

Location:	2501 Chestnut Street (See map on reverse)
Assessors Parcel Number:	APN: 005-0436-002-00 through 005-0436-007-00
Proposal:	Demolition of an existing 2-story warehouse and shed and construction of 50 joint living and working quarters with 60 parking spaces.
Applicant:	Robert Stevenson / (415) 989-1111
Owners:	BRIDGE Housing Ventures Inc.
Planning Permits Required:	Major Conditional Use Permit for a non-residential project that is more than twenty-five thousand (25,000) square feet of floor area; Minor Conditional Use Permit for new joint living and working quarters; Minor Variances for the rear yard setback, street side setback, for loading berths, building height along a residential zone or activity, dimension of parking space against a wall or other obstruction, and usable open space; Design Review.
General Plan:	Business Mix
Zoning:	M-20 Light Industrial Zone / S-16 Industrial-Residential Transition Combining Zone
Environmental Determination:	Infill Exemption; CEQA Guidelines Section 15332
Historic Status:	The majority of the project site is vacant. The existing buildings are not Potentially Designated Historic Properties (PDHP).
Service Delivery District:	I-West Oakland
City Council district	3
Date Filed:	May 17, 2004
Staff Recommendation	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com.

SUMMARY

BRIDGE Housing has submitted a request to construct 50 joint living and working quarters (live/work) with 60 off-street parking spaces. The 1.23 acre project site is located at the corner of 26th and Chestnut Streets in West Oakland. The design of the proposed project has a contemporary character that is compatible both in design and scale with the residential project across Chestnut Street and the overall industrial/warehouse aesthetic of the area. The proposed materials are stucco, wood slating, metal awnings with flat roofs, and aluminum windows.

The project requires a Major Conditional Use Permit for a non-residential project that is more than twenty-five thousand (25,000) square feet of floor area, Minor Conditional Use Permit for live work, and Minor Variances for the 10’ rear yard setback, the 10’ street side setback, for 2 loading berths, for 1-4’ of building height along a residential zone or activity, for the 3’ extra parking space width when adjacent to a wall or other obstruction, and to permit an amount of open space that is less than required by the Planning and Zoning Code.

Overall, staff believes the project will be a positive contribution to this neighborhood and recommends approval of the project subject to the findings and conditions. The required variances are justified given the constraints of this infill site and the high quality design and the site plan.

PROJECT SITE AND SURROUNDING AREA

The 1.23 acre site is located at the corner of 26th and Chestnut Streets. The majority of the site is vacant; however one 2-story warehouse and a shed are located at the interior side property line. Located to the north, across 26th Street, are several 1 and 2-story industrial office buildings and a Queen Anne style cottage that was converted to a duplex. This cottage is a Potentially Designated Historic Property (PDHP) of minor importance with a rating of Dc3. Also to the north, across Chestnut Street is McClymond's High School. The recently constructed Linden Courts, a utilitarian warehouse, and a "Stick" cottage are located to the east. This cottage is also a PDHP of minor importance with a rating of Dc3. A church, a convenience market, and single-family dwelling are located to the south and directly adjacent to the west are a black smith shop, Alchemy Metal Works, and a computer graphic design business.

PROJECT DESCRIPTION

The project proposes construction of 50 joint living and working quarters and 60 parking spaces (10 spaces accessed via lifts). An 11' setback is proposed for the front property line. Along the interior side property line, adjacent to industrial warehouses, a 0' setback is proposed. Adjacent to the church, along the rear property line, a 5' setback is proposed, while along the Chestnut Street side, a 7-12' setback is proposed. The proposed setbacks are generally consistent with the existing setbacks for the adjacent properties.

The project site is divided by 5 internal driveways that double as pedestrian areas. Ten units front onto and have access from each driveway, while the units fronting onto 26th and Chestnut Streets will also have pedestrian access from the street. A 12-20' high concrete wall will be constructed at the end of each driveway with a strip of clumping bamboo in front. In front of each driveway, plans show one 10' high gate or wall structure. The gate will be made of wood with 4" wood slats, a coiling grill, and side pedestrian access. One parallel parking space is provided for each unit, except the last two units in each row. These units have 2 spaces, 1 of which will be accessed via a lift. The plans show 3 different unit types. Unit A fronts onto Chestnut Street and is a 3-story, 1421 sf unit. Unit B is generally located within the interior of the project and is a 2-story, 869 sf unit. Unit C is located along the interior side property line and is a 3-story, 1,458 sf unit. The plans show a simple, open organization to the floor plan, with the living space located mostly on the upper levels and commercial space located on the ground and second floors. The average unit size is 1097 sf and the 2/3 commercial space 1/3 residential space zoning regulations are generally met with the floor plans shown for each unit.

Architecturally, the building forms are simple and reminiscent of a modern, 1950's, box-style. The exterior treatment of the units is compatible with the residential project across the street and with the industrial aesthetic of the area. The building construction type will be either wood frame or light gauge metal stud. The buildings are composed of painted stucco with wood slating, and metal awnings with flat roofs. Aluminum windows punctuate the facades and provide interest and contrast to the other materials. The plans show a bright color pallet of green, red, and light blue, with one color per unit type. Open space is provided through front, side and rear yards as well as private patio areas

The mixed-use neighborhood contains a combination of residential, light industrial, commercial, and civic uses that range from 1-3 stories in height. The proposed project is consistent with the surrounding neighborhood in terms of building bulk and massing. Staff believes that the overall site plan, height, massing, and architectural character are appropriate to the area.

