wood siding, aluminum frame windows and railings and a variation of colors to integrate the development with the neighboring structures along Adeline Street. To minimize perceived bulk, the design applies a series of “boxed-in” building volumes with two-foot eave projections that articulate the building elevations. To create a transition onto the adjacent commercial building, the project has located the parking area, which provides a distinction between residential homes and commercial buildings on that block face. This design approach successfully transitions into lower building heights and achieves a hierarchy of volumes and proportions that relate well to the neighborhood.

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

The proposed design incorporates flat roofs and eaves, exterior siding, bay projections and a mix of industrial sash windows and single hung windows to enhance the neighborhood characteristics of the housing and business mix. In addition, the project will maintain residential setbacks to create a continuous pattern of buildings.

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

The subject property is a relatively flat lot located in a built-out urban area. Grading will be minimal due to the flatness of the lot. There is no significant landscaping on the site.

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

This criterion is not applicable to this proposal.

**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 Conditional Use Findings, above.

**SECTION 16.04.010- PURPOSE**

**“Ensure that the development of subdivisions is consistent with the goals and policies of the Oakland General Plan.”**

The proposed project involves the creation of new condominiums. The site is in the HBX-4 Housing and Business Mix 4 Commercial Zoning designation and the Housing and Business Mix General Plan Land Use classification, which is intended “*The HBX-4 Commercial Zone is intended to provide development standards for Live/Work, Work/Live, and housing in areas with a strong presence of industrial and heavy commercial activities.*” The proposed air-space subdivision for the creation of condominiums fulfills this intent, and is, therefore, consistent with the intended character, land uses, and densities of the General Plan and Zoning regulations.

**SECTION 16.08.030 – TENTATIVE MAP FINDINGS (Pursuant to California Government Code Section 66474, Chapter 4 of the Subdivision Map Act). The Advisory Agency shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:**

**A. That the proposed map is not consistent with the applicable general and specific plans as specified in the State Government Code Section 65451.**

As stated in the findings above, this proposal is consistent with the General Plan, and this property is not included in a specific plan area.

**B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.**

The proposed map to allow for an air-space subdivision for condominium purposes is consistent with the general plan.

**C. That the site is not physically suitable for the type of development.**

The proposed condominium air-space subdivision is proposed as part of the proposed development project (see findings above); therefore, the site is suitable for this type of development.

**D. That the site is not physically suitable for the proposed density of development.**

The proposed air-space subdivision is part of a proposed residential development that meets development standards set forth in the planning code and is compliant with the appropriate findings (see findings above); therefore, the site is physically suited for the proposed development.

**E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The design of the air-space subdivision is within an urbanized area where it is unlikely to cause substantial environmental damage to any wildlife or their habitat.

**F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.**

The project is highly unlikely to cause serious public health problems, but conditions of approval have been included to address factors such as noise, air quality, and water quality.

**G. That the design of the subdivision or the type of improvements will conflict with easements, acquired**

**by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. (This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision).**

The proposed air-space subdivision is designed to allow for more home-ownership opportunities and fill the housing needs of the City.

**H. That the design of the subdivision does not provide to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.**

The proposed air-space subdivision will not impact future passive or natural heating or cooling opportunities in the subdivision as no changes are being proposed to nearby commercial buildings.

**CITY OF OAKLAND  
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)  
CLASS 32 (IN-FILL DEVELOPMENT) EXEMPTION FINDINGS**

CEQA, or the California Environmental Quality Act, is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. Categorical exemptions are descriptions of types of projects which the Secretary of the Resources Agency of the State of California has determined do not have a significant effect on the environment, and therefore, are not subject to further environmental review under CEQA.

The Class 32 exemption (Section 15332 of the State CEQA Guidelines) is intended to promote infill development within urbanized areas. The class consists of environmentally benign in-fill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. In order to qualify for this exemption, projects must comply with all of the following findings.

**Please indicate the way in which the proposal meets the following required criteria.**

**1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations:**

The subject site is in the Housing and Business Mix classification of the Land Use and Transportation Element (LUTE) of the General Plan. This classification is intended to “*. Allow for mixed use districts that recognize both residential and business activities; B. Establish development standards that allow residential and business activities to compatibly co-exist; C. Provide a transition between industrial areas and residential neighborhoods; D. Encourage development that respects environmental quality and historic patterns of development*”. The project will compliment similar Housing and Business Mix residential developments along Adeline and W. Grand. The project is in the HBX-4 Zone, which permits one unit for every 800 square feet of lot area and would allow a maximum density of twenty-nine units.

The required parking of twenty-nine spaces will be met and justified since the subject site is located within a transit corridor with several AC Transit Bus Routes, regional bike routes and within a mile of Macarthur BART. Group open space is required by Planning Code Section 17.126.030(B) at 175 square-feet per unit for group and 30 square-feet for private usable open space. The project requires 1,225 square-feet of usable open space and 1,289 square-feet is provided.

The project is also consistent with the following LUTE policies and objectives.

**Policy N1.8 Making Compatible Development.** The height and bulk of commercial development in “Neighborhood Mixed-Use Center” areas should be compatible with that which is allowed for residential development.

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

**Policy N3.2 – Encourage In-fill Development –** In order to facilitate the construction of needed housing units, in-fill development that is consistent with the General Plan should take place throughout the City of Oakland.

**Objective N3-** To encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community. The proposal provides 77 affordable residential units and Health Clinic/Cultural Center for the Oakland community.

**Objective N6-** Encourage a mix of housing costs, unit sizes, types and ownership structures. The proposal provides a mix of one, two bedrooms residential units and affordable units.

**2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses:**

The proposed development occurs within City limits on a project site of 23,623-square-feet.

**3. The project site has no value as habitat for endangered, rare or threatened species:**

The project site is an urban infill parcel that has no value as habitat for any endangered, rare or threatened species.

**4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality:**

The project is not anticipated to result in any significant effects relating to traffic, noise, air quality, or water quality for the following reasons:

The project will involve both construction noise and post-construction noise consistent with the typical noise associated with developments of this type in an urban location. Standard Conditions of Approval and Uniformly Applied Development Standards associated with construction noise and the City's Noise Ordinance will reduce noise impacts to less than significant levels.

The limited number of proposed units, the site's proximity to multiple transit lines, including BART, and standard Conditions of Approval for bicycle parking, electric vehicle charging and care share indicates the project will not have a significant impact on traffic. Implementation of Standard Conditions of Approval involving dust control and construction emissions will further reduce air quality impacts to less than significant levels. Implementation of the City's Standard Conditions of Approval, which includes, but is not limited to, specific site design measures for post-construction storm water pollution management, would reduce impacts to water quality to less than significant levels.

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## **ATTACHMENT B: CONDITIONS OF APPROVAL**

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

### **1. Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans **March 10, 2021**, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

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

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

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

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

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

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

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

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant's expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

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

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

#### **7. Blight/Nuisances**

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

#### **8. Indemnification**

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

#### **9. Severability**

The Approval would not have been granted but for the applicability and validity of each and every one of the specified Conditions, and if one or more of such Conditions is found to be invalid by a court of competent

jurisdiction this Approval would not have been granted without requiring other valid Conditions consistent with achieving the same purpose and intent of such Approval.

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

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with Engineering Services and/or the Bureau of Building, if directed by the Director of Public Works, Building Official, Director of City Planning, Director of Transportation, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

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

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

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

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
  - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
  - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
  - iii. Use of paint with anti-graffiti coating.
  - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
  - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.

- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
  - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
  - ii. Covering with new paint to match the color of the surrounding surface.
  - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

##### **a. Landscape Plan Required**

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

##### **b. Landscape Installation**

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

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

##### **c. Landscape Maintenance**

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### **15. Lighting**

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### **16. Dust Controls – Construction Related**

Requirement: The project applicant shall implement all of the following applicable dust control measures during construction of the project:

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.
- f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- g. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### **17. Criteria Air Pollutant Controls - Construction Related**

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

- a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).
- c. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **18. Exposure to Air Pollution (Toxic Air Contaminants)**

### **a. Health Risk Reduction Measures**

**Requirement:** The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose **one** of the following methods:

- i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.
- or -
- ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:
    - Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-16 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
    - Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).
    - Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
    - The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.
    - Sensitive receptors shall be located on the upper floors of buildings, if feasible.
    - Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwood (*Sequoia sempervirens*).
    - Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.
    - Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.

- Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:
  - Installing electrical hook-ups for diesel trucks at loading docks.
  - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
  - Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.
  - Prohibiting trucks from idling for more than two minutes.
  - Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**b. Maintenance of Health Risk Reduction Measures**

Requirement: The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**19. Asbestos in Structures**

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

## **20. Tree Removal During Bird Breeding Season**

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

**When Required:** Prior to removal of trees

**Initial Approval:** Bureau of Planning

**Monitoring/Inspection:** Bureau of Building

## **21. Tree Permit**

### **a. Tree Permit Required**

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

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

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

**Monitoring/Inspection:** Bureau of Building

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

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

- i. Before the start of any clearing, excavation, construction, or other work on the site, every protected tree deemed to be potentially endangered by said site work shall be securely fenced off at a distance from the base of the tree to be determined by the project's consulting arborist. Such fences shall remain in place for duration of all such work. All trees to be removed shall be clearly marked. A scheme shall be established for the removal and disposal of logs, brush, earth and other debris which will avoid injury to any protected tree.
- ii. Where proposed development or other site work is to encroach upon the protected perimeter of any protected tree, special measures shall be incorporated to allow the roots to breathe and obtain water and nutrients. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter shall be minimized. No change in existing ground level shall occur within a distance to be determined by the project's consulting arborist from the base of any protected tree at any time. No burning or use of equipment with an open flame shall occur near or within the protected perimeter of any protected tree.
- iii. No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the distance to be determined by the project's consulting arborist

from the base of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within a distance from the base of any protected trees to be determined by the project's consulting arborist. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.

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

When Required: During construction

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

**c. Tree Replacement Plantings**

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

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

- vi. The project applicant shall install the plantings and maintain the plantings until established. The Tree Reviewer of the Tree Division of the Public Works Department may require a landscape plan showing the replacement plantings and the method of irrigation. Any replacement plantings which fail to become established within one year of planting shall be replanted at the project applicant's expense.

When Required: Prior to building permit final

Initial Approval: Public Works Department, Tree Division

Monitoring/Inspection: Bureau of Building

## **22. Archaeological and Paleontological Resources – Discovery During Construction**

Requirement: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **23. Human Remains – Discovery During Construction**

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

#### **25. 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

## **26. Hazardous Building Materials and Site Contamination**

### **a. Hazardous Building Materials Assessment**

Requirement: The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

When Required: Prior to approval of demolition, grading, or building permits

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

### **b. Environmental Site Assessment Required**

Requirement: The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

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

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

### **c. Health and Safety Plan Required**

Requirement: The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

### **d. Best Management Practices (BMPs) Required for Contaminated Sites**

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:

- i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.
- ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **27. Site Design Measures to Reduce Stormwater Runoff**

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

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

## **28. Source Control Measures to Limit Stormwater Pollution**

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

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

- v. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

## **29. NPDES C.3 Stormwater Requirements for Regulated Projects**

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

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

### **b. Maintenance Agreement Required**

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

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

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

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

## **30. 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

### **31. 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

### **32. 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

### **33. 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

### **34. 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

### **35. 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

**36. 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

**37. 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

**38. 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

**b. PEV-Capable Parking Spaces**

Requirement: The applicant shall submit, for review and approval of the Building Official, plans that show the location of inaccessible conduit to supply PEV-capable parking spaces 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-capable parking spaces.

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**39. 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

**40. 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

**41. Recycling Collection and Storage Space**

Requirement: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required,

with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

## **42. 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.
  - per the appropriate checklist approved during the Planning entitlement process.
  - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
  - The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

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

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

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

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

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**43. Recycled Water**

Requirement: Pursuant to section 16.08.030 of the Oakland Municipal Code, the project applicant shall provide for the use of recycled water in the project for feasible recycled water uses unless the City determines that there is a higher and better use for the recycled water, the use of recycled water is not economically justified for the project, or the use of recycled water is not financially or technically feasible for the project. Feasible recycled water uses may include, but are not limited to, landscape irrigation, commercial and industrial process use, and toilet and urinal flushing in non-residential buildings. The project applicant shall contact the New Business Office of the East Bay Municipal Utility District (EBMUD) for a recycled water feasibility assessment by the Office of Water Recycling. If recycled water is to be provided in the project, the project drawings submitted for construction-related permits shall include the proposed recycled water system and the project applicant shall install the recycled water system during construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

**44. Water Efficient Landscape Ordinance (WELO)**

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

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

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

- a. **Prescriptive Measures:** Prior to construction, the project applicant shall submit the Project Information (detailed below) and documentation showing compliance with Appendix D of California’s Model Water Efficient Landscape Ordinance (see website below starting on page 38.14(g) in the link above):
- b. **Performance Measures:** Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following
  - i. Project Information:
    - Date,
    - Applicant and property owner name,
    - Project address,
    - Total landscape area,
    - Project type (new, rehabilitated, cemetery, or home owner installed),
    - Water supply type and water purveyor,
    - Checklist of documents in the package,
    - Project contacts, and
    - Applicant signature and date with the statement: “I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package.”
  - ii. Water Efficient Landscape Worksheet
    - Hydrozone Information Table
    - Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use
  - iii. Soil Management Report
  - iv. Landscape Design Plan
  - v. Irrigation Design Plan, and
  - vi. Grading Plan

Upon installation of the landscaping and irrigation systems, and prior to the final of a construction-related permit, the Project applicant shall submit a Certificate of Completion (see page 38.6 in the link above) and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Completion shall also be submitted to the local water purveyor and property owner or his or her designee. For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below:

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

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

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

The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution. The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit.

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

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

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

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

### **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.

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Name of Project Applicant

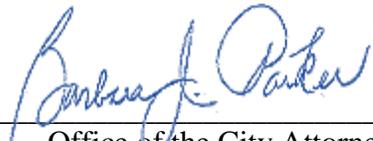
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Signature of Project Applicant

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Date

Approved as to Form and Legality

  
Office of the City Attorney

**Emergency Order No. 3 of the City of Oakland  
Interim City Administrator/Director of the Emergency Operations Center**

**Whereas**, due to the spread of COVID-19 (coronavirus) within the state, on March 1, 2020 the Alameda County Public Health Department, and on March 4, 2020, Governor Gavin Newsom, declared local and state public health emergencies due to the spread of COVID-19 locally and within the state, pursuant to Health & Safety Code section 101080 and Government Code section 8625, respectively, and

**Whereas**, on March 9, 2020, the City Administrator in her capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, the City Council passed Resolution No. 88075 C.M.S. confirming the existence of the local emergency proclaimed by the City Administrator pursuant to her power under Oakland Municipal Code section 8.50.050(C) to proclaim a local emergency provided that the local emergency proclamation shall remain in effect only if the City Council confirms the existence of the emergency within seven days; and

**Whereas**, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, ordering “all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors”, and further acknowledged that the “supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care”; and

**Whereas**, the Order N-33-20 provides that, to mitigate/control the spread of COVID-19, when people need to leave their homes or places of residence to carry out specified essential functions or to facilitate necessary activities, they should at all times practice “social distancing”, which means remaining a distance of six (6) feet from other persons when in public places; and

**Whereas**, the City Administrator in his capacity as the Director of the EOC has authority “to promulgate orders, rules, and regulations on matters reasonably related to the protection of life and property and the preservation of public peace and order, in accordance with Article 14 of the California Emergency Services Act, [and such] rules and regulations must be confirmed at the earliest practicable time by the governing body as required by law;” and

**Whereas**, on March 23, 2020, the Interim City Administrator in his capacity as the Director of the EOC issued an emergency COVID-19 order (Emergency Order of the City Of Oakland), which, among other things, cancelled meetings of all City commissions, committees and boards related to the processing of planning and building applications, including the Planning Commission, Design Review Committee and Landmarks Advisory Board until further notice; and

**Whereas**, on April 29, 2020, the County Health Officer issued County Order No. 20-10, which defines the scope of construction activities deemed “Essential Businesses” to include “. . . construction, but only as permitted under the State Shelter Order [Order N-33-20] and only pursuant to the Construction Safety Protocols listed in Appendix B and incorporated into [the County Order] by reference”; and

**Whereas**, under Order N-33-20 Critical Infrastructure is allowed to continue, if remote working is not possible. Critical infrastructure includes: “Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing, commercial, and mixed-use construction); and workers who support the supply chain of building materials from production through application/installation, including cabinetry, fixtures, doors, cement, hardware, plumbing, electrical, heating/cooling, refrigeration, appliances, paint/coatings, and employees who provide services that enable repair materials and equipment for essential functions”; and

**Whereas**, the City Administrator in his capacity as the Director of the EOC has determined that it is now necessary to amend his March 23, 2020 Order to allow City commissions, committees and boards related to the processing of planning and building applications, including the Planning Commission, Design Review Committee and Landmarks Advisory Board, to commence meetings in order to provide the reviews, hearings, approvals and/or other actions necessary for construction activities specified in Alameda County Order no. 20-10 as “Essential Businesses” to proceed; and

**Whereas**, on May 4, 2010, City Council passed Resolution No. 82727 C.M.S., urging City departments to refrain from, among other things, entering into any new or amended contracts for services or supplies with companies headquartered in Arizona until Arizona rescinds SB 1070 (“Arizona Boycott Policy”) when doing so will not result in significant additional costs to the City or conflict with law; and

**Whereas**, Oakland Municipal Code (“OMC”) section 2.22.010 directs the City Administrator to refrain from entering into any new or amended contracts for services or supplies with businesses that have entered into a contract to provide services, goods, materials or supplies to build the U.S.-Mexico border wall (“Border Wall Policy”) when doing so will not result in significant additional costs to the City or conflict with law; and

**Whereas**, O.M.C. section 2.22.050 authorizes the City Administrator to waive the Border Wall Policy for contracts within his/her authority when the policy conflicts with the law; and

**Whereas**, the City will be entering into contracts for the provision of emergency services and supplies to respond to the COVID-19 crisis; and

**Whereas**, the City intends to seek reimbursement, to the greatest extent practicable, from the Federal Emergency Management Agency or other federal agencies for its expenses related to providing COVID-19 emergency services and supplies; and

**Whereas**, the California Governor’s Office of Emergency Services has informed City staff that the City’s Arizona Boycott Policy and Border Wall Policy may conflict with federal regulations governing the award of federal financial assistance and may therefore jeopardize the City’s ability to secure federal funds and reimbursements; and

**Whereas**, the City Administrator has determined that it is necessary to waive application of the City’s Arizona Boycott Policy and Border Wall Policy to emergency contracts the City needs to execute to address the impacts of COVID-19 to avoid any potential conflict with federal law and to maximize the City’s ability to obtain reimbursement from the Federal Emergency Management Agency and/or other federal agencies for its COVID-19 emergency expenditures.