GENERAL PLAN ANALYSIS

The General Plan designation for the project site is Business Mix (BX). The maximum floor area ratio (FAR) for this classification is 4.0. The proposed project of 50 units (54,860 sf) has an FAR of 1.02 and is well under the maximum allowable intensity. The intent of the BX designation is to “create, preserve, and enhance areas of the City that are appropriate for a wide variety of business and related commercial and industrial establishments. The General Plan states that the future development in the area should include a mix of businesses such as light industrial, manufacturing, food processing, commercial, bioscience and biotechnology, research, and development, environmental technology, large-scale offices, commercial, urban residential, institutional, cultural, entertainment, and visitor services.

The following General Plan Land Use Policies and Objectives apply to the proposed project:

Policy N1.5: Commercial development should be designed in a manner that is sensitive to surrounding residential uses. **The design of the proposed project has a contemporary character that is compatible both in materials and scale with the surrounding residential properties and the overall industrial/warehouse aesthetic of the area.**

Objective N5: Minimize Conflicts between residential and non-residential activities while providing opportunities for residents to live and work at the same location. **The proposed project will provide 50 live/work units that are appropriately designed for this mixed-use area. These units provide an appropriate buffer between the industrial uses at the interior property line and the surrounding residences. The requirement for a Statement of Disclosure to future tenants and owners is recommended as part of the project’s Conditions of Approvals and will help to minimize future conflicts regarding use.**

Policy N5.3: 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. **This project will provide 50 new live/work units within an industrial district and as permitted by the S-16 Industrial-Residential Transition zone.**

Objective I/C2: Maximize the usefulness of existing abandoned or underutilized industrial buildings and land. **This project will result in the redevelopment of a vacant, underused industrial site.**

The proposed project meets the referenced objectives and the general intent of the BX land use designation and is a good fit for this area.

The BX designation is silent on whether live/work is permitted, however according to the “Guidelines for Determining General Plan Conformity”, when the zoning conditionally permits the activity then the activity is allowed with a Conditional Use Permit. Additional discussion of this issue is provided in the *Zoning Analysis Section* below.

ZONING ANALYSIS

The zoning of the site is designated M-20 or Light Industrial Zone with an S-16 Industrial-Residential Transition Combining Zone overlay. The M-20 zone is intended to “create, preserve and enhance areas containing manufacturing and related establishments with limited external impact within an open and attractive setting and is typically appropriate to locations adjacent to residential communities.” Within the M-20 zone, a Major Conditional Use Permit is required to construct a non-residential project that is over 25,000 sf. The M-20 regulations do not permit residential or live/work activities. New joint living and working quarters are permitted in the S-16 overlay zone with approval of a Minor Conditional Use

Permit. The maximum FAR for the S-16 zone is 4.0. As stated above, the project has an FAR of 1.02 and is under the allowable intensity as determined by both the General Plan and Zoning.

The criteria for review and approval of this facility at this location, includes the following: The General Use Permit Criteria in Section 17.134.050, the Joint Living and Work Quarters Criteria in Section 17.102.190C, the criteria for Variances in Section 17.148.050, and the Design Review Criteria in Section 17.136.070B. All applicable criteria will be analyzed and appropriate findings will be made by staff.

The following table depicts the project’s comparison to the M-20 and the S-16 development standards:

Zoning Regulation Comparison Table

Criteria	Requirement M-20	Requirement S-16	Proposed	Comment/Degree of Variance
Yard – Front	5’	10’	11’	Meets both M-20 and S-16 requirements.
Yard – Street Side of Corner Lot	7’	10’	7-12’	Portions of the site do not meet the S-16 requirements, by 3-5 ft.
Yard – Interior Lot Line	0’	0’	0’	Meets both M-20 and S-16 requirements.
Yard – Rear	10’	10’	5’	Does not meet M-20 or S-16 requirements, by up to 5 feet.
Height	30’	30’*	22-34’	Does not meet M-20 or S-16 requirements, by up to 4 ft.
Usable Group Open Space	N/A	75 sf/unit = 3, 750	0 sf**	Does not meet S-16 requirements, not due to the amount but due to the dimensional requirements.
Minimum Landscaping	N/A	10% of the site area or 5,357 sf	7,972 sf	Meets S-16 requirements.
Parking	N/A	1 space / 1000 sf = 55 spaces	60 spaces	Meets S-16 requirements.
FAR	N/A	4.0	1.02	Meets S-16 requirements.

Table Notes:

* No maximum height is prescribed except when the rear lot line is along a residential zone boundary. In this case, no building shall exceed 30’ in height unless each portion is stepped back away from that lot line.

** Although the project is proposing 7,972 sf in private open space, only a portion may count toward the group open space requirement due to the requirement for such space to meet dimensional requirements.

Several Variances are being requested as part of this project. Further discussion of the Variances is located in the *Key Issues* section below

ENVIRONMENTAL DETERMINATION

The project satisfies the in-fill exemption of the California Environmental Quality Act (CEQA), Section 15332. The criteria for such categorical exemption follows, with a brief summary of staff's analysis in bold print:

- a) 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; **As demonstrated in the General Plan Analysis section of this report, the application is consistent with all applicable General Plan policies and the General Plan designation. The Zoning Analysis and Required Findings sections demonstrate that, with approval of the CUP's and Variances, the project is consistent with the Zoning Ordinance.**
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; **The project site encompasses approximately 1.23 acres. The site is located in an urbanized environment and is substantially surrounded by both industrial and residential urban uses.**
- c) The project site has no value as habitat for endangered, rare or threatened species; **The project is located in a highly urbanized area that contains no known endangered, rare, or threatened species**
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; **The construction of 50 live/work units would not result in significant traffic. The net increase in traffic between the existing vacant lot and the proposed commercial uses can be accommodated on surrounding streets without degradation to the level of service. A traffic report confirming no impact was completed specifically for the project and submitted on July 2, 2004 (See Attachment B). The project is anticipated to generate approximately 36 AM peak hour trips and 30 PM peak hour trips. Level of Service (LOS) was calculated for five intersections. The report's findings indicate that all intersections would operate at a LOS A or B both with and without the project. The trips associated with the project would generate far fewer than the 2,000 vehicle trips per day that the Bay Area Air Quality Management District (BAAQMD) considers the normal minimum traffic volume that should require a detailed air quality analysis. There may, however, be minimal localized temporary impacts to air quality during demolition and construction, as well as temporary noise impacts. The applicant is required to comply with all applicable City regulation and operation procedures as part of the issuance of building or grading permits, including standard dust control measures. Further, site specific construction noise reduction recommendations have been developed for this project, and these measures have been incorporated into the conditions of approval. Recommended conditions (Nos. 21-25) specify the required construction period management procedures.**
- e) The site can be adequately served by all required utilities and public services. **The site is located in an urbanized area and the project is of such size that it can be served by utility and public services.**

KEY ISSUES

Variances

- *Rear Yard & Street Side Setbacks:* Section 17.101.090 states that a setback with a minimum of 10' shall be provided on lots that abut a residential zone or on a block with residential activity. Although the required rear yard setback is 10', only a 5' rear yard setback is proposed. Staff believes that a variance for rear yard setback can be supported. Of the three properties located directly to the rear of the proposed project, 2 are commercial and built to the property lines and 1 is residential. Because this is a reversed key lot, the appearance from Chestnut Street is that this space will be a side yard setback. If the full 10' setback was provided it would create an awkward gap or "dead space" in the streetscape and the extra 5' would still not count toward the group open space requirement due to the dimensional standards. The minimum required street side setback is 10' but the project's setback varies from 7'-12'. Staff believes that a variance could be supported because the varying setback width is the result of a 5' jog in the interior side property line; thus there is a rational ? due to the unique physical circumstances. Also, the proposed project is actually providing a larger street side setback than any of the properties to the rear or properties across the street.
- *Loading Berths:* Pursuant to Section 17.116.140, the loading requirement is stipulated by the activity type. Since these units will be live/work, the units will be commercial but the activity for each "work" space is unknown. The S-16 does not specifically indicate loading requirements. Since loading will be necessary for the project, staff has made a determination about how many loading berths are required. The S-16 regulations state that as a guideline 2/3 of the unit is to be used as commercial space. Staff divided the overall project square footage by 1/3 and determined that 2 loading berths would be required for 36,574 sf of commercial space; however the project is not providing any loading berths on site. Staff believes that a variance for the loading berths can be supported. The lack of designated loading spaces on-site is not expected to cause significant traffic or circulation problems in the vicinity. Because of the small size of the individual commercial spaces, it is likely that most deliveries would be made in small delivery vans. These vans could use on-street parking and if deemed acceptable to the City of Oakland Public Works Agency and the City Council, a loading zone could be marked for this area and be time restricted to account for peak hour traffic.
- *Building Height along a Residential Zone or Activity:* Section 17.101.090 states that on a portion of a lot that abuts a residential zone or residential activity no building shall exceed 30' in height unless each portion of the height is setback a minimum of one foot for each foot in height. Unit A is 34' in height and unit C is 31' in height. Along the front setback (26th Street) there are only two instances where the height is over 30'. Along the street side setback (along Chestnut Street) there are 9 instances where the height is exceeded, and to the rear there is only one instance. Staff believes that a minor variance for height in these 12 instances could be supported since the increase in height is only 1-4' and the units are consistent in height with the surrounding structures. Also, this difference in height provides a beneficial variation in roof forms and visual interest, thus resulting in superior design
- *Parking Space Dimension when Adjacent to a Wall or other Obstruction:* Section 17.116.200 states that when a parking space abuts a wall or other similar obstruction, the width shall be increased by 3'. Unit C is the only unit in the project with a garage and the width dimension for the garage does not meet this requirement. Staff believes that a variance could be supported for these 10 units because these spaces will be assigned to specific units and not be generally accessible, drivers will have the familiarity of how to maneuver in and out of the spaces. In addition, staff would require that the owners disclose the width deficiency in the CC&R's.
- *Open Space:* Section 17.101.090 states that a minimum of 75 sf of group open space be provided for each live/work unit. Although the project is providing landscaped setbacks and small private patio areas totaling 7,972 sf, most of this space can't be counted due to the size and shape requirement. Staff believes that a variance can be supported since the depth of the setbacks conforms to

surrounding adjacent setbacks, providing visual continuity to the streetscapes along 26th and Chestnut Streets. In addition, 159 sf of private open space is being provided per unit, which is double the required amount of group open space. Furthermore, McClymond's Mini-Park is located a block and a half away and would benefit from increased park use.

Design

The Design Review Committee (DRC) reviewed the project at its meeting on August 11, 2004. Comments from the hearing and the applicant's responses are presented below:

- *Parking:* Although the project is providing an additional 5 spaces over the zoning requirements for this activity, the public believes that there should be additional spaces for employees/clients and cited the difficulty in finding on-street parking. The applicant had a traffic and parking study done specifically for this project. The study analyzed parking capacity along Chestnut Street between 26th and 24th Streets, and 26th Street between Adeline and Linden Streets. The study conducted counts at the end of the peak morning traffic period while school was in session and concluded that there was an abundance of on-street parking. Since the DRC hearing, the traffic consultant has expanded the analysis to include Adeline Street and conducted one additional parking survey during mid morning business hours. The consultant concluded that 55% of the parking spaces were available for on-street parking (See Attachment D). Because of the small size of the commercial space within each unit, staff expects that there will not be a large amount of walk-up customers or employees and therefore not a need for additional parking spaces. The unit with the largest amount of commercial space has two parking spaces available, with 1 space being on a lift.
- *Large Expanses of Blank Wall along Chestnut and 26th Street:* The DRC agreed with staff that the blank walls that face Chestnut Street should be revisited, but that the units should not have a residential look. The applicant has responded to this by adding a vertical band of wood slating to 8 of the units along Chestnut Street with deep score lines to break up the blank facades. Staff believes that this is an appropriate addition and contributes to the very planar intent of the design.
- *Gates:* Staff wants to see the gates become more transparent, while the DRC asked for more detail on the gates. The applicant has submitted additional information. The gate can be viewed as an extension of the building planes. The gate will be partially open with 2" gaps between boards. The side openings shown in the plans on page A1.2 view 2 will be a storefront window panel with an aluminum spandrel below and the same as the pedestrian door next to the rolling coil gate. Staff believes that the coiling gate is more industrial looking and transparent; however we would like to review this element further at staff level per condition #12, prior to the issuance of a building permit.
- *Floor Plans:* Commissioner Lighty commented on the floor plans and his impression that the furniture layout seemed to suggest that the project was not meeting the 2/3 commercial space requirement. He commented that with these floor plans, future owners might misconstrue that these units will be residential. Staff pointed out that flexible, open, floor plans are preferred for this facility type. Staff has added several conditions of approval that reinforce that these units are commercial spaces (#15 and 17). The applicant has removed the furniture depictions from the revised plans since they seemed confusing.

Public Comments

The applicant held one community meeting on June 28, 2004 in which approximately 30 neighborhood residents attended. Staff has also received two public comment letters. The following is a discussion of the issues, as well as staff's and the applicant's response.

- Several adjacent property owners voiced concerns that because of the 0' lot line, the project's future occupants would complain about noise, odors, vibrations, and/or other conditions that are currently part of the operation of their businesses which are allowed in that zone. Staff responded by including a Condition of Approval that specifically addresses this issue (#13 and 14.) This condition was reviewed by the City Attorney, the applicant, and the concerned neighbors.
- One property owner was concerned with privacy. The plans do not show windows on the facades that face the interior side property line. All the windows are facing the interior project driveways or toward the streets. The applicant is planning on building a wall along the interior side property line. The applicant has provided a range of heights for this wall that will be appropriate to reduce sound. The applicant is willing to work with the neighbors to address the final height of this element. The letter also proposed the addition of a "living fence of bamboo" along that property line and this has been added at the end of each driveway.

CONCLUSION

The proposal seeks to develop a small live/work project that will be compatible with the surrounding mixed-use neighborhood. The proposal will revitalize an underused parcel in West Oakland and will be a major addition to this area. The variances are warranted to create the best overall design and are not anticipated to create adverse impacts, pursuant to the attached Findings and Conditions of Approval.

- RECOMMENDATIONS:**
1. Affirm staff's environmental determination for Infill Exemption.
 2. Approve the project, along with the Conditional Use Permits and Variances subject to the attached findings and conditions.

Prepared by:

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Planner II

Approved for forwarding to the
City Planning Commission:

Claudia Cappio
Development Director

ATTACHMENTS:

- A. Plans, Elevations, and Perspectives
- B. Traffic Impact Study for 26th & Chestnut Live/Work Development, dated July 2, 2004
- C. Public Comment Letters
- D. Letter from Dowling Associates, dated August 18, 2004

FINDINGS FOR APPROVAL:

This proposal meets the required findings under Sections 17.134.050, (General Use Permit Criteria) as set forth below. Additional findings for Joint Living and Work criteria (Section 17.102.190C), Variances (17.148.050) and Design Review criteria (17.136.070.B) are provided as well. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

Section 17.134.050 (General Use Permit Criteria):

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

- a) A Major Conditional Use Permit is requested for a non-residential project over 25,000 sf in floor area. Although the amount of project square footage is large, the project is spread out over 1.2 acres. The site layout, with the units located in rows perpendicular to the street and buildings fronting onto the street and separated by internal driveways is appropriate to this mixed-use neighborhood. The proposed building height of 2-3 stories is compatible in size, mass, and bulk to the abutting properties and the surrounding neighborhood that ranges from 1-3 stories. Staff has worked with applicant to make the exterior facades and setbacks visually similar to the residential properties across the streets. In addition, the traffic analysis concluded that the project will not have a significant impact upon surrounding intersections and will maintain the current level of service. Staff has imposed several conditions (#13 and 14) so as to not adversely affect the businesses of the surrounding industrial properties.
- b) The project is also requesting a Minor Conditional Use Permit for joint living working quarters. The project is located within the M-20/S-16 zoning. The S-16 zone conditionally permits live/work and intent of the zone is to create a buffer between the heavier industrial uses and less intensive residential uses. Staff believes that the overall site plan meets the intent of the S-16 zone and provides this buffer by orienting the back units inward and outer units toward the streets, by providing several driveways off the street instead of one main road for all the units, and setbacks that correspond to the residential activities across the streets. The construction of 50 live/work units will not adversely affect neighborhood character, but on the contrary will eliminate blight by building on an underutilized, vacant parcel.

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.

- a) and b) The location and use of the proposed project meets the intent of S-16 zone by providing an appropriate buffer between the industrial uses on Adeline Street and the residential uses on Chestnut Street. The project has been designed to be compatible with both of these very different uses and visual aesthetics. The project will provide a convenient and functional living/working environment, with flexible floor plans and high quality materials.

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.

- a) and b) The project will enhance the successful operation of the surrounding area by eliminating an underutilized parcel and ensuring for the continued use of the successful adjacent businesses, while providing a necessary buffer between heavier industrial uses and less intensive residential uses. The project will provide an essential service to the community by constructing units for residents who desire to live and work at the same location.

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

- a) and b) The project conforms to the applicable design review criteria of Section 17.136.070B (Non Residential Facilities Design Review Criteria). See design review findings, 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 proposed project is located within the Business Mix (BX) General Plan land use designation. The project consistent with the General Plan and will support the objectives and policies of the Land Use and Transportation Element (LUTE) for this area including eliminating blight, and encouraging residents desiring to live and work at the same location. The use is conditionally permitted under the Planning Code.

Section 17.102.190C (Joint Living and Work Quarters Criteria):

A. That the workers and others living there will not interfere with, nor impair, the purposes of the particular zone.

The proposed joint live/work facility at this location is not anticipated to interfere with nor impair any existing residential or industrial activities in the M-20/S-16 zoning district. The facility should provide for a compatible mix of live and work uses for the neighborhood. Conditions of Approval have been incorporated that require all residents of the project to sign an agreement indicating that they are fully aware that they are within an industrial area with surrounding activities that may result in impacts such as loud noises, evening business activities, trucking uses, etc.

B. That the workers and others living there will not be subject to unreasonable noise, odors, vibration, or other potentially harmful environmental conditions.

Pursuant to the Business Mix land use, the uses allowed in the work portion of the building must be consistent with those uses listed in the “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations”, as amended through Dec. 5, 2001, Table 2. In addition, uses must be consistent with the M-20 zoning regulations. The S-16 zone includes a list of prohibited uses that include general industrial uses, auto service and repair uses, transport/warehousing uses, and animal care uses. Those uses that would be permitted include custom and light manufacturing uses, office and retail uses, personal service and business service uses, among others. Artist’s studios are generally considered “custom” manufacturing uses and hence would be permitted. Thus, the

underlying provisions of the S-16 zone insure that nuisance activities will be minimized through use limitations.

Section 17.148.050(A) Minor Variance Findings

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

- a) **Setbacks:** The project is proposing a 5' rear yard setback and requesting a variance for the required 10' rear yard setback. Because this is a reversed key lot, the appearance from Chestnut Street is that this space will be a side yard setback. If the full 10' setback was provided it would create an awkward gap or "dead space" in the streetscape since the adjacent church was built to the property line. This would not be an effective design solution. The minimum required street side setback is 10' but the project's setback varies from 7'-12'. Staff believes that a variance could be supported because the varying setback width is the result of a 5' jog in the interior side property line. Also, the proposed project is actually providing a larger street side setback than either the properties to the rear or properties across the street. By granting these setback variances, the best overall design is achieved for the project and visually for the street.
- b) **Loading Berths:** The lack of designated loading spaces on-site is not expected to cause significant traffic or circulation problems in the vicinity. Because of the small size of the individual commercial spaces most deliveries would be made in small delivery vans. If the project were to comply with the loading berth requirement, units or parking spaces would need to be removed. Replacement of the removed units would increase the building height and be out of scale with the surrounding neighborhood. Approval of the loading berth variance would provide an effective design solution for the project.
- c) **Building Height:** The zoning regulations state that the maximum building height is 30' when that property abuts or is across the street from a residential zone or residential activity unless each portion of the height is setback a minimum of one foot for each foot in height. A variance is being requested for the building height in 12 out of 50 instances. The increase in height is only 1-4' and the structures are consistent in height with the surrounding structures. The difference in height provides a beneficial variation in roof forms and visual interest. In addition the extra height provides for higher ceilings that are desired in a live/work environment.
- d) **Dimension of Parking Spaces:** The garages for unit type C do not have the extra 3' necessary by code when adjacent to a wall or other similar obstruction. Strict compliance with this requirement would cause the entire floor plan to shift 3' toward the street, since the edge of the garage is located on the property line. This shift would cause the bathroom to be unusable since it would only be 2' wide or would only provide a 1' stair landing within the unit. Compliance with this requirement would preclude the functional efficiency of the unit.
- e) **Useable Open Space:** Although the project is providing landscaped setbacks and small private patio areas totaling 7,972 sf, not all of this space can be counted due to the size and shape requirement. Staff believes that a variance can be supported since the depth of the setbacks conforms to surrounding adjacent setbacks, providing visual continuity to the streetscapes along 26th and Chestnut Streets. Strict compliance would eliminate or reduce the size of units and preclude an effective design solution without improving overall livability.

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

a) Setbacks: The intent of the setback requirements is to provide similar open space on abutting and adjacent parcels for privacy and visual continuity. The variances for setbacks provide an effective design solution that corresponds with the existing neighborhood conditions.

b) Loading Berths: The intent of the loading berth regulation was to provide designated off-street spaces for loading. If the project were to comply with the loading berth requirement, units or parking spaces would need to be removed. Replacement of the removed units would increase the building height and be out of scale with the surrounding neighborhood. In addition because of the small size of the commercial spaces within each unit, staff believes that most deliveries will take place in small vans at irregular times. Furthermore, locating 2 berths accessible for all units would require a complete redesign of the overall site plan. As stated throughout the report, staff believes that the site plan maximizes the functionality of the project site and meets the intent of the S-16 regulations. Granting the loading berth variance would provide an effective design solution for the project.

c) Building Height: The increase in height is only 1-4' and the structures are consistent in height with the surrounding structures. The difference in height provides a beneficial variation in roof forms. Strict compliance would preclude an effective design solution and create less functional live/work spaces.

d) Dimensions of Parking Spaces: As stated in the finding above, strict compliance would preclude the functional efficiency of the unit. Staff has included a condition of approval (#18) that would meet the basic intent of zoning regulations. This condition would require that the applicant notify the future owners of the unit that the garage is deficient in width.

e) Useable Open Space: The project is providing a total of 7,972 sf of open space or 159 sf of private open space per unit, which is double the required amount of group open space even though the size shape requirements are not being met. Strict compliance would remove units or parking spaces and would preclude an effective site layout.