**Now, Therefore**, I, Steven Falk, Interim City Administrator/Director of the Emergency Operations Center of the City of Oakland, in accordance with the authority vested in me pursuant to Oakland’s Emergency Services Act, Oakland Municipal Code Chapter 8.50, specifically section 8.50.050.C.5.(a), hereby order the following:

1. Section 3 of the Interim City Administrator’s Emergency COVID-19 Order dated March 23, 2020, is deleted (see language with strike-throughs below) and new Building and Planning Department procedures are promulgated as follows:

~~“All time limits, shotlocks, and other deadlines associated with Planning Department and Building Department notices, application reviews, appeals, enforcement activities and other matters set forth in Titles 15 and 17 of the OMC and related administrative instructions, regulations and policies are suspended for the duration of the local emergency or until such time as this order is rescinded or the City Council terminates the emergency, whichever is earlier.”~~

All time-limits and deadlines associated with Planning and Building Department notices and appeals are hereby replaced by the notice and appeal procedures set forth in **Attachment A** and **Attachment B** respectively, which are attached hereto and incorporated as if fully set forth herein. The attached notice and appeal procedures shall remain in effect for the duration of this Order. Upon termination of this Order, all former procedures under the Oakland Municipal Code (O.M.C.) shall be reinstated, unless otherwise amended by subsequent orders.

2. Section 4 of the Interim City Administrator’s Emergency COVID-19 Order dated March 23, 2020, is deleted (see language with strikethroughs below):

~~Meetings of all City commissions, committees and boards related to the processing of planning and building applications, including the Planning Commission, the Design Review Committee and Landmarks Advisory Board, are cancelled until further notice~~

3. Application of the City’s Arizona Boycott Policy is hereby waived for emergency contracts the City executes to address the impacts of COVID-19 that may be eligible for reimbursement from the Federal Emergency Management Agency and/or other federal agencies.

4. Application of the City's Border Wall Policy is hereby waived for emergency contracts the City executes to address the impacts of COVID-19 that may be eligible for reimbursement from the Federal Emergency Management Agency and/or other federal agencies.

**I FURTHER DIRECT** that as soon hereafter as possible, this Order shall be filed in the Office of the City Clerk, posted on the City of Oakland website, and that widespread publicity and notice of this Order shall be provided to the public.

IN WITNESS WHEREOF I have hereunto set my hand this 13<sup>th</sup> day of May, 2020



---

Steven Falk  
Interim City Administrator/Director of Emergency  
Operations Center, City of Oakland, California

Attest:

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LaTonda Simmons  
City Clerk and Clerk of the City Council  
City of Oakland, California

2930450v8  
May 2020

**Attachment A**  
**Interim Procedures for Posting and Mailing Public Notice of Development Projects for the Duration of the Order**

Pursuant to the shelter-in-place orders issued by both the Governor of California and the Alameda County Health Officer for the COVID-19 pandemic (“Emergency Orders”), the City of Oakland offices are closed to the public and non-essential personnel are required to work remotely. These requirements extend to the Planning Bureau, resulting in much of the Bureau’s personnel working remotely.

Without the ability for requisite staff to be present in the office, the City does not have the capacity to post and mail public notices for development projects on behalf of applicants, in accordance with its currently established procedures. As a result, it is necessary for development project applicants to demonstrate compliance with these established procedures, by posting and mailing requisite notices as outlined below and as may be further clarified by the Director of Planning and Building or his designee.

The following procedures set forth how development projects will be noticed by applicants for the duration of this Order, or until the previous procedure is restored or further amended:

1. The City hereby replaces the City’s 17-day notice period required under Title 17 of the Oakland Municipal Code (O.M.C.) with the 10-day notice period as set forth under Government Code sections 65905, 65090, 65091, 65092, and 65094.
2. For a development project ready for public notice, the staff planner for the project will prepare the public notice, using the City’s template.
3. The staff planner will verify that the entire file, including the most recent submitted plan set and any correspondence that would constitute public record, is available on the City’s Accela website in a publicly viewable format prior to the posting and mailing of the public notice.
4. The staff planner will send the completed public notice form and address labels to the applicant, with instructions on posting and mailing the public notice for interested parties.
5. The applicant will then be required to post and mail the public notice according to staff planner instruction. Thereafter, the applicant will e-mail the staff planner with proof of project site posting, PDFs of the mailing receipts, and a certificate of mailing evidencing that the public notice was posted and mailed on the date agreed upon with the staff planner. The staff planner must receive proof of posting, the mailing receipts and certificate of mailing on the date of posting and mailing, which the staff planner will place in the development file and upload to Accela.
6. Failure of the applicant to provide proof of posting and mailing of the public notice will result in the development project not moving forward until termination of the City Administrator’s Order and/or resumption of the normal public noticing procedures.
7. Interested parties who desire to comment on the development project will be encouraged to e-mail any questions or comments to the staff planner during the 10-day public notice period. Those members of the public who choose to send written comments must call the staff planner no later than the date of mailing but before the public comment period has ended, to inform the staff planner written comments are being mailed. The staff planner will work with on-site City staff to receive a copy of the written comments.
8. If an applicant or member of the public has any questions regarding the above public notice procedures, they shall direct the questions first to the staff planner, who may consult with the Director of Planning and Building or his designee for further direction.

**Attachment B**  
**Interim Procedures for Appeals of City Planning Bureau Decisions for Development Projects for the Duration of the Order**

Pursuant to the shelter-in-place orders issued by both the Governor of California and the Alameda County Health Officer for the COVID-19 pandemic (“Emergency Orders”), the City of Oakland offices are closed to the public and non-essential personnel are required to work remotely. These requirements extend to the Planning Bureau, resulting in much of the Bureau’s personnel working remotely.

Without the ability for requisite staff to be present in the office, the City does not have the capacity to receive in-person appeals of Planning Bureau decisions. Under the City’s past practice, the City receives appeals by way of appellant’s physical submittal of the appeal form and documents at the Permit Center, followed by in-person payment to the City’s cashier.

Since Permit Center is not open to the public at this time, the City is altering its appeal submittal requirements to respond to the lack of onsite staff for the duration that this Order remains in effect.

The below appeal submittal requirements shall apply to all development projects processed under Titles 16 or 17 of the Oakland Municipal Code (O.M.C.) or O.M.C. Chapter 17.132 Planning Director determinations:

1. Planning Staff will accept written appeals by e-mail only, unless an alternative submittal process is arranged pursuant to Section 5 below and is accomplished before the appeal deadline.
2. To initiate an appeal, the appellant **must** email: a) the case planner, b) the Development Planning Manager (cpayne@oaklandca.gov) and c) the Zoning Manager (rmerkamp@oaklandca.gov) a signed copy of the Planning Bureau’s appeal application form, as well as all supporting documents, no later than 4:00 p.m. on the final appeal date stated in the City’s decision letter. Failure to submit the appeal form and supporting documents in a timely manner will result in the rejection of the appeal. Additional material may **not** be submitted at a later date. Within one (1) business day of the appeal submittal, the project’s staff planner will create the appeal record in Accela and email the appellant with the record ID and invoice numbers. Appellant will then have five (5) calendar days from the date of appeal submittal to pay the appeal fee to the City’s cashier. If the fifth (5<sup>th</sup>) calendar day falls on a weekend or City holiday, appellant will have until the end of the following City business day to pay the appeal fee.
3. Failure to pay the appeal fee in full within the timeframe identified in Section 2 above will result in the rejection of appellant’s appeal and, if the appeal period has closed, will not allow for resubmittal of the appeal.
4. Once the appeal documents are uploaded onto Accela and payment of the appeal fee is verified, the staff planner will notify the original applicant of the appeal (assuming the applicant is not also the appellant).
5. **No Appellant E-mail Access:** If the appellant does not have internet access so that appellant is effectively prevented from e-mailing the appeal, the appellant shall contact the staff planner as soon as possible following the decision date to arrange an alternative appeal submittal process. Upon approval by the staff planner, it may be acceptable to submit the appeal, all related documents, and the appeal fee via U.S. Mail, provided the postmark date is no later than the last date of appeal and the appellant has alerted the staff planner of the appeal in a timely manner.
6. Appellant is solely responsible for adherence to the above timelines. If an applicant or member of the public has any questions regarding the above public notice procedures, they shall direct the questions first to the staff planner, who may consult with the Director of Planning and Building or his designee for further direction.

# City of Oakland

Department of Transportation, Engineering Services

If Project is approved by the Advisory Agency, attach the Engineering Services "Conditions of Approval" provided below.

<b><u>Planning/Zoning Number(s)</u></b>				<b><u>Engineering Staff Contact</u></b>			
<b><u>Project Address</u></b>				<b><u>Project Description</u></b>			
<b><u>Tentative Map No.</u></b>			No. of New Lots	No. Condominiums		___ Mixed Use	
___ <b><u>No Map</u></b>	___ <b><u>Parcel Map Waiver</u></b>	___ Merger	___ Lot Line Adjustment LLA	No. Existing Lots LLA		No. New Lots LLA	
<b><u>GENERAL REQUIREMENTS</u></b>				<b><u>SPECIFIC PROJECT CONDITIONS OF APPROVAL</u></b>			
<b><u>SIDEWALKS, CURB AND GUTTERS</u></b> 1. Existing sidewalks fronting subject property must be compliant with ADA standards. 2. Uplifted, uneven, damaged sidewalks shall be repaired with no more than ¼ inch lift and no more than 2% cross slope. 3. Sidewalk clear width of 5.5 feet minimum is required and must not be less than 50-inches between obstacles, poles, trees, hydrants, pinch points for ADA access. 4. Existing sidewalks, curbs/gutter/driveway approaches damaged, broken or if non-standard shall be repaired. 5. A Curb, Gutter and Sidewalk (CGS) permit is required to repair or construct sidewalk. 6. Infrastructure and improvements to be privately maintained within the right of way and any non-standard features MAY be accepted with an Encroachment Permit. 7. City may revoke encroachment permit at its sole discretion and may charge property owner(s) for use of the right-of-way.							
<b><u>STREET PAVING AND STRIPING</u></b> 8. Street and roadway area(s) fronting the development must be resurfaced up to one traffic lane in width 13 ft. or to the centerline of the street, after completion of construction and as required by the Inspector. 9. Evaluation of the street's Pavement Condition Index at time plans are submitted for permit review shall determine any restoration requirements. 10. Existing striping fronting the property and up to 1 block length shall be restored to the satisfaction of the Inspector. Thermoplastic shall be required unless specified otherwise in the plans approved for construction. 11. "Moratorium Streets" are resurfaced or newly constructed streets within the past 5-year period. No trenching or excavation is permitted on any Moratorium Street without the written authorization of the Public Works Director.							
<b><u>DRIVEWAYS</u></b> 12. Driveway approach, length, width, driveway separation, clearances from poles and utilities, type of curb, driveway angle, shall be approved by Bureau of Planning in advance of any review by Engineering Services. 13. Any existing driveway that will no longer be required to serve the property shall be replaced with new sidewalk curb and gutter, with curb striping as required by Inspector.							
<b><u>CURB RAMPS</u></b> 14. New curb ramps shall meet the latest State of California standards when plans are submitted for review.							

**CITY OF OAKLAND Department of Transportation**  
*Engineering Services “Conditions of Approval”*

<p>15. Curb ramps shall be directional unless approved otherwise in writing by the City Engineer.</p> <p>16. New curb ramps are required at intersections fronting the project site and when the use or occupancy necessitates installation or replacement of curb ramps. Additional curb ramps required by the City Engineer shall be installed by the project sponsor.</p> <p>17. Where a new curb ramp is required for the project the curb ramp located on the opposite side of the roadway, across a marked or un-marked crosswalk, shall also be installed or upgraded to be ADA compliant by the project sponsor.</p>	
<p><b><u>STREET GEOMETRY AND STRIPING DESIGN</u></b></p> <p>18. New striping, curb painting, bulb-outs, changes to existing dimensions, impact to traffic resulting from development, traffic pattern, circulation, signals, traffic count, street/lane change shall be reviewed and approved by the City’s Traffic Engineer.</p> <p>19. Any alteration to geometry of roadway/sidewalk, markings, traffic control signs and devices shall be reviewed and approved by the City’s Traffic Engineer.</p> <p>20. Traffic and parking sign posts shall be coated with anti-graffiti coating.</p> <p>21. Traffic Control Plans (TCP) for temporary traffic control measures shall be submitted separately for review and approval by City’s Traffic Engineer prior to permit issuance and when the TCP is adjusted and updated during construction.</p>	
<p><b><u>SANITARY SEWER</u></b></p> <p>22. Sanitary sewer impact analysis is required when new development results in a net increase of volume of wastewater flow to the City’s sanitary sewer system. Sewer flow calculations prepared by developer’s engineer must include existing and proposed flows. Developer shall submit analysis with completed application for review. Mitigation fees shall be paid prior to issuance of a Building or PX permit whichever occurs first.</p> <p>23. A “PSL” certificate, Sewer Lateral Permit, and EBMUD Inspection are required for all projects where construction costs are one-hundred thousand dollars (\$100K +) or more.</p> <p>24. A Sewer Lateral permit (SL) is required for any new sewer lateral or rehabilitation of existing lateral. Abandonment of a sewer lateral requires a separate permit.</p> <p>25. Sewer profiles shall be included on the plans approved for construction. If existing utilities are within twelve inches (12”) of proposed sewer, engineer shall have existing utility potholed and resolve conflict before approval of plans.</p>	
<p><b><u>STORM DRAINS</u></b></p> <p>26. Connection of storm drain to sewer line is prohibited. Any unauthorized connection shall be separated from the sanitary sewer.</p> <p>27. Drainage plans shall be submitted for review and approval. Plans shall follow City standard details and design standards. Blind connections or tap connections are prohibited for storm drains.</p>	

<p>28. Hydrology and Hydraulic Calculations, shall meet City’s Storm Drainage Design Standards.</p> <p>29. Reduction in Peak Flow by 25% or to the extent possible is required.</p>	
<p><b><u>STORM WATER TREATMENT</u></b></p> <p>30. Requirements for permanent and temporary storm water pollution prevention, Alameda County Clean Water Program (C.3), shall be included in the Building improvement plans for on-site work. Any approved storm drain from on-site development shall be tied to an inlet structure at the back of curb designating public and private ownership.</p> <p>31. Permanent storm water treatment (BMP’s) to service the development shall be privately maintained and included in the O&amp;M Agreement for the project.</p> <p>32. Roof runoff must be directed through an approved treatment device prior to entering the City’s storm drainage system.</p> <p>33. Right-of-way shall not be used for storm water treatment features.</p>	
<p><b><u>STREET TREES AND LANDSCAPING (PRIVATE)</u></b></p> <p>34. Trees and irrigation for the proposed development shall be owned and maintained by the property owner(s).</p> <p>35. Landscape and irrigation plans shall be submitted with the civil plans for work (PX permit) for review and approval by the City’s Arborist.</p> <p>36. Landscape, irrigation plans and tree species shall meet City standards for Street Tree Planting.</p> <p>37. Tree shall be spaced twenty feet (20’) on center and shall not obstruct street lights. Tree wells shall be 3 ft. x 3ft. or 4 ft. x 4 ft. (minimum) for mature tree height of 25 to 40 feet.</p> <p>38. Tree Grates, Root Barrier and Staking Details for new trees shall be included in the approved plans. Tree Grates must be ADA compliant.</p>	
<p><b><u>EASEMENTS AND ENCROACHMENTS</u></b></p> <p>39. All property lines, existing and proposed easements, shall be clearly shown on the plans for construction (PX permit).</p> <p>40. Easement dedication or vacation requires separate application and permit (PPE permit) if not included on a Final Tract Map or Parcel Map.</p> <p>41. Major Encroachment permits require City Council resolution and Indenture Agreement with County Recorder’s Number shown on the Final or Parcel Map.</p> <p>42. Permanent building elements encroaching into the right-of-way normally require a Major Encroachment (ENMJ permit)_Other approved encroachments may be part of Minor Encroachment (ENMI permit).</p> <p>43. City may revoke encroachment permit at its sole discretion and may charge property owner(s) for use of the right-of-way.</p>	
<p><b><u>SITE PLAN</u></b></p> <p>44. A Site Plan shall be provided with permit plan set and include: north arrow, scale, property boundaries, topography, vegetation, proposed/existing structures,</p>	