3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy.

a) Setbacks: This project is located in a mixed-use neighborhood with many different uses, architectural styles, and setbacks. Granting a variance for setbacks will not affect the neighborhood character, livability, or appropriate development. The rear setback is justified since strict compliance would make an awkward gap in the streetfront visually and since the adjacent building is built to the property line. The interior side setback jogs and therefore the street side setback is justified. The proposed project is actually providing a larger street side setback than properties across the street, which range from 0'-5' in width.

b) Loading Berths: The lack of designated loading spaces on-site is not expected to cause significant traffic or circulation problems in the vicinity and is not expected to adversely affect the character or livability of the neighborhood. The traffic and parking studies completed specifically for this project support this conclusion. Staff believes that most deliveries would be made in small delivery vans. These vans could use on-street parking and if deemed acceptable to the City of Oakland Public Works Agency and the City Council, a loading zone could be marked for this area and be time restricted to account for peak hour traffic.

c) **Building Height:** An increase of only 1-4' in 12 instances will not affect the neighborhood character or appropriate future development, since the height is similar to building heights within the neighborhood.

d) **Dimensions of Parking Spaces:** The variance for parking space dimensions is an internal issue only to unit C and will not affect the livability or future adjacent development.

e) **Useable Open Space:** The project is providing double the group open space requirement even though the size shape requirements are not being met. Granting a variance for open space will not affect neighborhood character or development of properties in the area.

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations.

a-e) The project meets the intent of the zoning regulations by supporting an appropriate layout that is well-suited to the surrounding properties in mass, scale, height, materials, and setbacks. This compatibility will enhance and benefit the surrounding neighborhood. The setback variances allow for continuity along the 26th and Chestnut street front. On-street loading will provide access for all units without requiring a redesign or the removal of needed units. The height variance is in keeping with the overall livability of the units and the heights for the surrounding properties. The dimension of the parking within the garage is an internal issue and will not affect surrounding properties. In addition owners will be aware of the deficiency. The project is proposing double the amount of open space even though it does not meet the size requirements. Staff believes that the open space is usable, however McClymond's mini park is located within a block and would benefit from increased use.

5. For proposals involving one or two dwelling units on a lot: That the elements of the proposal requiring the variance (e.g. elements such as buildings, walls, fences, driveways, garages and carports, etc.) conforms with the design review criteria set forth in the design review procedure at Section 17.136.070.

As the project involves more than 2 units, this finding does not apply.

6. For proposals involving one or two dwelling units on a lot and not requiring design review or site development and design review: That all elements of the proposal conform to the "Special Residential Design Review Checklist Standards and Discretionary Criteria" as adopted by the City Planning Commission.

As the project involves more than 2 units, this finding does not apply.

7. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:

As the project involves more than 2 units, this finding does not apply.

- a. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

As the project involves more than 2 units, this finding does not apply.

- b. Over 60 percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see Illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any variance.

As the project involves more than 2 units, this finding does not apply.

Section 17.136.070B (Non-Residential Facilities Design Review Findings)

- 1. That the proposal will help achieve or maintain a group of facilities, which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to the other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of the design which will have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.102.030.**

The project is located on a vacant underutilized parcel and construction of 50 live/work units will enhance and benefit the neighborhood. The proposed project is consistent in size, bulk, height, and mass to the surrounding buildings. The materials and overall design has a contemporary character that is well related to the different industrial and residential aesthetics. The materials include stucco, wood slating, aluminum windows, and flat roofs.

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

Since the project site is a vacant, construction will increase value within the neighborhood and be a good investment for this area. The project has an appropriate site layout and quality materials are proposed. The project will fill in the unsightly gap in this street front and the character is compatible with the surrounding neighborhood. Staff believes that this will be a good project for this neighborhood.

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

The proposed project is located within the Business Mix (BX) General Plan land use designation. The project consistent with the General Plan and the use is conditionally permitted under the Planning Code. The project will support the objectives and policies of the Land Use and Transportation Element (LUTE) for this area including eliminating blight, and encouraging residents desiring to live and work at the same location.

CONDITIONS OF APPROVAL

STANDARD CONDITIONS

1. Approved Use.

a. Ongoing.

The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans dated August 18, 2004 and as amended by the following conditions. Any additional uses other than those approved with this permit, as described in the project description, will require a separate application and approval.

2. Effective Date, Expiration, and Extensions

a. Ongoing.

This permit shall become effective upon satisfactory compliance with these conditions. **This permit shall expire on September 1, 2006** unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees, the Zoning Administrator may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.

3. Scope of This Approval; Major and Minor Changes

a. Ongoing.

The project is approved pursuant to the Planning Code only and shall comply with all other applicable codes and requirements imposed by other affected departments, including but not limited to the Building Services Division and the Fire Marshal. Minor changes to approved plans may be approved administratively by the Zoning Administrator; major changes shall be subject to review and approval by the City Planning Commission.

4. Modification of Conditions or Revocation

a. Ongoing.

The City Planning Commission reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke this conditional use permit if it is found that the approved use or facility is violating any of the Conditions of Approval, any applicable codes, requirements, regulation, guideline or causing a public nuisance.

5. Recording of Conditions of Approval

a. Prior to issuance of building permit or commencement of activity.

The applicant shall execute and record with the Alameda County Recorder's Office a copy of these conditions of approval on a form approved by the Zoning Administrator. Proof of recordation shall be provided to the Zoning Administrator.