**CITY OF OAKLAND Department of Transportation**  
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<p>utilities, easements, roadways, monuments, wells, and any important key elements.</p>	
<p><b><u>STREET LIGHTS AND UTILITIES (PW ELECTRICAL)</u></b>  45. A photometric plan and analysis of existing and proposed street lights is required for all projects requiring a PX permit and as determined by the City Engineer. Design shall meet City Outdoor Lighting Standards.  <a href="http://www2.oaklandnet.com/oakca1/groups/pwa/documents/policy/oak026007.pdf">http://www2.oaklandnet.com/oakca1/groups/pwa/documents/policy/oak026007.pdf</a>  46. Upon review and approval of the photometrics analysis, the project sponsor shall design and include additional streetlights as required by the City and shall also provide 10% spare streetlight fixtures for City’s Electrical Maintenance Operations.  47. Pedestrian signal and push buttons for intersection crossings shall be included in the plans for construction when required by the Traffic Engineer.  48. Utility undergrounding shall be clearly identified on all construction permitted plans as approved by the Project Planner, Oakland Fire Department, Public Works Department and Dept. of Transportation.  49. Pull boxes shall be locking.  50. Existing, reinstalled and new Streetlights, Parking Meters and Kiosks shall be included on the plans approved for construction. Separate fees and approvals by Public Works Maintenance is required to remove or install Streetlights, Parking Meters and Kiosk.</p>	
<p><b><u>SPECIAL ZONES: CDMG Designation (LS/LQ), A-P Zone, Flood Zone, Creek/water course, GAAD, etc.</u></b>  51. Design, approvals, outside agency permits, and construction methods shall meet all applicable Federal, State, and City’s Municipal Code requirements for properties located in hazard zone and flood zone.  52. Peer Review of Soils, Geotechnical, Hydrology, Hydraulic, and Structural Reports, engineering plans, grading, remediation, final map may be required.  53. CDMG Designation and potential for liquefaction(LQ) and/or landslide(LS) shall be clearly identified on individual lots of the Tentative Map, Parcel Map of final Tract Map.</p>	
<p><b><u>TENTATIVE MAP, PARCEL MAP, TRACT MAP</u></b>  54. Fire Access, Emergency Vehicle Access, Shared Access (Agreement or CC&amp;R’s), Utility Easements shall be clearly shown and identified on Maps.  55. Setbacks from the property lines, buffer areas, easements, buildings and separation required between structures and buildings shall be identified on Tentative Map.  56. After approval by Planning and Zoning of a Tentative Map a separate application to Engineering Services is required for review and approval of the Parcel or Tract Map by the City Surveyor and City Engineer.  57. Tract Map and Subdivision Improvement Agreement (SIA) requires City Council Approval.  58. Survey Monuments Protection, Surety/Bond may be required prior to approval of Parcel or Final Map.</p>	

**CITY OF OAKLAND Department of Transportation**  
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<p><b>CONSTRUCTION</b></p> <p>59. All work within the City’s right-of-way or easement requires a valid permit.</p> <p>60. Shoring Plans, Retaining Walls, Streetlight and Traffic Signal Pole Foundations and other structures require a separate Building Permit from the Building Department.</p> <p>61. An Obstruction Permit (OB) may be required prior to issuance of a Grading, Building, PX, CGS or another related permit. OB permits are required for temporary or permanent removal of metered and non-metered parking spaces, sidewalk closure(s), staging of materials, construction dewatering equipment, blocking, placement of storage units, equipment within the right-of-way.</p> <p>62. An approved Traffic Control Plan (TCP) may be required prior to issuance of an OB permit, PX permit or any work requiring Traffic Control Measures within the City’s right-of-way.</p>	
<p><b>OTHER</b></p> <p>63. Projects with “<i>Special</i>” considerations, for example; may require utility undergrounding of overhead utilities, improvements off-site (i.e. new traffic signal), ownership of land/project sponsor TCSE Economics &amp; Workforce Development, a City Capital Project, or may be part of a larger “Master Planned Development” with Development Agreement and/or phased Final Maps.</p>	

**PER CITY RECORDS AND INFORMATION RECEIVED FOR REVIEW ITEMS NOTED BELOW MAY AFFECT THE DESIGN, REVIEW AND APPROVAL, PERMITTING, MAP APPROVAL PROCESSES.** *(The City assumes No Responsibility for the Accuracy and/or Completeness thereof.)*

Preliminary Title Report		Vacation / Dedication	
Flood Zone		Easement	
Creek Permit / Water Course		Existing Utilities / Overhead	
Land / Boundary Survey		BART	
Lot Dimension(s)		CALTRANS	
Sidewalk Clearance (i.e. 5.5 ft.)		EBMUD	
Sidewalk Curb Ramps		PG&E	
Encroachment		UPRR	
CDMG Designation		City of Oakland Ownership	
Land Stability		City of Berkley	
Street Lighting		City of Emeryville	
Traffic Circulation / Bicycle Lane		City of Piedmont	
Traffic Signal		Other	

\*Additional information is provided below:


<b>Planning/Zoning Number</b>	<b>Map Number</b> <i>(if applicable)</i>	<b>DATE</b>



**CITY OF OAKLAND  
 APPEAL FORM  
 FOR DECISION TO PLANNING COMMISSION, CITY  
 COUNCIL OR HEARING OFFICER**

**PROJECT INFORMATION**

Case No. of Appealed Project: PLN 20173  
 Project Address of Appealed Project: 2400 ADELIN ST  
 Assigned Case Planner/City Staff: \_\_\_\_\_

**APPELLANT INFORMATION:**

Printed Name: MICHAEL KENNAN Phone Number: 510 893 6419  
 Mailing Address: 2434 ADELIN ST. Alternate Contact Number: \_\_\_\_\_  
 City/Zip Code OAKLAND CA 94607 Representing: SELF  
 Email: MK.MACHINE@GMAIL.COM

An appeal is hereby submitted on:

**AN ADMINISTRATIVE DECISION (APPEALABLE TO THE CITY PLANNING COMMISSION OR HEARING OFFICER)**

**YOU MUST INDICATE ALL THAT APPLY:**

- Approving an application on an Administrative Decision
- Denying an application for an Administrative Decision
- Administrative Determination or Interpretation by the Zoning Administrator
- Other (please specify) \_\_\_\_\_

**Please identify the specific Administrative Decision/Determination Upon Which Your Appeal is Based Pursuant to the Oakland Municipal and Planning Codes listed below:**

- Administrative Determination or Interpretation (OPC Sec. 17.132.020)
- Determination of General Plan Conformity (OPC Sec. 17.01.080)
- Design Review (OPC Sec. 17.136.080)
- Small Project Design Review (OPC Sec. 17.136.130)
- Minor Conditional Use Permit (OPC Sec. 17.134.060)
- Minor Variance (OPC Sec. 17.148.060)
- Tentative Parcel Map (OMC Section 16.304.100)
- Certain Environmental Determinations (OPC Sec. 17.158.220)
- Creek Protection Permit (OMC Sec. 13.16.450)
- Creek Determination (OMC Sec. 13.16.460)
- City Planner's determination regarding a revocation hearing (OPC Sec. 17.152.080)
- Hearing Officer's revocation/impose or amend conditions (OPC Sec. 17.152.150 &/or 17.156.160)
- Other (please specify) \_\_\_\_\_

*(Continued on reverse)*

(Continued)

- A DECISION OF THE CITY PLANNING COMMISSION (APPEALABLE TO THE CITY COUNCIL)**       Granting an application to:      **OR**       Denying an application to:

**YOU MUST INDICATE ALL THAT APPLY:**

**Pursuant to the Oakland Municipal and Planning Codes listed below:**

- Major Conditional Use Permit (OPC Sec. 17.134.070)
- Major Variance (OPC Sec. 17.148.070)
- Design Review (OPC Sec. 17.136.090)
- Tentative Map (OMC Sec. 16.32.090)
- Planned Unit Development (OPC Sec. 17.140.070)
- Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- Other (please specify) \_\_\_\_\_

**FOR ANY APPEAL:** An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision. The appeal must be accompanied by the required fee pursuant to the City's Master Fee Schedule.

**You must raise each and every issue you wish to appeal on this Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Appeal Form (or attached additional sheets), and provide supporting documentation along with this Appeal Form, may preclude you from raising such issues during your appeal and/or in court.** However, the appeal will be limited to issues and/or evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.

**The appeal is based on the following:** *(Attach additional sheets as needed.)*

SEE ATTACHMENTS

**Supporting Evidence or Documents Attached.** *(The appellant must submit all supporting evidence along with this Appeal Form; however, the appeal will be limited evidence presented to the decision-maker prior to the close of the public hearing/comment period on the matter.)*

(Continued on reverse)

(Continued)



Signature of Appellant or Representative of  
Appealing Organization

5-27-2021

Date

**TO BE COMPLETED BY STAFF BASED ON APPEAL TYPE AND APPLICABLE FEE**

APPEAL FEE: \$ \_\_\_\_\_

Fees are subject to change without prior notice. The fees charged will be those that are in effect at the time of application submittal. All fees are due at submittal of application.

**Below For Staff Use Only**

Date/Time Received Stamp Below:

Cashier's Receipt Stamp Below:

I would like to appeal the approval decision of the proposed development at 2400 Adeline Street PLN20173 based on the argument that the decision is not supported by substantial evidence as detailed below.

Regarding: General Use Permit Criteria

Comments on Section A:

Size: The proposed size of 5 stories and 55 feet is not appropriate for the neighborhood, because the proposed development is surrounded by predominantly two story buildings.

Operating characteristics and neighborhood character : The majority of the surrounding neighborhood is live/work, work/live, or light industrial, with some residential. This is clearly stated in, and consistent with the area zoning designation of Housing Business Mix as stated in the municipal code section 17.65.010. Using 2200 Adeline as a comparison: 2200 Adeline is a legacy industrial building that was repurposed entirely for work/live units, such that all tenants were required to have a business license. This has a working height of 46 feet and is 3 stories tall. The rents have been deliberately kept affordable, and the building currently houses a vibrant community of artists, craftspeople, and small businesses, with a very low turnover rate. Adeline Lofts, directly across the street at 1131 24th street, is a legacy industrial building that was converted to live/work lofts, and was developed as affordable housing with a target of 30 -60% AMI. A large, high density, market rate residential complex is not appropriate for the neighborhood and does not conform to the historic patterns of development. If this was a smaller, affordable oriented live/work development, it would be potentially acceptable.

Traffic: The main entrance as proposed, with access to 29 parking spots, is on 24th street. 24th St is a narrow side street, with limited clearance. The intersection of 24th and Adeline is a site of frequent accidents. This location can't handle the existing traffic, adding more will only intensify the problem.

Livability and development of abutting property: The privacy and security of all abutting properties will be severely impacted. The existing parking lot design directly exposes the backyard of 2434 Adeline to potential intruders. The back yard of 1116 24th street will also be indirectly exposed to intruders. There are significant construction issues where 1116 24th street is presumably connected to the building that will be demolished. The size and location of the proposed development will significantly impact the solar access for 2434 Adeline St., removing any solar power generating capability for a significant period of time each year.

Comments on Section E and Section 16.04.010: Purpose:

The zoning designation of HBX-4 is designed for live/work or similar uses. Residential condominiums do not meet the standards of that zoning designation, and does not conform to intent of the General Plan, specifically:

*Policy N5.3 Supporting Live-Work Development*

*The City should support and encourage residents desiring to live and work at the same location where neither the residential use nor the work occupation adversely affects nearby properties or the character of the surrounding area.*

Within an area that is already zoned for mixed use, a market rate residential complex does not meet the intention of Policy N6.1 Mixed Housing Types, nor Policy N7.1 Ensuring Compatible Development.

Signed:

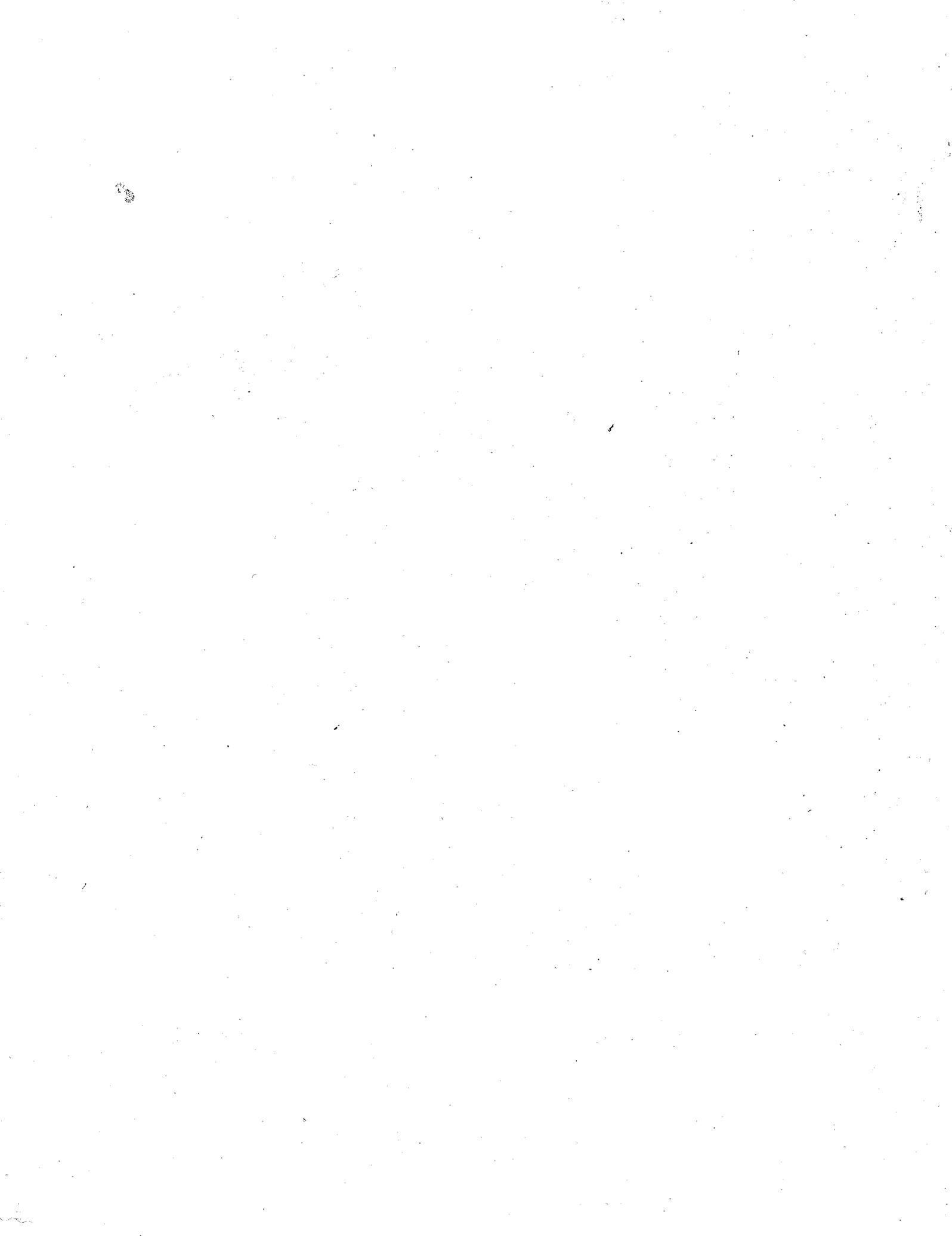
Michael Kennan owner/occupant 2434 Adeline St.

James Austin owner/occupant 2440 Adeline St.

Jake Sternberg owner/occupant 2439 Adeline St.

Patrick Regan owner/occupant 2329 Adeline St.

Samuel Romero owner/occupant 1116 24th St.



**From:** [MK Machine](#)  
**To:** [Herrera, Jose](#)  
**Subject:** 2400 Adeline St PLN20173  
**Date:** Wednesday, March 31, 2021 1:34:00 PM

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[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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Hi,

My name is Mike Kennan, I am the owner occupant of 2434 Adeline St, Oakland, CA 94607, and have been since 1999.

I have concerns about this proposed development.

What is the best way to submit them? Is email sufficient or should I mail them?

Please confirm receipt of this email.

Thank you,

Mike

510-893-6419

3/31/21

Regarding Zoning Public Notice file number PLN20173

Mike Kennan  
Owner/ Occupant  
2434 Adeline St  
mkmachine@gmail.com

These are my concerns and comments regarding the proposed development at 2400 Adeline St.

Regarding O.P.C. 17.134.05 -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;

I believe that the proposed development fails in all regards, as detailed below.

#### 1. Occupancy/ Density/ Zoning

a) Does this meet the usage and density requirement as listed for HBX-4 zoning as stated in section 17.65.040 and .070 of the zoning code?

b) Is this within the maximum height limit of 55 feet? Does this meet the minimum square footage per unit?

An occupancy density of 29 units is totally inappropriate for the immediate neighborhood. The total density of the entire rest of the block, on both sides of Adeline St, is less than half that. A residential building of this scale does not meet the requirements, nor the intention of, the Housing Business Mix-4 zoning.

Quote: 17.65.010

The purposes of the Housing and Business Mix (HBX) Zones are to:

- A. Allow for mixed use districts that recognize both residential and business activities;
- B. Establish development standards that allow residential and business activities to compatibly co-exist;
- C. Provide a transition between industrial areas and residential neighborhoods;
- D. Encourage development that respects environmental quality and historic patterns of development;
  - 1. Foster a variety of small, entrepreneurial, and flexible home-based businesses.

#### 2. Usage

I have a small engineering and prototyping business and am located in a light industrial neighborhood. Sometimes there is fabrication and associated noise, sometimes I work late hours. Often there is activity that is not appropriate for a dense residential neighborhood. This is the purpose of being in a light industrial area. We must preserve the purpose of HBX-4 and allow

myself and the neighboring small businesses to continue operations as intended, without interruption or interference.

Quote:

Housing and Business Mix - 4 (HBX-4) Commercial Zone. The HBX-4 Commercial Zone is intended to provide development standards for Live/Work, Work/Live, and housing in areas with a strong presence of industrial and heavy commercial activities.

### 3. Parking

Increased density needs parking.

There is little to no public transportation or essential services within 1/2 mile, which means the tenants would need to own a vehicle.

The street parking on Adeline St is already a significant challenge. Any increase in parking demands will be a significant hardship for everyone in the neighborhood. Parking further away from my property is not an option due to excessive crime.

### 4. Security

As the direct neighbor, my backyard directly borders the proposed development. This is currently enclosed by an 8' high chain link fence with a privacy screen and old razor wire. This neighborhood in Oakland is a high crime area. People have used ladders to get over the fence. People have climbed and jumped over the fence. (Yes, I have evidence that a person jumped off the roof of my shed that is about 9 foot high). Crime is a significant concern.

In addition, I have pets and the yard needs to be fully enclosed.

This border between properties must remain secure. It must remain fully enclosed, with a fence of a minimum height of 8 feet, 10 feet preferable. There shall be no decorative or support elements that can be used as a ladder.

No part of any structure will be constructed in such a way as to allow access to my property, or the roof of my property.

### 5. Privacy

Privacy is directly related to security.

Any fencing must be primarily opaque so that the yard is not exposed to anyone from any direction.

There shall be no windows directly facing my back yard. All windows shall be perpendicular at 90 deg or greater as related to the line of sight towards my property.

Very tall bamboo (25' plus) is potentially acceptable as a way of mitigating some privacy concerns.

### 6. Solar access

The proposed development is directly to the south of my building. The new structures must not be built in such a way as to shade my roof in any significant way (greater than 1 hour, more than 25% area).

### 7. Social concerns

Care should be taken when considering the layout of the property, as to avoid nooks, coves, or secluded areas that may be used as a public bathroom or space for illicit activity.



**From:** [MK Machine](#)  
**To:** [Herrera, Jose](#)  
**Subject:** Re: 2400 Adeline St PLN20173  
**Date:** Saturday, April 3, 2021 3:30:25 PM

---

Hi,

I just wanted to confirm that you received my comments and concerns.

I would like to request that I'm included in any decision correspondence.

In addition, I would like to add extra emphasis to a couple of my concerns:

1. Height/ density:

There is nothing anywhere nearby that is 4 stories tall. A 4 story 29 unit complex is totally inappropriate for the neighborhood.

If the proposed development was a few 2 story units, I might not have much to say about that. But a 4 story condo complex is totally unacceptable, and does not fit with the current zoning of the property. And is totally out of character of the historical development of the neighborhood.

2. Solar Access.

As the property directly to the north, I am significantly concerned about solar infringement. Right now, my building faces directly south and I have 100% solar exposure. Any new development should not significantly impact this, as described in Chapter 3. Statue 801.5.

Thanks,

Mike Kennan

2434 Adeline St, Oakland, CA 94607

On Wed, Mar 31, 2021 at 10:02 PM MK Machine <[mkmachine@gmail.com](mailto:mkmachine@gmail.com)> wrote:

Hi,

Comments copied below.

As attachment also.

Thanks,

Mike Kennan

3/31/21

Regarding Zoning Public Notice file number PLN20173

Mike Kennan

Owner/ Occupant

2434 Adeline St

[mkmachine@gmail.com](mailto:mkmachine@gmail.com)

These are my concerns and comments regarding the proposed development at 2400 Adeline St.

Regarding O.P.C. 17.134.05 -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;

I believe that the proposed development fails in all regards, as detailed below.

### 1. Occupancy/ Density/ Zoning

a) Does this meet the usage and density requirement as listed for HBX-4 zoning as stated in section 17.65.040 and .070 of the zoning code?

b) Is this within the maximum height limit of 55 feet? Does this meet the minimum square footage per unit?

An occupancy density of 29 units is totally inappropriate for the immediate neighborhood. The total density of the entire rest of the block, on both sides of Adeline St, is less than half that.

A residential building of this scale does not meet the requirements, nor the intention of, the Housing Business Mix-4 zoning.

Quote: 17.65.010

The purposes of the Housing and Business Mix (HBX) Zones are to:

A. Allow for mixed use districts that recognize both residential and business activities;

B. Establish development standards that allow residential and business activities to compatibly co-exist;

C. Provide a transition between industrial areas and residential neighborhoods;

D. Encourage development that respects environmental quality and historic patterns of development;

1. Foster a variety of small, entrepreneurial, and flexible home-based businesses.

### 2. Usage

I have a small engineering and prototyping business and am located in a light industrial neighborhood. Sometimes there is fabrication and associated noise, sometimes I work late hours. Often there is activity that is not appropriate for a dense residential neighborhood. This is the purpose of being in a light industrial area. We must preserve the purpose of HBX-4 and allow myself and the neighboring small businesses to continue operations as intended, without interruption or interference.

Quote:

Housing and Business Mix - 4 (HBX-4) Commercial Zone. The HBX-4 Commercial Zone is intended to provide development standards for Live/Work, Work/Live, and housing in areas with a strong presence of industrial and heavy commercial activities.

### 3. Parking

Increased density needs parking.

There is little to no public transportation or essential services within 1/2 mile, which means the tenants would need to own a vehicle.

The street parking on Adeline St is already a significant challenge. Any increase in parking demands will be a significant hardship for everyone in the neighborhood. Parking further away from my property is not an option due to excessive crime.

#### 4. Security

As the direct neighbor, my backyard directly borders the proposed development. This is currently enclosed by an 8' high chain link fence with a privacy screen and old razor wire. This neighborhood in Oakland is a high crime area. People have used ladders to get over the fence. People have climbed and jumped over the fence. (Yes, I have evidence that a person jumped off the roof of my shed that is about 9 foot high). Crime is a significant concern. In addition, I have pets and the yard needs to be fully enclosed.

This border between properties must remain secure. It must remain fully enclosed, with a fence of a minimum height of 8 feet, 10 feet preferable. There shall be no decorative or support elements that can be used as a ladder.

No part of any structure will be constructed in such a way as to allow access to my property, or the roof of my property.

#### 5. Privacy

Privacy is directly related to security.

Any fencing must be primarily opaque so that the yard is not exposed to anyone from any direction.

There shall be no windows directly facing my back yard. All windows shall be perpendicular at 90 deg or greater as related to the line of sight towards my property.

Very tall bamboo (25' plus) is potentially acceptable as a way of mitigating some privacy concerns.

#### 6. Solar access

The proposed development is directly to the south of my building. The new structures must not be built in such a way as to shade my roof in any significant way (greater than 1 hour, more than 25% area).

#### 7. Social concerns

Care should be taken when considering the layout of the property, as to avoid nooks, coves, or secluded areas that may be used as a public bathroom or space for illicit activity.

On Wed, Mar 31, 2021 at 1:48 PM Herrera, Jose <[JHerrera@oaklandca.gov](mailto:JHerrera@oaklandca.gov)> wrote:

Please email your comments.

**Jose M. Herrera-Preza**, Planner III | City of Oakland | Bureau of Planning | [250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612](#) | Phone: (510)238-3808 | Fax: (510) 238-4730 | Email: [jherrera@oaklandca.gov](mailto:jherrera@oaklandca.gov) | Website: <https://bit.ly/2LEQt1S>

Please direct questions and submittals to: [Permitinfo@oaklandca.gov](mailto:Permitinfo@oaklandca.gov)

For Permit Center news, sign up for updates at:

<https://www.oaklandca.gov/topics/permits>

**Planning & Building Applications/Forms:**

<https://www.oaklandca.gov/resources/planning-and-building-forms-planning-and-building-applications>

**COVID-19 Update:** Conditions and information relating to Planning and Building Department's operations are changing rapidly. Please check our [priority services during shelter-in-place webpage](#) for regular updates.

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**From:** MK Machine <[mkmachine@gmail.com](mailto:mkmachine@gmail.com)>  
**Sent:** Wednesday, March 31, 2021 1:34 PM  
**To:** Herrera, Jose <[JHerrera@oaklandca.gov](mailto:JHerrera@oaklandca.gov)>  
**Subject:** 2400 Adeline St PLN20173

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,

My name is Mike Kennan, I am the owner occupant of 2434 Adeline St, Oakland, CA 94607, and have been since 1999.

I have concerns about this proposed development.

What is the best way to submit them? Is email sufficient or should I mail them?

Please confirm receipt of this email.

Thank you,

Mike

510-893-6419

**From:** [Adam Munich](#)  
**To:** [Herrera, Jose](#)  
**Subject:** 2400 Adeline Development, PLN20173, Parking Concerns  
**Date:** Sunday, April 4, 2021 12:25:06 PM

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[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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Hello,

I have read plans for the proposed development at 2400 Adeline, and while I am happy to see something finally done with the old bus lot, I am concerned that the building is inconsistent with HBX-4 zoning.

We need more space for businesses in west oakland, but this condominium development would not provide much industrial space. So, the people who would be living here would be commuters, and I foresee a lot of tension between commuters and existing residents.

Frequently, gunshots are exchanged at 24th and Adeline St. Bullets speeding by (and into!) our house nearby is an almost monthly occurrence. Attracting people who don't work locally is sure to alienate residents even further and cause more violence.

A building with mixed-use goals would encourage folks to operate shops and businesses locally, so they don't need to commute far away, and foster a healthier community. It would also be consistent with the spirit of HBX-4, and as a local business owner myself I would love to see light industrial space preserved in this part of town.

I look forward to hearing your thoughts,  
-Adam

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Weblog: <http://adammunich.com>  
With great power comes great responsibility.

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Weblog: <http://adammunich.com>  
With great power comes great responsibility.

**From:** [MK Machine](#)  
**To:** [Herrera, Jose](#)  
**Subject:** Re: 2400 Adeline St PLN20173  
**Date:** Sunday, April 4, 2021 6:09:12 PM

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Hi,

I apologize for bothering you about this, but this project will severely impact my quality of life, and so it means a lot to me.

This is the 3rd email I've sent with comments.

I found the planning documents online. Looking over the proposed design plans it reinforces everything I've already mentioned, even more so. In addition, I have a few more comments as noted below. Using the Basic Application for Development Review as a template, I will detail many of the issues I feel are unacceptable about this proposed design.

In addition:

In the design plans PDF for 2400 Adeline street, pages 25-31, drawings C1.0-7.0. This clearly shows the proposed sidewalk renovation crossing the property line in front of my building, and removing my existing tree.

They are not allowed to remove my tree! What paperwork do I have to file to keep them from removing my tree?

Comments listed below.

Thank you for your time.

Mike Kennan  
2434 Adeline St

Regarding Zoning Public Notice file number **PLN20173**

I would like to offer the following criticisms of the proposed development at 2400 Adeline:

**Taken from the Basic Application for Development Review**

**Section 2.**

**A. The location, size, design, and operating characteristics of the proposed development will be compatible with, and 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.**

(comments are here)

- Size: There is nothing within many blocks, possibly miles, that is even close to the size and density of this proposed development. Nearly everything in the surrounding area is two stories, with a few 3 story exceptions. 5 stories and 55 feet is totally unacceptable.

- Operating characteristics : The majority of the surrounding neighborhood is live/work or work/live or light industrial, with some residential. A large high density residential building is totally out of character for the neighborhood.

- Livability and development of abutting property: My property is directly to the north of the proposed 55 foot tall development. The privacy and security of my back yard will be severely impacted, and if the proposal is not changed, I will be robbed.

In addition, my solar access will go from 100% to zero. This will effectively remove my existing solar power capabilities. This directly affects my capital investments in Solar Power.

- Harmony in scale, bulk and density: See answer above about size. This project is drastically different from anything in the surrounding area. The density of 29 units is about 5 times greater than anything in the surrounding neighborhood. Examples can be provided if necessary, including recent development projects of significantly lower density.

- Availability of civic facilities: There are nearly none. The liquor store across the street had their license revoked and may not be operating legally. There are no major supermarkets within walking distance. There is no green open space within a few block radius. The BART is over a mile away. There is nearby access to bus routes.

- Neighborhood character: The majority of the surrounding neighborhood is live/work or work/live or light industrial, with some residential. Everything is 2 stories or less. A large high density residential building is totally out of character for the neighborhood.

- Traffic: The main entrance, with access to 29 parking spots, is on 24th street. 24th St. is a narrow side street, with limited clearance as it exists now. The intersection of 24th and Adeline is a site of frequent accidents. Adding a huge increase in traffic on 24th St. will be a disaster, literally. There is no way the existing intersection can handle any increase in traffic, as it can't handle the existing traffic.

**B. 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 it's location and setting warrant:**

(comments are here)

This project is designed around the absolute minimums and maximums that the zoning code allows. As such, it is as many units as possible, that are as small as possible, and as tall/large a building as legally possible, that will be selling for "market rate" which means as much money as possible. See above comments about size, scope and usage. This is totally out of historical character for this neighborhood.

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

(comments are here)

Quote: 17.65.010

*The purposes of the Housing and Business Mix (HBX) Zones are to:*

*A. Allow for mixed use districts that recognize both residential and business activities;*

*B. Establish development standards that allow residential and business activities to compatibly co-exist;*

- C. Provide a transition between industrial areas and residential neighborhoods;
- D. Encourage development that respects environmental quality and historic patterns of development;
1. Foster a variety of small, entrepreneurial, and flexible home-based businesses

The purpose of HBX zones is NOT to "transition from industrial use to residential use" (quoted from the developer's answer to this question) but instead to act as a transition zone between them. With an industrial zone on one side, and a residential zone on another side, the HBX zone should allow the industrial uses and residential use to co-exist, side by side. The developer's intention is fundamentally wrong.

**D. The Proposal conforms with all applicable Regular Design Review criteria set forth in section 17.136.050 of the Oakland Planning Code:**

(comments are here)

I believe this project FAILS at ALL of the criteria as set forth in 17.136.050. Reasons are given as listed above.

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

(comments are here)

The developer fundamentally does not understand the zoning designation of Housing Business Mix.

HBX is not intended as a transition away from industrial uses, but instead as a transition zone between industrial uses and residential uses. This development is fundamentally wrong for the zoning as it exists today.

On Sat, Apr 3, 2021 at 3:29 PM MK Machine <[mkmachine@gmail.com](mailto:mkmachine@gmail.com)> wrote:

Hi,

I just wanted to confirm that you received my comments and concerns.

I would like to request that I'm included in any decision correspondence.

In addition, I would like to add extra emphasis to a couple of my concerns:

1. Height/ density:

There is nothing anywhere nearby that is 4 stories tall. A 4 story 29 unit complex is totally inappropriate for the neighborhood.

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2. Solar Access.

As the property directly to the north, I am significantly concerned about solar infringement. Right now, my building faces directly south and I have 100% solar exposure. Any new development should not significantly impact this, as described in Chapter 3.Statue 801.5.

Thanks,  
Mike Kennan

2434 Adeline St, Oakland, CA 94607

On Wed, Mar 31, 2021 at 10:02 PM MK Machine <[mkmachine@gmail.com](mailto:mkmachine@gmail.com)> wrote:

Hi,

Comments copied below.

As attachment also.

Thanks,

Mike Kennan

3/31/21

Regarding Zoning Public Notice file number PLN20173

Mike Kennan

Owner/ Occupant

2434 Adeline St

[mkmachine@gmail.com](mailto:mkmachine@gmail.com)

These are my concerns and comments regarding the proposed development at 2400 Adeline St.

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I believe that the proposed development fails in all regards, as detailed below.

1. Occupancy/ Density/ Zoning

a) Does this meet the usage and density requirement as listed for HBX-4 zoning as stated in section 17.65.040 and .070 of the zoning code?

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A residential building of this scale does not meet the requirements, nor the intention of, the Housing Business Mix-4 zoning.

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- B. Establish development standards that allow residential and business activities to compatibly co-exist;
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- D. Encourage development that respects environmental quality and historic patterns of development;
  - 1. Foster a variety of small, entrepreneurial, and flexible home-based businesses.

## 2. Usage

I have a small engineering and prototyping business and am located in a light industrial neighborhood. Sometimes there is fabrication and associated noise, sometimes I work late hours. Often there is activity that is not appropriate for a dense residential neighborhood. This is the purpose of being in a light industrial area. We must preserve the purpose of HBX-4 and allow myself and the neighboring small businesses to continue operations as intended, without interruption or interference.

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On Wed, Mar 31, 2021 at 1:48 PM Herrera, Jose <[JHerrera@oaklandca.gov](mailto:JHerrera@oaklandca.gov)> wrote:

Please email your comments.

**Jose M. Herrera-Preza**, Planner III | City of Oakland | Bureau of Planning | [250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612](#) | Phone: (510)238-3808 | Fax: (510) 238-4730 | Email: [jherrera@oaklandca.gov](mailto:jherrera@oaklandca.gov) | Website: <https://bit.ly/2LEQt1S>

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**COVID-19 Update:** Conditions and information relating to Planning and Building Department's operations are changing rapidly. Please check our [priority services during shelter-in-place webpage](#) for regular updates.

**From:** MK Machine <[mkmachine@gmail.com](mailto:mkmachine@gmail.com)>  
**Sent:** Wednesday, March 31, 2021 1:34 PM  
**To:** Herrera, Jose <[JHerrera@oaklandca.gov](mailto:JHerrera@oaklandca.gov)>  
**Subject:** 2400 Adeline St PLN20173

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Hi,

My name is Mike Kennan, I am the owner occupant of 2434 Adeline St, Oakland, CA 94607, and have been since 1999.

I have concerns about this proposed development.

What is the best way to submit them? Is email sufficient or should I mail them?

Please confirm receipt of this email.

Thank you,

Mike

510-893-6419

**From:** [Jake Watters](#)  
**To:** [Herrera, Jose](#)  
**Subject:** 2400 ADELINE: Zoning Public Notice PLN20173  
**Date:** Monday, April 5, 2021 2:23:21 AM

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[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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### **OBJECTION TO 2400 ADELINE: Zoning Public Notice PLN20173**

I am across the street from this property, which was formerly a charter bus lot / repair facility. This block is not residential, and as you know CASS metals operates just a few blocks away, as do many businesses that are not compatible with residential use.

Over the years this block has drifted away from its HBX4 mixed industrial/residential intentions toward industrial, enabled by this zoning board.

The formerly live/work warehouse units at 2425 Adeline (and the entire western half of the block) changed to entirely residential deluxe apartments.

A parking lot at 2505 Adeline is being built into apartments. This is not industrial at all, just another pure residential building.

The zoning board should compensate for these oversights by requiring a proper industrial use of 2400 adeline, rather than another high-market-rate housing development. If the zoning board or the city wants to change the neighborhood to residential, there are proper channels for that and they are not being followed. Instead, developers are taking advantage of a lack of oversight to pick away at the intended use of this part of town, so that they can make money. Another example of this was the Coast Sausage project, proposed with a thinly-veiled trojan horse of deluxe residential studios pretending to be "work/live" spaces. They didn't even plan for industrial power or ventilation issues because actual industry was never the intent.