6. Reproduction of Conditions on Building Plans

a. Prior to issuance of building permit.

These conditions of approval shall be reproduced on page one of any plans submitted for a building permit for this project.

7. Indemnification

a. Ongoing.

The applicant shall defend, indemnify, and hold harmless the City of Oakland, its agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul,

an approval by the City of Oakland, the Office of Planning and Zoning Division, Planning Commission, or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

8. Waste Reduction and Recycling

a. *Prior to issuance of a building or demolition permit.*

Prior to issuance of any building permits including the grading and/or demolition permit the project applicant will submit a demolition/construction waste diversion plan and operational waste reduction plan for review and approval by the Public Works Agency. The plan will specify the methods by which the development will make a good faith effort to divert 50% of the demolition/construction waste generated by the proposed project from landfill disposal. After approval of the plan, the project applicant will implement the plan. The operational diversion plan will specify the methods by which the development will make a good faith effort to divert 50% of the solid waste generated by operation of the proposed project from landfill disposal. After approval of the plan, the project applicant will implement the plan.

9. Litter Control

a. *Prior to issuance of building permit*

A litter control plan that ensures that the premises and surrounding area are kept free of litter shall be submitted to and approved by the Zoning Administrator prior to application for a building permit. The plan shall include, but not be limited to:

- Distribution of proposed locations of litter receptacles on site and in the public right of way. The design and location of litter receptacles shall be consistent and coordinated with the City's street furniture program.
- A management schedule for keeping the premises and surrounding area free from litter originating from the operation of the commercial activities; and
- Daily sweeping and trash collection of the premises, the public sidewalk and the gutter area of the public street immediately adjacent to the project.

10. Electrical Facilities

a. *Prior to installation.*

All new electric and telephone facilities, fire alarm conduits, streetlight wiring, and similar facilities shall be placed underground. Electric and telephone facilities shall be installed in accordance with standard specifications of the servicing utilities. Street lighting and fire alarm facilities shall be installed in accordance with the standard specifications of the Building Services Department.

11. Improvements in the Public Right-of-Way

a. *Prior to issuance of building permit for work in the public right-of-way*

The applicant shall submit Public Improvement Plans for adjacent public rights-of-way showing all proposed improvements and compliance with conditions of approval and City requirements including but not limited to curbs, gutters, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design specifications locations of facilities required by the East Bay Municipal Utility District (EBMUD), and accessibility improvements compliant with applicable standards and any other improvements or requirements for the project as provided for in this approval. Encroachment permits shall be obtained as necessary for any applicable improvements.

SPECIFIC PROJECT CONDITIONS

12. Final Design Review

a. *Prior to issuance of building permit.*

As the design of the building is further detailed, the design elements listed below shall be revised and shall be submitted for review and approval by the Planning Director prior to issuance of the building permit. Only high quality materials compatible with the industrial character of the area will be approved. The Planning Director may exercise his/her standard authority to refer the design revisions to the DRC or to the Planning Commission.

- a. Final review of all materials and colors.
- b. Final review of gate.
- c. More information regarding window materials, details, and installation specifications (framing material, glass, and mullions) and also of the window system and assembly, to confirm adequate thickness of components, overall quality, and recess from the outside wall. Window mullions shall be a minimum of 2” thick and the window surfaces shall be recessed a minimum of 2” from the building façade.
- d. Submit a detailed landscape plan of all softscape and hardscape materials for review.
- e. A lighting plan that will integrate with the design. Submit exterior features and locations.

13. Statement of Disclosure

a. *Ongoing*

The owner of the property shall provide a Statement of Disclosure on the lease or title to all new tenants or owners of the live-work units acknowledging the commercial and industrial character of the district and acceptance of the potential for uses in the area to result in certain off-site impacts at higher levels than would be expected in residential areas. The statement of disclosure shall also state that the tenants may only engage in the activities allowed by the relevant General Plan Land Use and Zoning Designation. The statement of disclosure shall also state that at least one tenant of each unit shall apply for and maintain a City of Oakland Business Tax Certificate for a business at the project address. The statement described in this condition of approval shall also be provided to any new owners of the property or any of the new units before a unit or the property is sold.

14. Notice to Tenants and Future Owners.

a. *Prior to issuance of a certificate of occupancy.*

The applicant shall provide to the City of Oakland Planning and Zoning Director a notice in all lease and sales documents to all prospective tenants and future purchasers of the property on the site, in a form acceptable to the Oakland City Attorney, addressing: 1) the existence of nearby industrial uses which have the potential to emit noise at levels and during hours of the day that persons may find disturbing; 2) nearby manufacturing/industrial uses which may generate odors; 3) the existence of truck traffic; and 4) that if the site has contained hazardous materials, measures have been undertaken to remediate any potential health risks associated with the hazardous materials and documents related to this effort are on file with the property owner and the appropriate regulatory agency.

15. Business License.

a. *Prior to lease or sale of any unit.*

The applicant must provide written evidence that at least one tenant of each unit shall maintain a valid City of Oakland Business Tax Certificate for a commercial business within the respective unit.

16. Covenants, Conditions and Restrictions & Homeowner's Association.

a. *Within one year after issuance of the first certificate of occupancy.*

The Covenants, Conditions and Restrictions (CC&Rs) for the approved units shall be submitted to the Planning and Zoning Division for review. The CC&Rs shall provide for the establishment of a non-profit homeowners association to maintenance and operation of all on-site sidewalks, pathways, common open space and all common landscaping, driveways, and other facilities, in accordance with approved plans. Membership in the association shall be made a condition of ownership. The developer shall be a member of such association until all units are sold.

17. Misrepresentation of Unit Type.

a. *Prior to issuance of a certificate of occupancy and ongoing*

The project's CC&R's shall indicate that the units are to be sold only are commercial units and not residential units on any marketing materials.