We depend on the zoning board to enforce careful planning decisions, and stand up to developers no matter how much money they hope to make building deluxe high-priced housing in industrial neighborhoods. Citizens like myself should not have to write these letters to stop them, but I am and I believe others are as well. Please don't let this inappropriate project proceed.

thank you  
Jake Sternberg  
2429 Adeline Street

**From:** [sam\\_romero](mailto:sam_romero)  
**To:** [Herrera, Jose](mailto:Herrera, Jose)  
**Subject:** Zoning Public Notice/Case File No. PLN20173  
**Date:** Monday, April 5, 2021 1:07:10 PM

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[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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Attn: Mr. Jose Herrera,  
Case Planner.

I would like to address my concerns regarding the above Proposal and General Plan and Zoning of this location.

1. Erecting a high density 29 residential units in a five-story building at 2400 Adeline Street, Oakland, is not appropriate taking into consideration the submitted design. The design does not conform with the existing building designs within the neighborhood. A building with this magnitude and occupancy within the area is like a "sore thumb".

2. The entire block comprises commercial, industrial and a school. Therefore, this proposed 29 residential units will not allow existing business activities to compatibly coexist in the vicinity. Furthermore, the plan does not show transition between industrial and residential neighborhoods. Also, it will not foster small entrepreneurial or flexible home-based businesses. Based on the City of Oakland HBX-4 Commercial Zone, and I quote "it is intended to provide development standards for Live/Work, Work/Live, and housing in areas with strong presence of industrial and heavy commercial activities."

3. Parking and traffic congestion. Currently, we are already experiencing parking and street congestion within the block vicinity and not to mention traffic movements of vehicles of parents dropping-off and picking-up school children at the school (St. Vincent Academy Charter School). An additional 15 or more vehicles in the area would extremely reduce the current space used by the existing residents.

Lastly, the location used to house a small business, employed local residents and helped the local government directly and indirectly in so many ways. They had to close and leave. The city should also look after the welfare of the working people and people giving employment to the locals instead of eliminating working areas.

SAMUEL D. ROMERO  
[romerocityhouse@gmail.com](mailto:romerocityhouse@gmail.com)

## **Proposed Construction at 2400 Adeline Street**

Zoning Public Notice file number **PLN20173**

To Whom It May Concern:

The proposal to build 29 residential units at 2400 Adeline Street is not in keeping with the requirements or intent of Oakland's zoning code O.P.C. 17.134.05-A or the special, transitional HBX-4 zoning for our block. Specifically, by stacking such a high density of strictly residential units on a block (the east side of Adeline St. between 24<sup>th</sup> and 26<sup>th</sup> streets), which is currently entirely industrial/commercial, the industrial character and potential of this block will be downgraded and endangered. By the sheer numbers from one development this block will become a majority residential neighborhood and increasingly cease to foster business development in this vital part of Oakland.

The online plans for this development show construction of unprecedented height (5 stories) that would be greatly out of scale with the neighborhood's older industrial buildings. It would likely reduce or deprive my property's access to direct sunlight and damage my prospects for a future solar energy installation. The sunlight issue will definitely be a big problem for my neighbor at 2434 Adeline Street and possibly also for the Vincent Academy Charter School on Chestnut Street who are currently shut down due to Covid-19.

With only one parking space per unit this development would vastly increase the neighborhood competition for the little public parking on this block that is available to my clients and make industrial deliveries (of steel, for example) to my business more difficult. This development would also increase traffic on nearby blocks of Adeline St. and 24<sup>th</sup> St. - and specifically at the dangerous **intersection** of Adeline and 24<sup>th</sup> street - that already suffer a huge amount of accidents due to negligent/DUI driving and are subject to "sideshow" activity. Note that 24<sup>th</sup> Street is extremely narrow with parking on both sides and offers bad visibility to drivers crossing or turning onto Adeline Street. It cannot safely sustain an increase to its traffic.

Oakland should not allow developers to dilute the business character of this neighborhood, but rather insist that the development of 2400 Adeline Street provide space for business activities that employ Oakland citizens to provide Oakland services and products. Oakland should look beyond simply providing dense, residential housing for commuters who leave this area for their jobs and spend their money elsewhere.

Respectfully,

James Austin / hotsteel@sbcglobal.net  
2440 Adeline St.  
Oakland CA 94607

**From:** [Patrick Regan](#)  
**To:** [Herrera, Jose](#)  
**Subject:** 2400 Adeline: comments on proposed development  
**Date:** Monday, April 5, 2021 3:22:05 PM

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[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

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Mr. Herrera,

Good afternoon. My name is Patrick Regan, and I am a long time resident and homeowner on Adeline St. in west Oakland. I am writing to raise some concerns and potential objections regarding the proposed development/condominium project at 2400 Adeline St in Oakland, of which I understand you are the case planner. My home of 10+ years is diagonally across Adeline street from this proposed development. My family also owns the duplex next door to my home, located on the southwest corner of Adeline and 24th. Because of our family property's close proximity to this project, and our property's frontage on both Adeline St and 24th St, I am concerned that its size and scope will cause considerable negative impacts for my family, and for other nearby neighborhood residents, both during demolition/construction and afterwards as well. As some of the closest neighbors, we will be bearing the brunt of many of these negative impacts. From my preliminary look at the proposed plans, this development seems to be planned to be much taller and larger than most of the buildings in this area, and it will dominate the local skyline for those of us who are nearby. One of the reasons I purchased my home here was the lovely view of the east bay hills and sky which I enjoy out my living room window, and the rare feeling of peace and open space that it provides amidst the urban surroundings. This view will certainly be blocked forever by a five story, 55 foot high building that takes up most of a city block, a building which certainly will not be as beautiful as the view of rolling hills in the distance which will be lost. My family's duplex also has a beautiful view of the hills from the windows of its second floor flat, and that view will also be considerably impacted, if not eradicated, by the height and width of this proposed development. This, in turn, will have a negative effect on our enjoyment of our property, and our property's proximity to this large project will possibly also lower the value of our property going forward. The proposed project is so large that I am also concerned it may potentially block sunlight and cause shadowing that decreases our indoor and outdoor access to natural light and negatively impacts our yards and gardens.

Another concern which must be raised is the potentially toxic and ongoing noise and dust impacts, from both demolition of the existing structure, and from digging a new foundation and building a new building. Much of the soil in west Oakland is toxic in one way or another due to the years of unregulated dumping by industry that preceded the current real estate gold rush. Lead paint, and other persistent pollutants are now endemic to much of the soil, and oftentimes, due diligence is not done by developers and construction firms regarding the potential spread of these microscopic particulate carcinogens which can be released and worsened by large-scale excavations and construction. The proposed project site was a bus yard for many years, and has no doubt been heavily polluted by many years of bus diesel exhaust and other particulates settling into the ground, not to mention the many preceding decades when it was common to dump trash oil and other toxic automotive products straight into the ground prior to more enlightened practices being enforced. As an example of this dynamic, I can point to the now well-known case of faked soil testing/toxic dumping at the Hunter's Point shipyard project, a case that I believe is still being litigated in San Francisco. I am a gardener and grow food for my family in my yard, and constant pollution and toxic diesel dust are already a problem here. This neighborhood has been shown to be polluted with

particulates at a rate more than double the surrounding areas, and has a history of childhood asthma and cancer clusters caused by unregulated industry. This basically constitutes a sort of health tax on residents, who did nothing to deserve the extra pollution, and in many cases, live in this area because they have roots here and it has been historically affordable. The residents who live here deserve less pollution, not more. I am not so naive as to believe that those who are looking to build and profit from this project will truly care about the health and well-being of the residents who are already here, and the disenfranchised people of this area do not have the financial resources or the legal help to fight against the tide of money that is causing these great changes. As the neighborhood gentrifies beyond recognition, I am concerned that many of the most powerless residents will be displaced, adding to the housing crisis we are already dealing with, with camps and tents on nearly every street in west Oakland. The residents of those camps and tents will certainly not be able to afford the new condominiums.

Due to its size and complexity, this will be a project that takes a long time to build, perhaps years, and every day of that time we will be living with its ongoing impacts immediately outside our homes, which for many of us, are also our workplaces. The constant nearby noise of trucks, jackhammers, earth movers, and all the other associated noises of heavy construction can make it very difficult if not impossible to concentrate on one's work and find peace in one's home. This neighborhood has always been impacted much more than most others in Oakland by constant heavy construction, truck traffic, large open metal recycling yards, and the industrial activities at the Port and elsewhere. Huge blocks-long condominium developments between 24th and West Grand at Filbert and Myrtle St. have just finally been completed after putting the neighborhood through several years of dust, construction noise, road closures, and even a large fire that threatened to spread beyond the site. The local impacts of pollution from a large construction site are well-known and affect those closest to it the most. The imposition of \$800,000 condominiums into one of Oakland's poorest neighborhoods has also exacerbated tensions on the streets and caused resentment in both directions, as moneyed newcomers try to change the character of the neighborhood, while longtime residents are pushed out by more affluent individuals. In many ways, it seems that the city has opened the floodgates to development in the most historically underserved neighborhoods, while sparing the more affluent residents of Oakland from the effects of that development. This building would never be proposed or built in Rockridge. The people who live here in west Oakland deserve to have the same quiet enjoyment of their property and their neighborhood as the people who live in the Oakland hills, but instead, this area seems to be the go-to zone for projects that would not be approved elsewhere.

There will also be massive ongoing traffic effects for the immediate area stemming from this project, from the need to close roads and block lanes with heavy equipment, and from the comings and goings of the small army of workers who will be needed to build the project. Parking in this area is already heavily contested, and more residents and workers with more daily visitors will only exacerbate the situation, which is already bad enough that our driveways and bus stops are regularly blocked by people who are unable to find a legal parking spot.

Furthermore, with the ongoing gentrification of west Oakland and the economic displacement of many of the longtime residents, all new developments must be looked at through the lens of neighborhood character. Judging by the looks of the preliminary plans, and by the parties involved, this will not be a building that will serve the needs of the current community. The working people who live in this area will not be able to afford the condominiums being built, and their presence and the presence of those who do purchase them will most likely constitute a significant change in the demographics and character of this neighborhood.

I know I have raised many issues in this letter, and I appreciate you reading it and taking them

seriously. I have spoken with my next door neighbors and other residents on this block, and they share many of my concerns.

Thank you for your time, and please feel free to contact me if you would like to discuss this matter further.

Patrick D. Regan  
2329 Adeline St  
(510)359-1668

**From:** [Patrick Regan](#)  
**To:** [Herrera, Jose](#)  
**Subject:** Re: 2400 Adeline, Case File # PLN20173  
**Date:** Monday, April 5, 2021 3:35:26 PM

[EXTERNAL] This email originated outside of the City of Oakland. Please do not click links or open attachments unless you recognize the sender and expect the message.

Mr. Herrera,

Good afternoon! My name is Patrick, and I am a long time resident and homeowner on Adeline St. in west Oakland. My apologies for any redundancy, but I am now sending you a second copy of this letter, as I did not include the case file number the first time, and I have received your automatic reply telling me to do so. I am writing to raise some concerns and potential objections regarding the proposed development/condominium project at 2400 Adeline St in Oakland, Case File Number PLN20173, of which you are the case planner. My home of 10+ years is diagonally across Adeline street from this proposed development. My family also owns the duplex next door to my home, located on the southwest corner of Adeline and 24th. Because of our property's close proximity to this project, I am concerned that its size and scope will cause considerable negative impacts for my family, and for other nearby neighborhood residents, both during demolition/construction and afterwards as well. As some of the closest neighbors, we will be bearing the brunt of many of these negative impacts. From my preliminary look at the proposed plans, this development seems to be planned to be much taller and larger than most of the buildings in this area, and it will dominate the local skyline for those of us who are nearby. One of the reasons I purchased my home here was the lovely view of the east bay hills and sky which I enjoy out my living room window, and the rare feeling of peace and open space that it provides amidst the urban surroundings. This view will certainly be blocked forever by a five story, 55 foot high building that takes up most of a city block, a building which certainly will not be as beautiful as the view of rolling hills in the distance which will be lost. My family's duplex also has a beautiful view of the hills from the windows of its second floor flat, and that view will also be considerably impacted, if not eradicated, by the height and width of this proposed development. This, in turn, will have a negative effect on our enjoyment of our property, and our proximity to this large project will possibly also lower the value of our property going forward. The proposed project is also so large that I am concerned it may potentially block sunlight and cause shadowing that decreases our access to natural light and negatively impacts our yards and gardens.

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I know I have raised many issues in this letter, and I appreciate you reading it and taking them seriously. I have spoken with my next door neighbors and other residents on this block, and they share many of my concerns.

Thank you for your time, please feel free to contact me if you would like to discuss this matter further.

Patrick D. Regan  
2329 Adeline St  
(510)359-1668

On Mon, Apr 5, 2021 at 3:22 PM Herrera, Jose <[JHerrera@oaklandca.gov](mailto:JHerrera@oaklandca.gov)> wrote:

Good Day,

Thanks for your email. Please note that I will be out of the office on Monday April 5, 2021 through Friday April 9, 2021.

If you wish to submit written correspondence regarding a publicly noticed project please reference the case number and address in your email. Please note that you may view the contents of a case files through the ACA permit portal at <https://aca-prod.accela.com/OAKLAND/Welcome.aspx>.

Jose M. Herrera-Preza, Planner III | City of Oakland | Bureau of Planning | [250 Frank H. Ogawa, Suite 2114 |Oakland, CA 94612](tel:5102383808) | Phone: (510)238-3808 | Fax: (510) 238-4730 | Email: [jherrera@oaklandca.gov](mailto:jherrera@oaklandca.gov) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** [Patrick Regan](#)  
**To:** [Herrera, Jose](#)  
**Subject:** Re: Automatic reply: 2400 Adeline: comments on proposed development  
**Date:** Monday, April 5, 2021 3:41:38 PM

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Mr. Herrera,

Thank you for the reply. I have just re-sent you my letter regarding my concerns and comments about the proposed development at 2400 Adeline St, Case File Number PLN20173, as I did not include the case number initially. I appreciate your time and attention to my concerns as outlined in my previous letter, and I would also like to be informed and notified about the decision in this case.

Patrick Regan  
2329 Adeline St  
(510)359-1668

On Mon, Apr 5, 2021 at 3:22 PM Herrera, Jose <[JHerrera@oaklandca.gov](mailto:JHerrera@oaklandca.gov)> wrote:

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Jose M. Herrera-Preza, Planner III | City of Oakland | Bureau of Planning | [250 Frank H. Ogawa, Suite 2114 |Oakland, CA 94612](tel:5102383808) | Phone: (510)238-3808 | Fax: (510) 238-4730 | Email: [jherrera@oaklandca.gov](mailto:jherrera@oaklandca.gov) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** [Imma DC](#)  
**To:** [Herrera, Jose](#)  
**Subject:** [Zoning Public Notice: PLN20173] 2400 Adeline St - Concerns for the Planned 5-story Condo  
**Date:** Monday, April 5, 2021 3:53:04 PM

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Hi Oakland city staff,

I'm writing to provide my concerns for the planned development of the 5-story condominium at 2400 Adeline St. The location, size, and intended use of the proposed 29-unit condo development is incompatible with the immediate neighborhood and zoning of the area. As the parcel is in the "Housing and Business Mix - 4 (HBX-4) Commercial Zone" the high-density residential building interrupts the purpose of the Commercial Zone "to provide development standards for Live/Work, Work/Live, and housing in areas with a strong presence of industrial and heavy commercial activities."

Also, considering the prevalence of the neighborhood's homeless individuals on the block, this development is an inappropriate addition to the neighborhood in overshadowing the current unaddressed needs of the disadvantaged citizens of the street. High-density market rate housing will eject these existing homeless neighbors from the only homes they have been able to access for themselves.

This permit for this planned development should be rescinded for its disruption to the Commercial Zone use and its inherent disregard and inaccessibility for the homeless citizens frequenting this street.

Best,  
Imma Dela Cruz  
Resident, 2400 block of Adeline St.

## **Proposed Construction at 2400 Adeline Street**

Zoning Public Notice file number **PLN20173**

To Whom It May Concern:

The proposal to build 29 residential units at 2400 Adeline Street is not in keeping with the requirements or intent of Oakland's zoning code O.P.C. 17.134.05-A or the special, transitional HBX-4 zoning for our block. Specifically, by stacking such a high density of strictly residential units on a block (the east side of Adeline St. between 24<sup>th</sup> and 26<sup>th</sup> streets), which is currently entirely industrial/commercial, the industrial character and potential of this block will be downgraded and endangered. By the sheer numbers from one development this block will become a majority residential neighborhood and increasingly cease to foster business development in this vital part of Oakland.

The online plans for this development show construction of unprecedented height (5 stories) that would be greatly out of scale with the neighborhood's older industrial buildings. It would likely reduce or deprive my property's access to direct sunlight and damage my prospects for a future solar energy installation. The sunlight issue will definitely be a big problem for my neighbor at 2434 Adeline Street and possibly also for the Vincent Academy Charter School on Chestnut Street who are currently shut down due to Covid-19.

With only one parking space per unit this development would vastly increase the neighborhood competition for the little public parking on this block that is available to my clients and make industrial deliveries (of steel, for example) to my business more difficult. This development would also increase traffic on nearby blocks of Adeline St. and 24<sup>th</sup> St. - and specifically at the dangerous **intersection** of Adeline and 24<sup>th</sup> street - that already suffer a huge amount of accidents due to negligent/DUI driving and are subject to "sideshow" activity. Note that 24<sup>th</sup> Street is extremely narrow with parking on both sides and offers bad visibility to drivers crossing or turning onto Adeline Street. It cannot safely sustain an increase to its traffic.

Oakland should not allow developers to dilute the business character of this neighborhood, but rather insist that the development of 2400 Adeline Street provide space for business activities that employ Oakland citizens to provide Oakland services and products. Oakland should look beyond simply providing dense, residential housing for commuters who leave this area for their jobs and spend their money elsewhere.

Respectfully,

James Austin / hotsteel@sbcglobal.net  
2440 Adeline St.  
Oakland CA 94607

# 2400 Adeline

August 2021

## Proposed Design Updates in Response to Community Feedback



### Sheet Index

#### Architecture

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A2.0.2 CONCEPTUAL ELEVATIONS  
A2.0.3 CONCEPTUAL ELEVATIONS

A3.0.0 BUILDING PLAN - LEVEL 1  
A3.0.1 BUILDING PLAN - LEVEL 2  
A3.0.2 BUILDING PLAN - LEVEL 3 & 4  
A3.0.3 ROOF PLAN

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A4.0.1 BUILDING SECTIONS

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SIGNATURE  
DEVELOPMENT  
GROUP

ENGINEERING  
SURVEYING • PLANNING



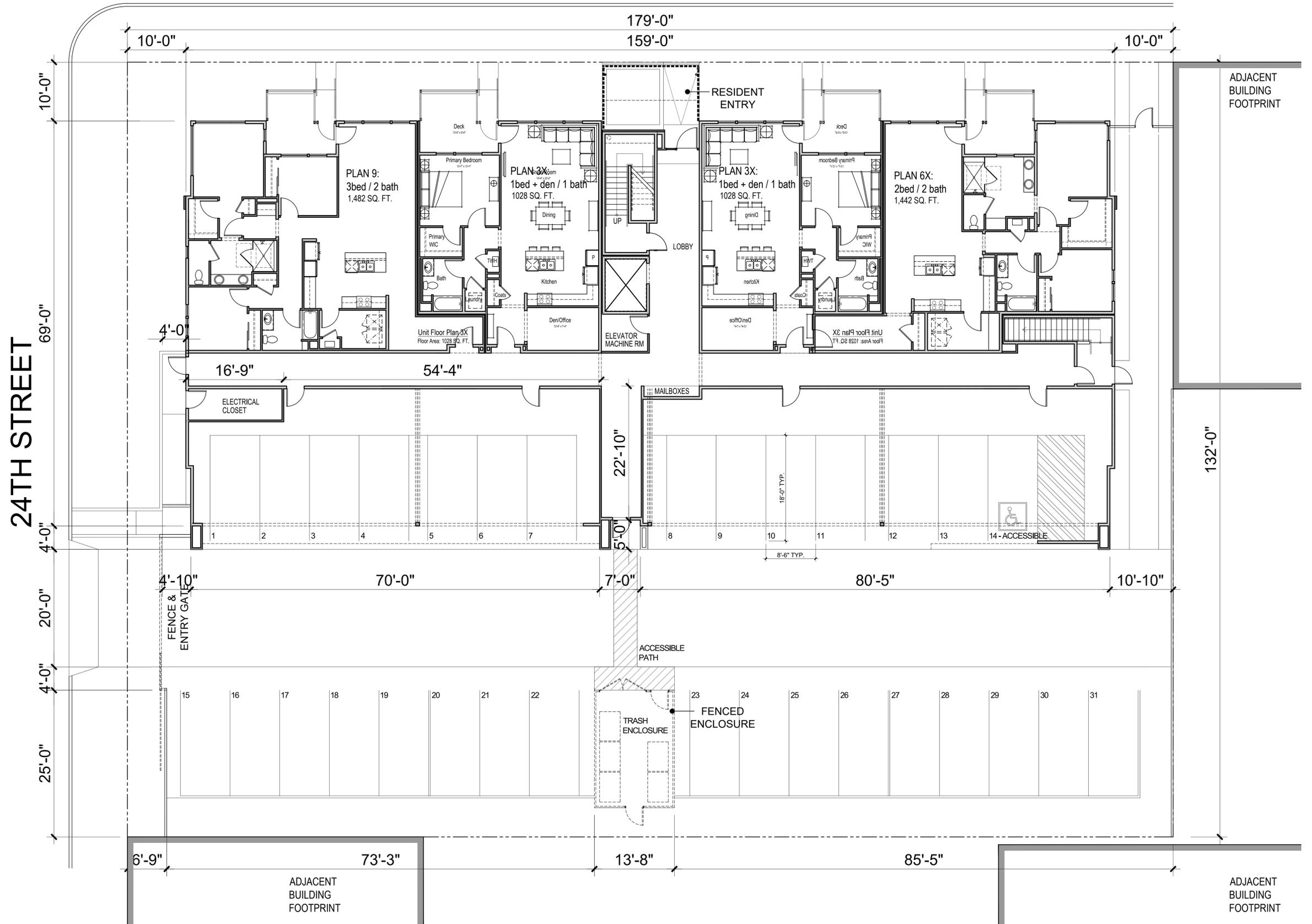
2400 ADELINE  
OAKLAND, CA # 2019-1130

SCHEMATIC DESIGN

COVER SHEET

A0.0.0

# ADELINE STREET



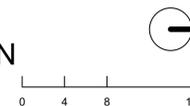
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**SIGNATURE  
 DEVELOPMENT  
 GROUP**



**2400 ADELINE**  
 OAKLAND, CA # 2019-1130

SCHEMATIC DESIGN



ARCHITECTURAL SITE PLAN

A1.0.0

**MATERIAL LEGEND**

- ①A Stucco
- ①B Smooth Troweled Stucco
- ② Painted Fiber Cement Lap Siding
- ③ Metal Downspout
- ④ TPO Roof Material
- ⑤ Metal Gate
- ⑥ CMU Wall with Stucco Finish
- ⑦ Unit Stoop Access (Private)
- ⑧ Vinyl Window
- ⑨ Vinyl Door
- ⑩ Metal Awning
- ⑪ Metal Railing
- ⑫ Metal Sign
- ⑬ Metal Column
- ⑭ Building Address
- ⑮ Unit Address
- ⑯ Rolling Gate
- ⑰ Security Gate
  
- \* Egress Window For Emergency Escape



FRONT RIGHT PERSPECTIVE



FRONT ELEVATION



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**2400 ADELINE**  
 OAKLAND, CA # 2019-1130

SCHEMATIC DESIGN

CONCEPTUAL ELEVATIONS

A2.0.0

**MATERIAL LEGEND**

- ①A Stucco
  - ①B Smooth Troweled Stucco
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  - ③ Metal Downspout
  - ④ TPO Roof Material
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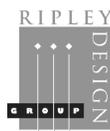
REAR RIGHT PERSPECTIVE



REAR ELEVATION



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2400 ADELINE  
 OAKLAND, CA # 2019-1130

SCHEMATIC DESIGN

CONCEPTUAL ELEVATIONS

A2.0.1

**MATERIAL LEGEND**

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  - ①B Smooth Troweled Stucco
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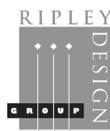
LEFT ELEVATION



RIGHT ELEVATION



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2400 ADELINE  
OAKLAND, CA # 2019-1130

SCHEMATIC DESIGN

CONCEPTUAL ELEVATIONS

A2.0.2

# ADELINE STREET



2400 ADELINE \_ STACKED FLATS 28-PLEX

Unit Type	Bedroom	Bath	Average *NSF	Units	Provided %
PLAN 3	1+DEN	1	± 899 SF	6	21%
PLAN 3X	1+DEN	1	± 1,028 SF	2	7%
PLAN 5	2	2	± 1,116 SF	3	11%
PLAN 6	2	2	± 1,148 SF	6	21%
PLAN 6X	2	2	± 1,442 SF	1	4%
PLAN 7	2	2	± 1,150 SF	6	21%
PLAN 8	3	2	± 1,359 SF	3	11%
PLAN 9	3	2	± 1,483 SF	1	4%
Total:				28	100%



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2400 ADELINE  
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SCHEMATIC DESIGN



BUILDING PLAN  
LEVEL 1

A3.0.0



LEVEL 2

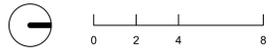


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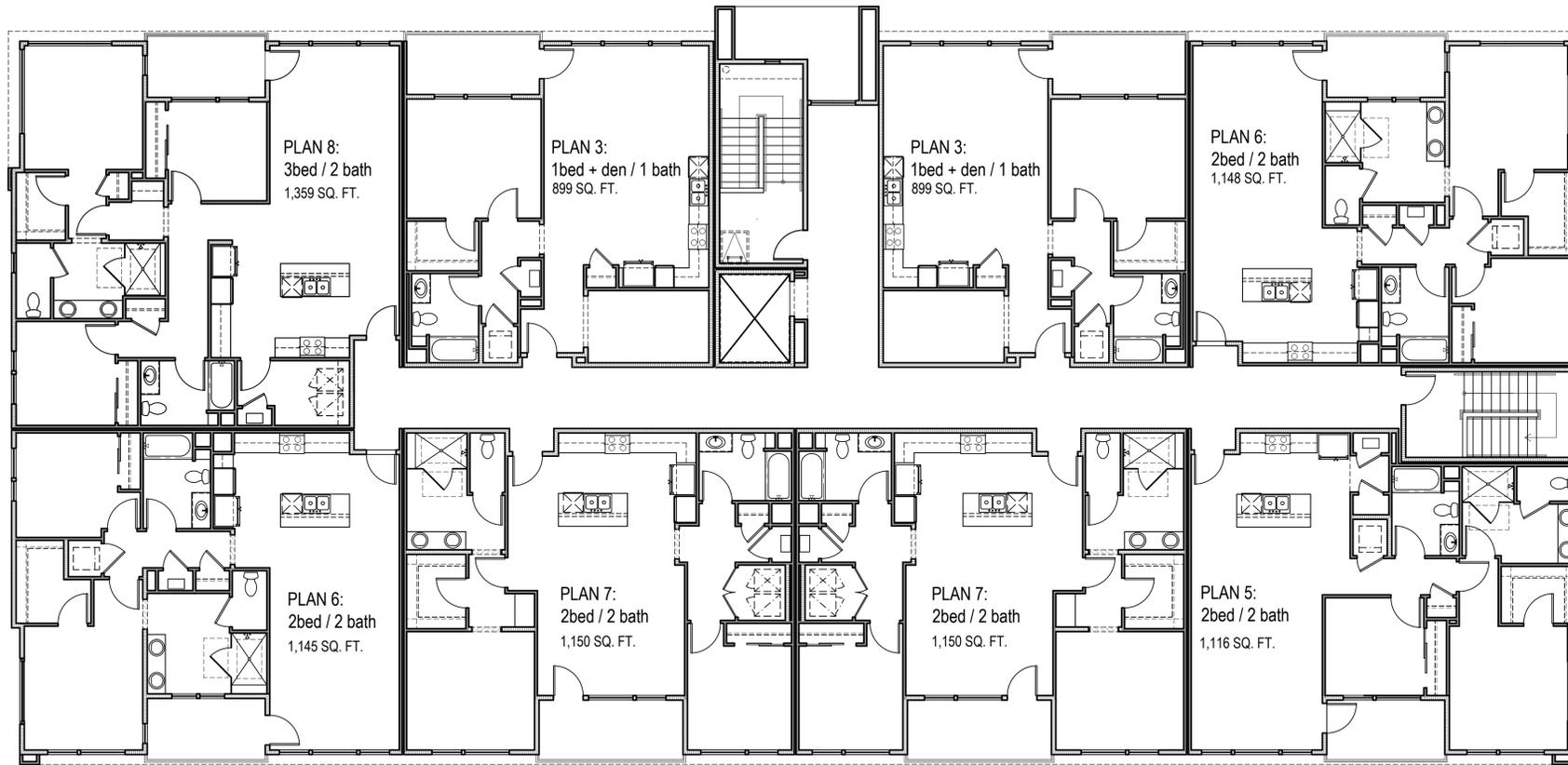
**2400 ADELINE**  
 OAKLAND, CA # 2019-1130

SCHEMATIC DESIGN

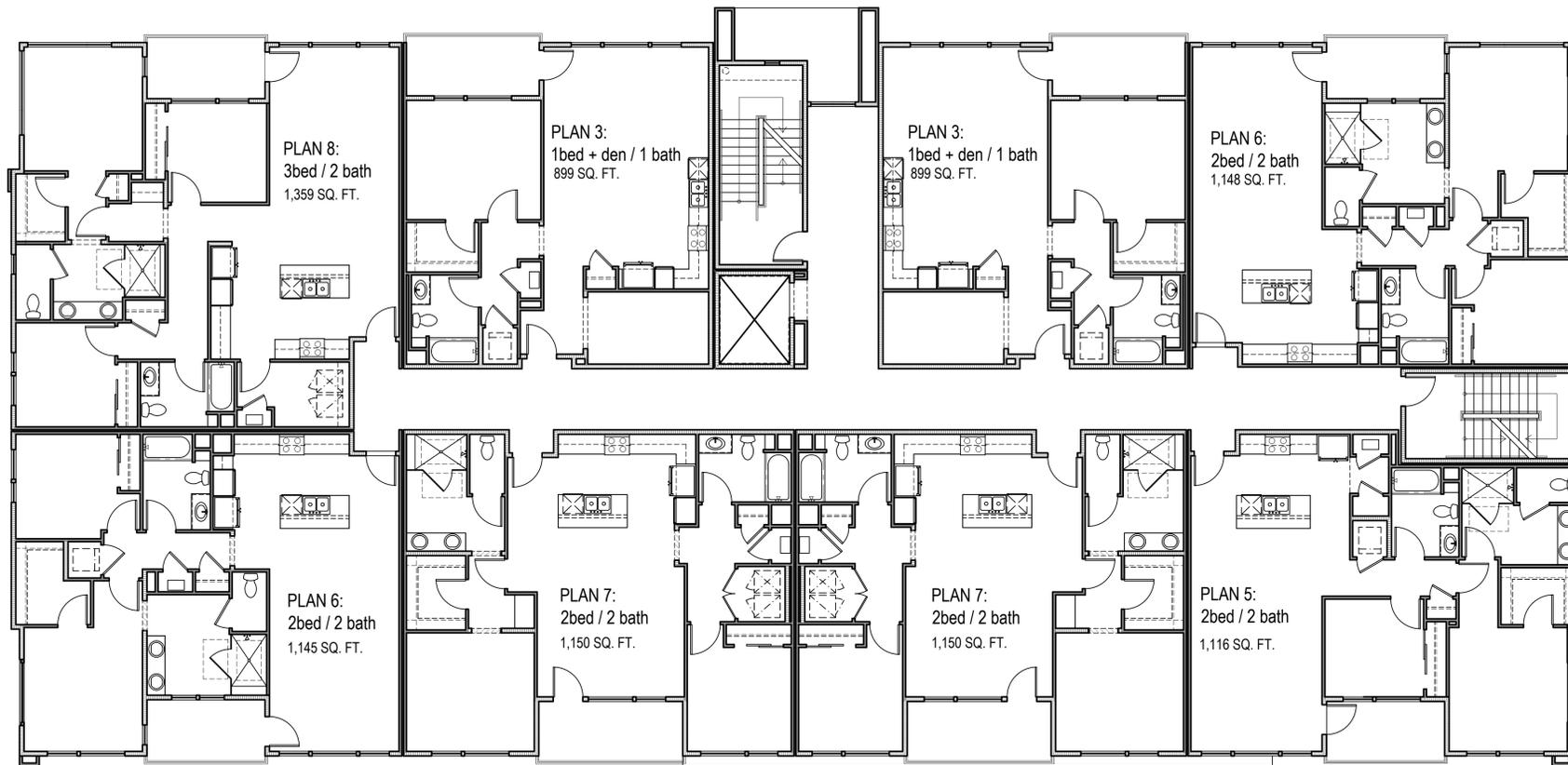


**BUILDING PLAN**  
 LEVEL 2

**A3.0.1**



LEVEL 4



LEVEL 3



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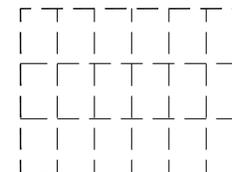
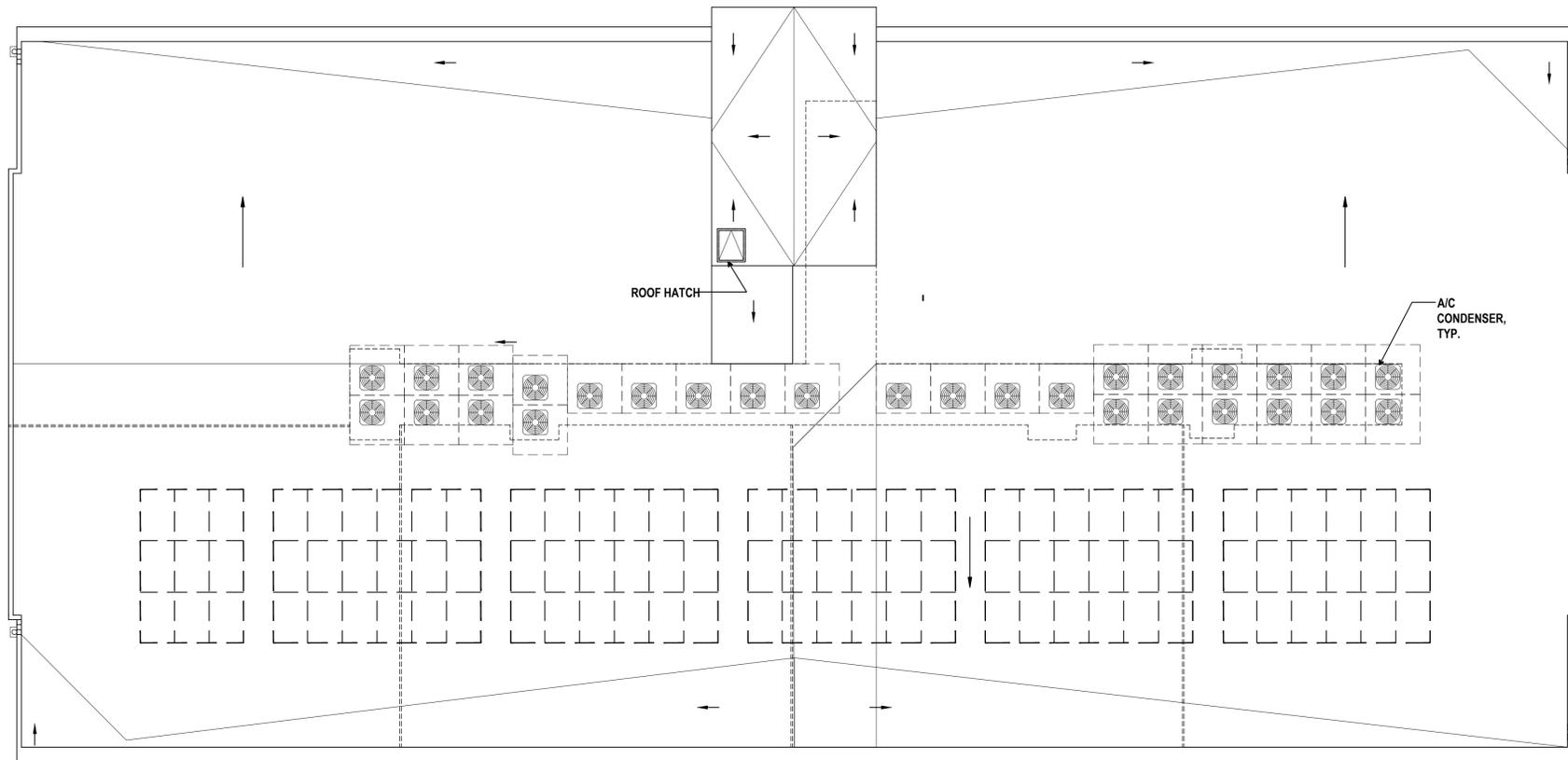
**2400 ADELINE**  
 OAKLAND, CA # 2019-1130

SCHEMATIC DESIGN



**BUILDING PLAN**  
 LEVEL 3 & 4

**A3.0.2**



**SOLAR ZONE**  
 ROOF AREA: 11752 SQ. FT.  
 SOLAR AREA REQUIRED: (.15x11,752 SF)  
 1,763 SF  
 SOLAR AREA PROVIDED: 1802 SQ. FT.