18. Parking Management Plan

a. *Prior to Certificate of Occupancy and On-going.*

The applicant shall establish an on-site parking management plan. The parking management plan shall include but not be limited to the following components and requirements:

- The Covenants, Conditions and Restrictions (CC&Rs) for the units shall be submitted to the Planning and Zoning Division for review to affirm that they include the provisions listed here.
- Require purchasers of Unit C acknowledge that the parking garages are deficient in additional width (due to column or wall locations) and require purchasers to acknowledge that maneuverability within the garage may be affected by the location of columns or walls and that due care and caution should be used.
- The management plan shall also stipulate that each unit shall be assigned a minimum of one off street parking space and that such space is included within the lease or ownership rights of the unit.
- Stipulate that lift spaces be assigned to one unit, not split between two to units.

19. Master Signage Program

a. *Prior to sign permit*

The project applicant shall submit a master signage plan for review per the Planning and Zoning regulations, including but not limited to location, dimensions, materials and colors.

20. Irrigation Plan and Landscape Maintenance

a. *Prior to issuance of building permit*

An irrigation plan shall be prepared by a licensed landscape architect or other qualified person and submitted in conjunction with the building permit submittal. All landscape and irrigation shall be installed prior to final building permit inspection.

b. *Ongoing*

All project landscaping shall be permanently maintained in a neat, safe, and healthy condition.

21. Lighting Plan

a. *Prior to issuance of building permit*

The applicant shall submit a lighting plan for review and approval by the Planning and Zoning Division, with referral to other City departments as appropriate. The plan shall include the design and location of all lighting fixtures or standards. The plan shall indicate lighting fixtures that are adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site.

ADDITIONAL CONDITIONS FOR CONSTRUCTION PERIOD MANAGEMENT

22. Construction Hours for Major Projects.

a. During all construction activities.

Construction hours will be limited to be between 7:00AM to 7:00PM, Monday through Friday. Subject to prior authorization of the Building Services Division and the Planning and Zoning Division, no construction activities shall be allowed on Saturdays until after the building is enclosed, and then only within the interior of the building with the doors and windows closed. Saturday construction activity prior to the building being enclosed shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a survey of residents preferences for whether Saturday activity is acceptable if the overall duration of construction is shortened. No construction activity shall take place on Sundays or Federal holidays.

23. Construction Period Parking and Traffic

a. Prior to issuance of a demolition or building permit

The project sponsor and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency (PWA) and other appropriate City of Oakland agencies to determine traffic management strategies to reduce traffic congestion and the effects of parking demand, to the maximum feasible extent, by construction workers during construction of this project and other nearby projects that could be simultaneously under construction.

The project sponsor shall submit a construction management and staging plan to the Building Services Division with the application for the first building permit for the project for review and approval. The plan shall include at least the following items and requirements:

1. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. In addition, the information shall include a construction-staging plan for any right-of-way.
2. Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.
3. Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours and lane closures will occur.
4. Provision for accommodation of pedestrian flow.
5. Location of construction staging areas.

6. Provisions for monitoring surface streets used for haul routes so that any damage to the street paving and debris attributable to the haul trucks can be identified and corrected.
 7. A temporary construction fence to contain debris and material and to secure the site.
 8. Provisions for removal of trash generated by project construction activity. The applicant shall ensure that debris and garbage is collected and removed from the site daily.
 9. At least one copy of the approved above referenced plans that include the Approval Letter and the Conditions of approval for this project shall be available for review at the job at all times.
 10. All work shall apply the “Best Management Practices” (BMPs) for the construction industry, including BMPs for dust, erosion, and sedimentation abatement per Section 15.04 of the Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.
 11. Dust control measures as set forth in Condition 24, below.
 12. Noise control measures as set forth in Condition No. 25, below.
 13. A process for responding to, and tracking, complaints pertaining to construction activity, including the identification of an on-site complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. The Planning and Zoning Division shall be informed who the Manager is prior to the issuance of the grading permit
- 24. Dust Control Measures.**
- a. *During all construction activities.***
Dust control measures shall be instituted and maintained during construction to minimize air quality impacts. The measures shall include:
 1. Watering all active construction areas as necessary to control dust;
 2. Covering stockpiles of debris, soils or other material if blown by the wind;
 3. Sweeping adjacent public rights of way and streets daily if visible soil material or debris is carried onto these areas.
 4. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
 5. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;
 6. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
 7. Install sandbags or other erosion control measures to prevent silt runoff onto public roadways; and
 8. Replant vegetation in disturbed areas as quickly as possible.

25. Construction Related Noise Control.

a. During all construction activities.

To reduce daytime noise impacts due to construction, to the maximum feasible extent, the City shall require the applicant to develop a site-specific noise reduction program, subject to city review and approval, which includes the following measures:

- a) Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the City in the event of problems.
- b) An on-site complaint and enforcement manager shall be posted to respond to and track complaints.
- c) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.).
- d) 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).
- e) Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible 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 where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- f) Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.

26. Site Maintenance.

a. During all construction activities.

The applicant shall ensure that debris and garbage is collected and removed from the site daily.

ENVIRONMENTAL CONDITION:

26. State, Federal, or County Authority Environmental Approval

a. Prior to issuance of building permit

The applicant shall demonstrate, through written verification that required clearances have been granted and any applicable conditions have been met for previous contamination at the site from the appropriate State, Federal or County authorities or submit a Phase 1 and/or Phase II report for the existing buildings. The Planning Director shall review and provide a determination on the completeness of the reports.

APPROVED BY: City Planning Commission: _____(date)_____ (vote)
City Council: _____(date)_____ (vote)