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**2400 ADELINE**  
 OAKLAND, CA # 2019-1130

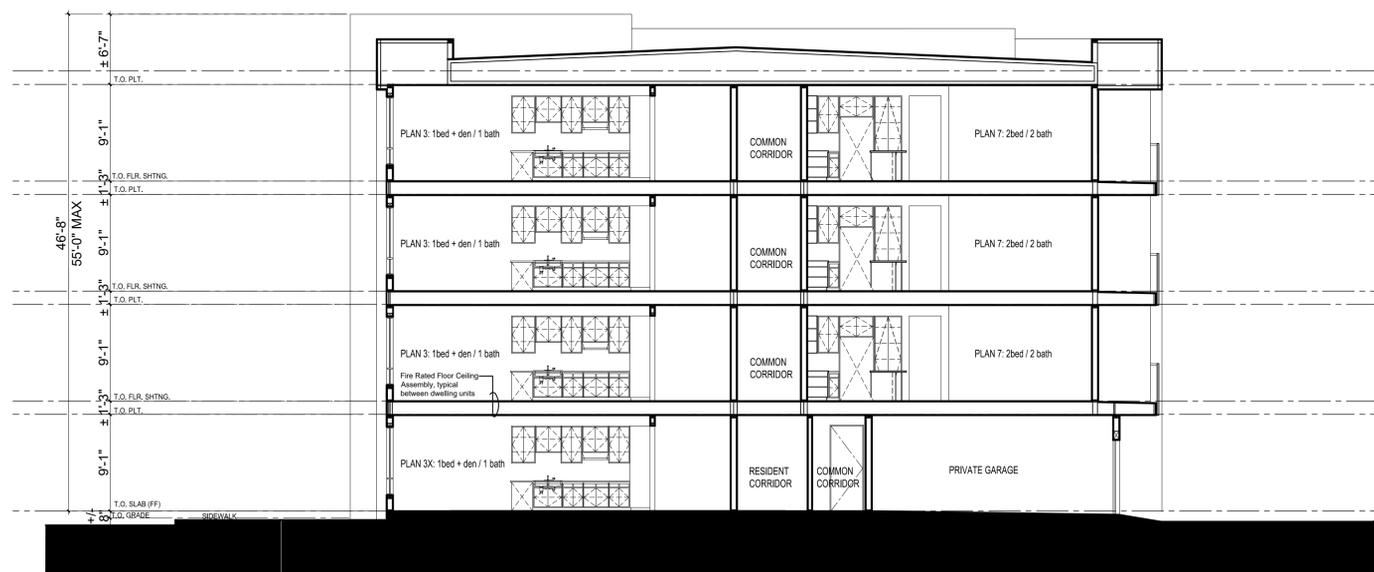
**SCHEMATIC DESIGN**



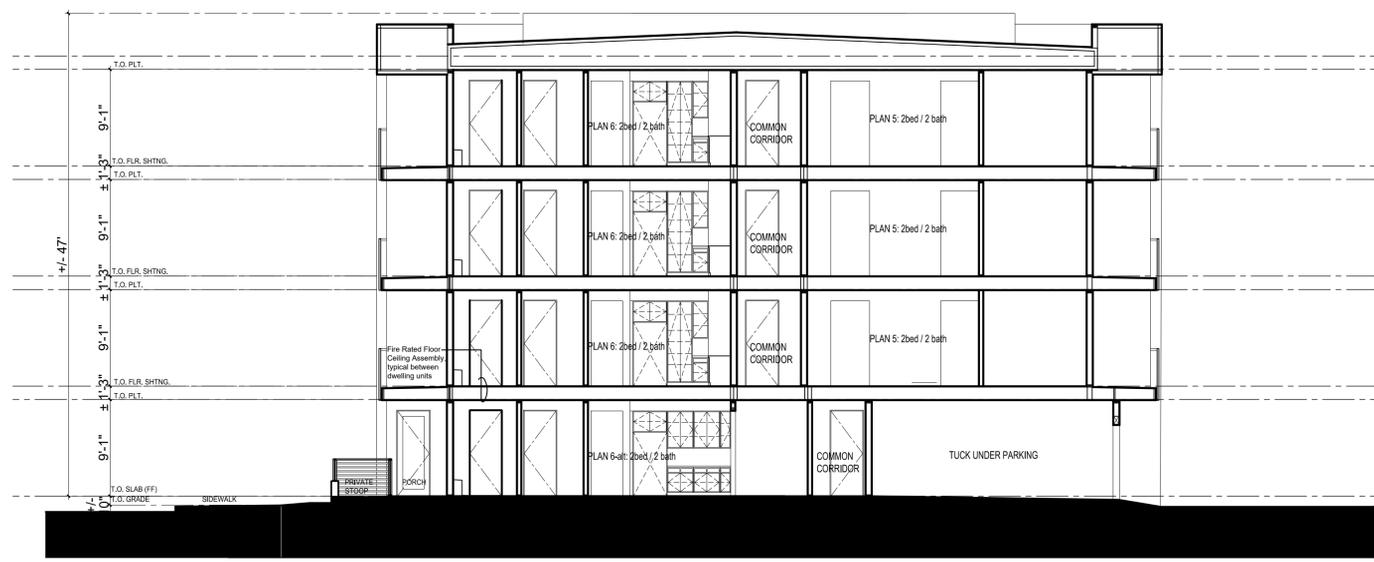
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**ROOF PLAN**

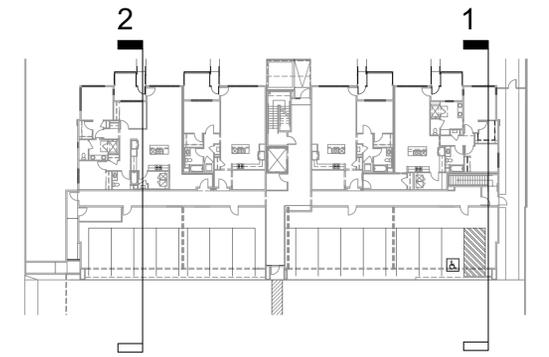
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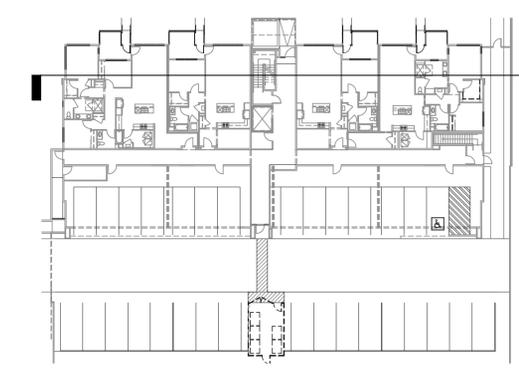
SECTION 1



SECTION 2



Key Map



Key Map

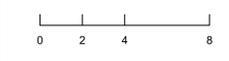


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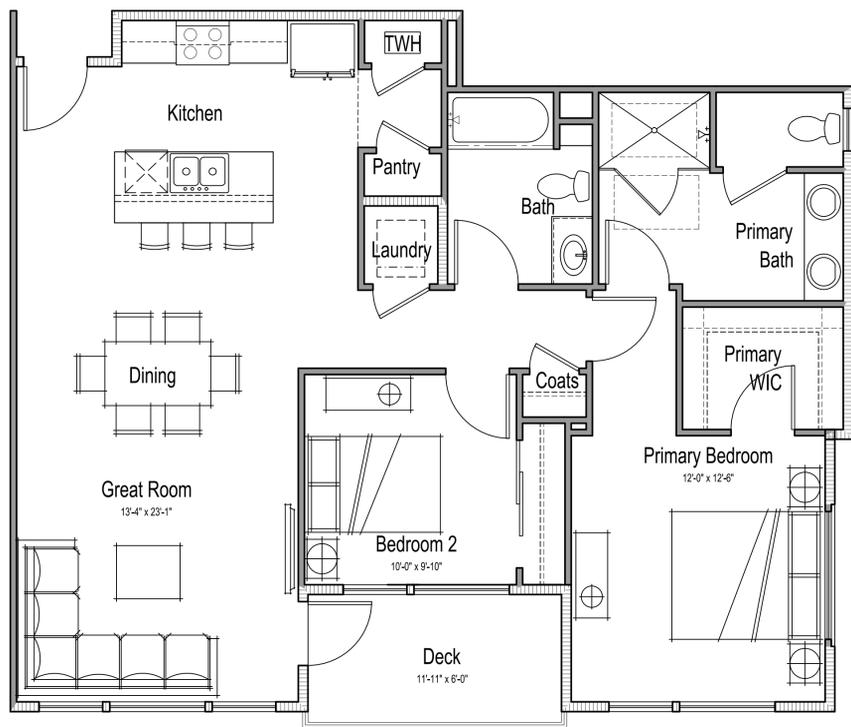
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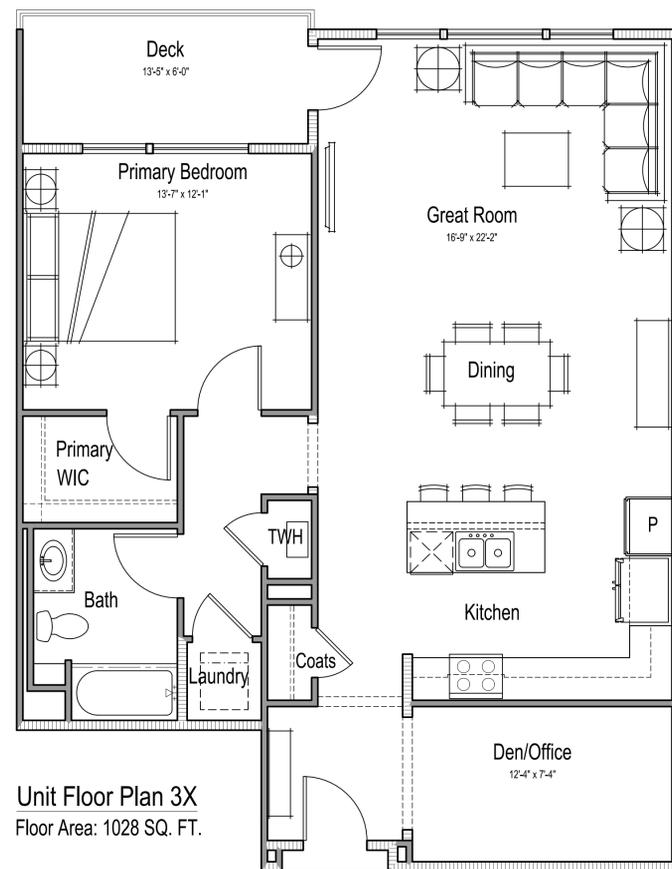


BUILDING SECTIONS

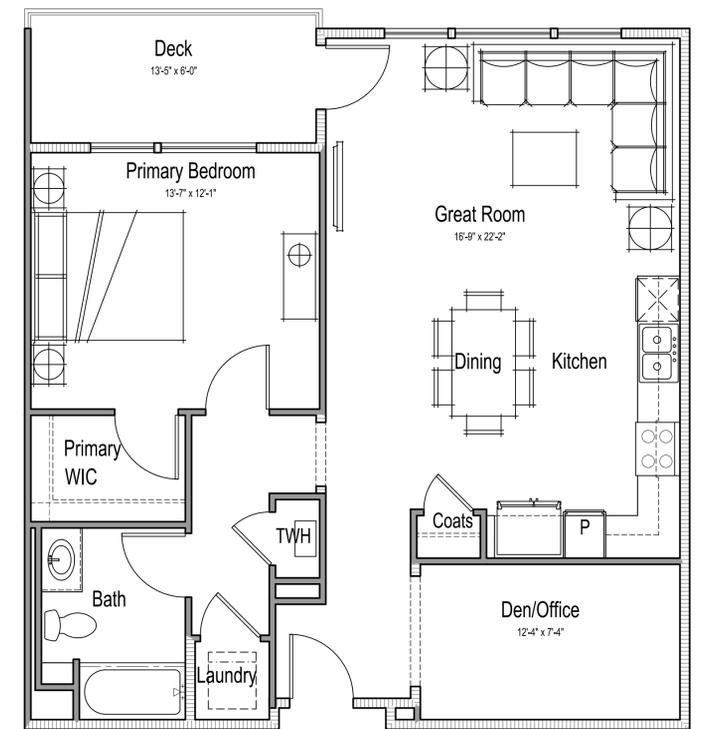
A4.0.1



Unit Floor Plan 5  
Floor Area: 1094 SQ. FT.



Unit Floor Plan 3X  
Floor Area: 1028 SQ. FT.



Unit Floor Plan 3  
Floor Area: 899 SQ. FT.

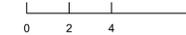


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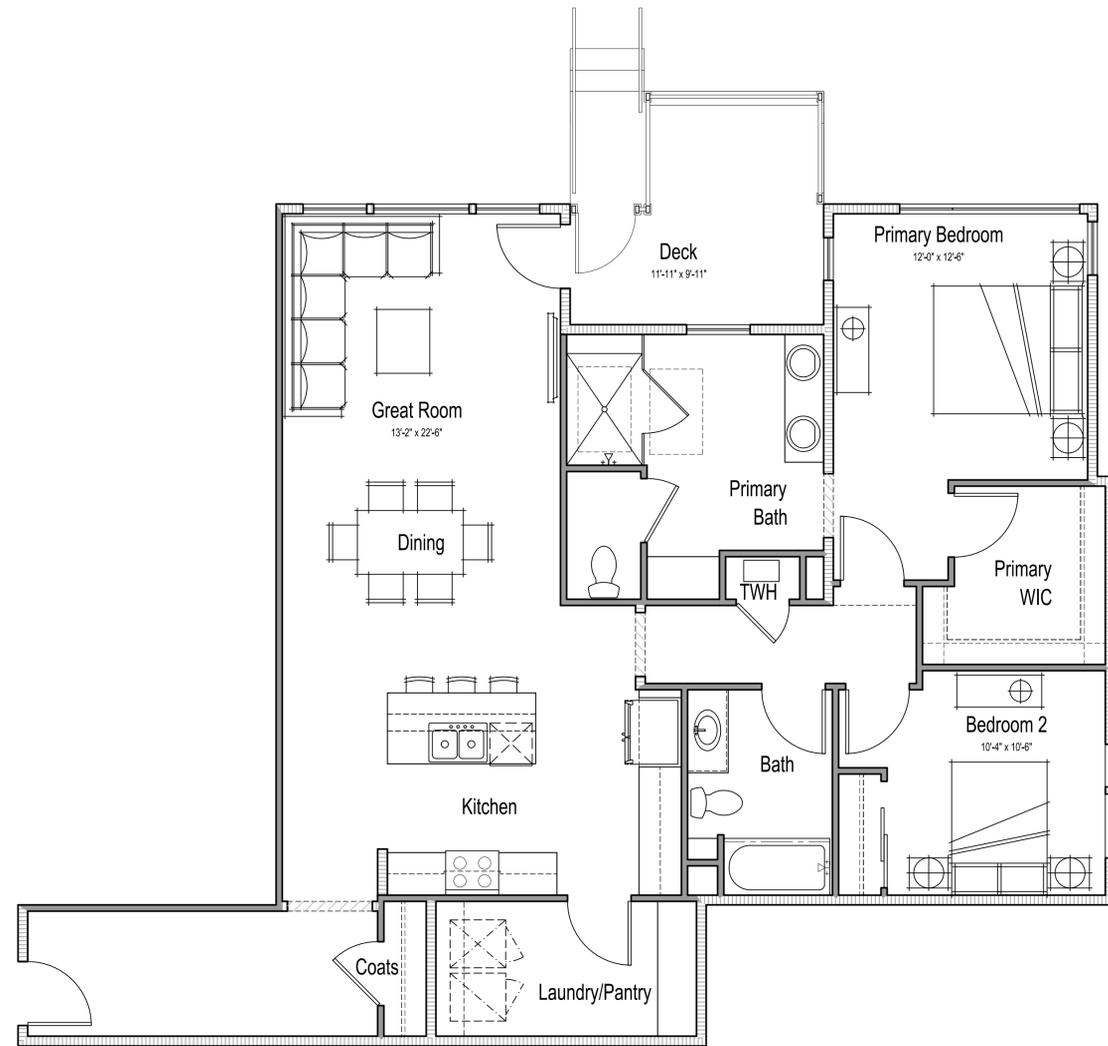
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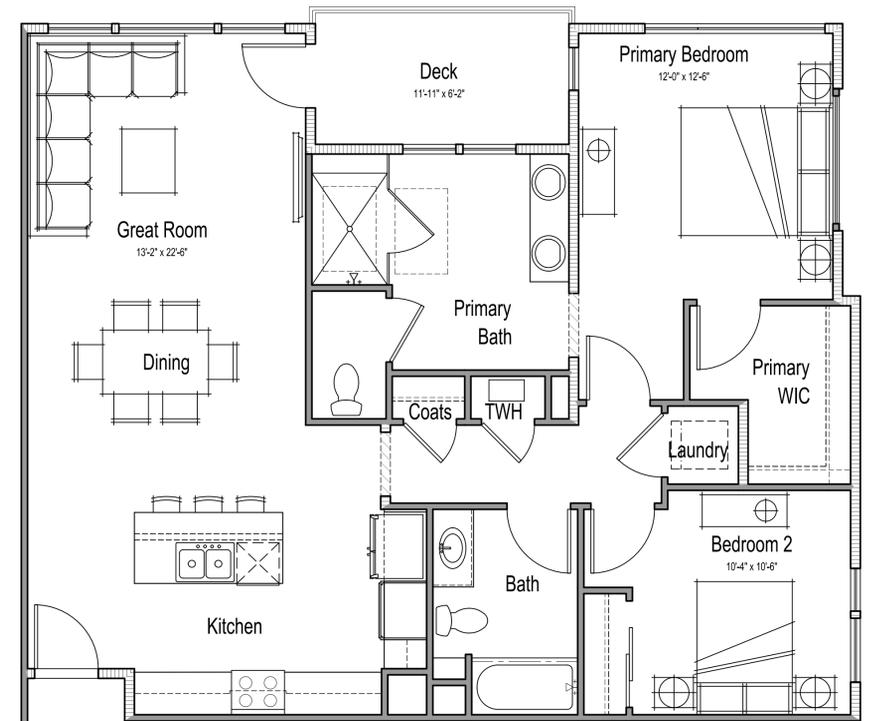


UNIT PLANS

A5.0.0



Unit Floor Plan 6-ALT  
 Floor Area: 1359 SQ. FT.



Unit Floor Plan 6  
 Floor Area: 1148 SQ. FT.

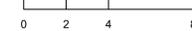


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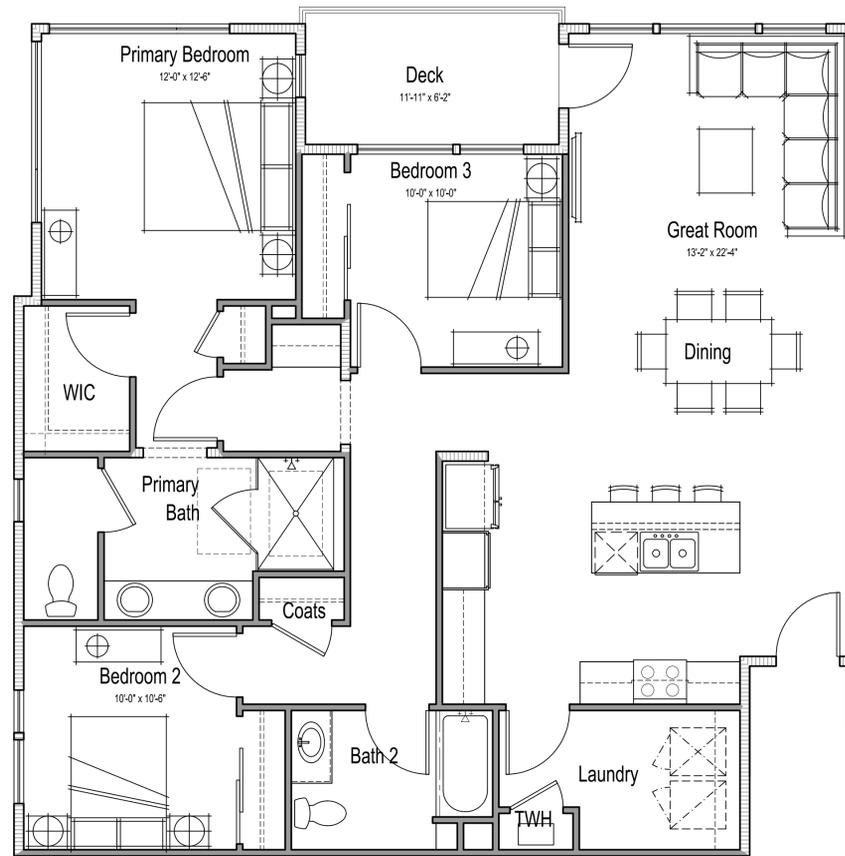
2400 ADELINE  
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SCHEMATIC DESIGN

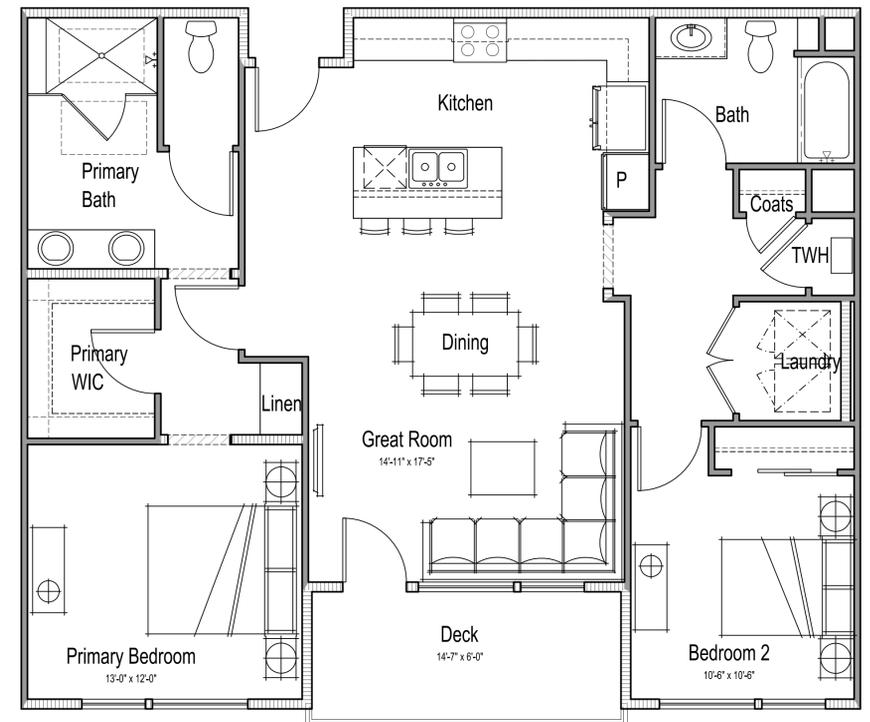


UNIT PLANS

A5.0.1



Unit Floor Plan 8  
 Floor Area: 1359 SQ. FT.



Unit Floor Plan 7  
 Floor Area: 1150 SQ. FT.

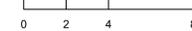


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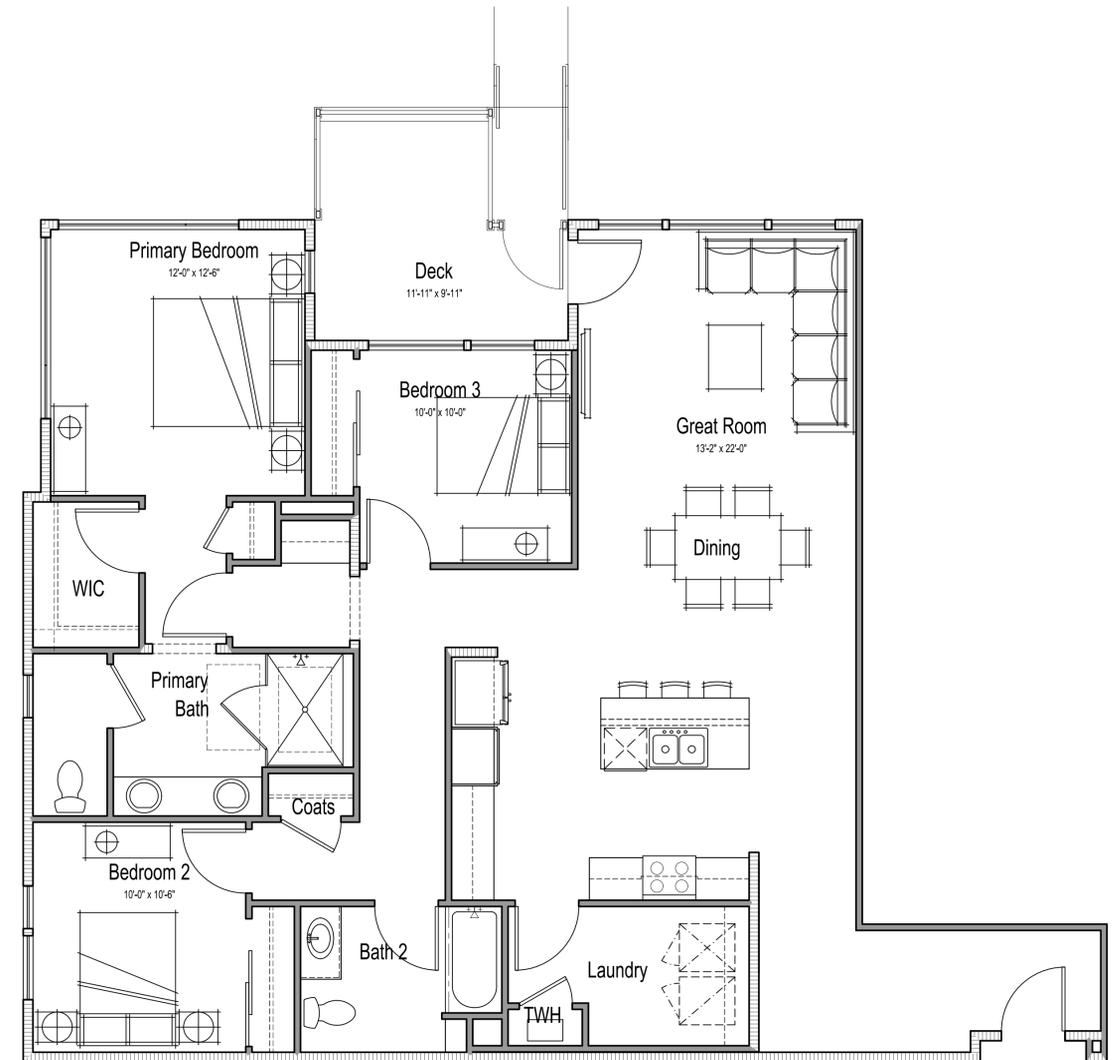
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SCHEMATIC DESIGN



UNIT PLANS

A5.0.2



Unit Floor Plan 9  
 Floor Area: 1483 SQ. FT.

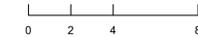


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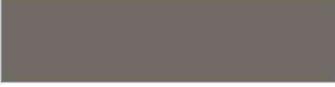
SCHEMATIC DESIGN



UNIT PLANS

A5.0.4

# COLOR SCHEME

STUCCO BODY/TRIM 1	
STUCCO BODY/TRIM 2	
STUCCO BODY 3	
STUCCO BODY 4	
STUCCO ACCENT 1	
STUCCO ACCENT 2	
WOOD LOOK SIDING	
CMU WALL	
CANOPY/RAILING	
SLOTTED METAL FENCE PANEL	



29-PLEX, FRONT PERSPECTIVE



29-PLEX, REAR PERSPECTIVE



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COLOR SCHEMES & DETAILS

A6.0.0



MAIN ENTRY PERSPECTIVE



STOOP PERSPECTIVE



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EXTERIOR DETAILS

A6.0.1

August 10, 2021

Mr. Jose Herrera and Mr. Neil Gray  
City of Oakland  
Bureau of Planning  
250 Frank H. Ogawa Plaza  
Suite 2114  
Oakland, CA 94612

*Via Electronic Mail*

**Re: 2400 Adeline Street, Oakland  
Summary of Neighbor Outreach Process and Project Revisions Addressing Neighbor  
Feedback**

Dear Mr. Herrera and Mr. Gray:

Signature has reviewed the public comments provided to us by City staff pertaining to our development proposal for 2400 Adeline Street. Additionally, we have reached out to each of the individuals whose names are listed in the letter that accompanied the project appeal form that was submitted by Mr. Michael Kennan dated May 27, 2021. We hosted meetings at the project site with those that responded to our invitation and were interested in discussing the proposal further. We have gained detailed input from this series of meetings and as a result are proposing project design revisions as detailed below. The changes being proposed are intended to respond to detailed neighborhood input and we believe that these proposed changes are justified and remain within the scope of the project that was approved by staff on May 17, 2021.

**Neighbor Outreach Process Overview**

As mentioned above, staff informed us on May 17, 2021, that our development application for 2400 Adeline had been approved. On May 27, 2021, staff informed us that an appeal of that decision had been filed. The appellant named on the appeal form is Mr. Michael Kennan of 2434 Adeline Street, and a letter accompanying the appeal lists several individuals, all neighbors of the project, as signatories in addition to Mr. Kennan. The names and addresses of these individuals are listed in the table below.

Several of these individuals had also submitted written public comments to City staff during the statutory public comment period for the project application, and for that reason we had their contact information. In early June 2021, we called and emailed these individuals and on June 10, 2021, having not yet heard back from anyone, we sent letters via Certified U.S. Mail to all of the aforementioned individuals, asking if they would be interested in meeting to discuss the development proposal.

Below is a summary of the outreach process with each individual:

Name	Address	Outreach	Contact Made
Michael Kennan	2434 Adeline	Emailed, called, sent letter	Exchanged emails; Mr. Kennan asked that we focus on his previously submitted written comments
James Austin	2440 Adeline	Emailed, sent letter	Met at the site in June 2021
Jake Sternberg	2429 Adeline	Emailed, sent letter	Exchanged emails; Mr. Sternberg asked that we focus on his previously submitted written comments
Patrick Regan	2329 Adeline	Emailed, called, sent letter	Met at the site twice in June 2021
Samuel Romero	1116 24 <sup>th</sup>	Emailed, sent letter	Mr. Romero did not respond

## **Neighbor Input and Proposed Project Revisions**

The following is a summary of the comments raised and our proposed design modifications in response where applicable:

### **A. Comment:**

- Large scale project, bulk, height, loss of air and light, view and privacy impacts.

### **Response:**

- Removed entire 5<sup>th</sup> floor loft units resulting in an approximate 10-foot building height reduction.
- Revised building from approved maximum allowed 55 feet to 45 feet.
- Eliminated the detached rear garage structure eliminating any air, light, shadow, and visual encroachment to the adjacent sites at 2434 Adeline and 1116 24<sup>th</sup> Street.
- Eliminated the detached rear garage structure in order to maintain current open area, free of building structures to match the rear yard of the house to the north at 2434 Adeline.
- Lowered the ground floor elevations to further reduce building height and to improve the accessibility of the building entry while retaining the ground-floor entry stoops and grade separation desired by staff.
- Reduced overall unit count by 1 unit for total of 28 units in order to accommodate height and other design considerations.
- Reduced some of the north and south window designs to high vision designs to lessen views into adjacent properties.

### **B. Comment:**

- Desire for more industrial use and architectural design to fit mixed neighborhood pattern

### **Response:**

- Simplified front main window designs to eliminate lower transom window depictions that are traditionally characteristic of residential architecture. Revised windows reflect a more industrial character.
- Eliminated the 5<sup>th</sup> floor to further industrial building architectural design character.
- Refined the proposed residential unit interiors to appeal to small, budding, entrepreneurial buyers versus the current market trend towards large, traditional townhome designs.
- Redesigned the 24<sup>th</sup> Street fencing detail to a more continuous frontage treatment typical of surrounding industrial and mixed-use buildings.

### **C. Comment:**

- Parking impacts, traffic, congestion

### **Response:**

- Eliminating the multiple driveway curb cuts remaining from the bus operation and replace with a single driveway opening, thereby minimizing vehicle movement conflicts to the site's two public streets.
- Replacing the current vehicle storage yard which eliminates spill over curbside bus parking on the adjacent public streets.
- Revised the tuck under building parking stalls to open and larger dimensions in order to accommodate any resident sport utility vehicles, reducing anticipated demand from residents for neighborhood street parking.
- Eliminated the detached rear garage structure and replaced with larger sized surface parking spaces to accommodate potential sport utility vehicles.
- Increased total number of parking stalls to 31 from 29 due to above changes, further reducing anticipated demand from residents and visitors for neighborhood street parking.
- Revised and enhanced our residential unit plans to remain small in nature, reducing pressure for additional parking associated with larger, townhome units.

### **D. Comment:**

- Construction impacts, dust, noise, displacement, miscellaneous

### **Response:**

- Overall upgrades to C3 and site drainage designs in order to accommodate the above changes.
- Proposed construction is an on-grade, wood frame building requiring an approximate 14-month construction cycle versus any concrete buildings design requiring 24-30 months construction period, thereby limiting construction activity on the neighborhood.
- Current site is a former vehicle storage yard and will not displace any already existing residential units.

We feel that all of the above changes are justified and will result in a quality residential addition to the neighborhood, with better “good neighbor” treatments to the adjacent properties and in response to the concerns raised in the appeal.

Thank you for your time and consideration of these proposed revisions.

Sincerely,

Tom Quaglia  
Partner & Project Manager  
Signature Development Group  
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