

Location:	2681 Fruitvale Avenue (See map on reverse)
Assessors Parcel Numbers:	026-0770-015-01
Proposal:	To Construct a mixed use development consisting of 2 dwelling units over 2,791 sq. ft. of commercial space in a new building that is located on the same lot as an existing mixed use building that consists of 2 dwelling units and 3,075 sq. ft. of commercial space.
Applicant:	Minxi Liu / Urban Impression
Owner:	Khai Lu
Planning Permits Required:	Major Conditional Use Permit for a commercial activity located within a residential zone, Regular Design Review to construct a new building. Request to modify previous conditions of a Major Variance (VM01-439)
General Plan:	Mixed Housing Type Residential
Zoning:	C-20 Shopping Center Commercial Zone / R-50 Medium Density Residential Zone
Environmental Determination:	Exempt, Section 15301 (Existing Facilities) of the State CEQA Guidelines
Historic Status:	Not a Potential Designated Historic Property; Survey rating: X
Service Delivery District:	4
City Council District:	5
Date Filed:	October 5, 2005 (pre-application filed July 8, 2005) Adopt findings to approve the CMD05-506
Action to be Taken:	Deny REV05-030
Staff Recommendation:	Approve
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Leigh McCullen (for Andrew Smith) at 510-238-4977 or by e-mail: lmccullen@oaklandnet.com

ADDENDUM FOR JANUARY 18, 2006

This item was continued from December 7, 2005 to January 18, 2006 to provide the applicant additional time to meet with concerned neighbors. The primary neighborhood concern involved the lack of a landscape buffer between the proposed parking area and trash enclosure and adjoining residential site located along Davis Street. To address this concern the proposed site plan has been revised to relocate the trash enclosure from the rear of the proposed building to the parking lot of the existing building and provide landscaping between the new building and the property line adjacent to the adjoining residential lots. In addition the proposed parking area has been reconfigured to create a landscape buffer along the neighboring rear yards.

Staff continues to recommend approval of the project subject to the revised plans file dated January 5, 2005.

DECEMBER 7, 2005 STAFF REPORT

SUMMARY

The proposal is to construct a new 2-story building consisting of an approximately 2,000 sq. ft. restaurant and approximately 700 sq. ft. retail space on the ground floor with two 3-bedroom dwelling units located on the second floor. The building will be constructed on a vacant portion of a property located at the corner of Fruitvale Avenue and East 27th Street. An existing mixed use building containing a small market on the ground floor and two dwelling units on the second floor is located on the portion of the property nearest to Fruitvale Avenue. A separate gated parking lot will be provided for the residential units. The existing parking lot will be reconfigured to provide parking for the commercial businesses. The surrounding neighborhood to the west along East 27th Street is residential in nature and consists of a mixture of single family dwellings, duplexes, and small apartment buildings. The surrounding neighborhood along Fruitvale Avenue is a mix of residential and commercial buildings that are generally two stories in height. Staff recommends that the Planning Commission confirm the Environmental Determination and approve the Major Interim Conditional Use Permit and Design Review based on the attached findings and subject to the following conditions of approval.

PROJECT DESCRIPTION

The proposal is to construct a new 2-story building consisting of an approximately 2,000 sq. ft. restaurant and approximately 700 sq. ft. retail space on the ground floor with two 3-bedroom dwelling units located on the second floor. An existing mixed use building containing a small market on the ground floor and two dwelling units on the second floor is located on the portion of the property nearest to Fruitvale Avenue. A separate gated parking lot will be provided for the residential units. The existing parking lot will be reconfigured to provide parking for the commercial businesses.

PROPERTY DESCRIPTION

The property is 20,326 sq. ft. in size and is located at the intersection of Fruitvale Avenue and East 27th Street. The surrounding neighborhood to the west along East 27th Street is residential in nature and consists of a mixture of single family dwellings, duplexes, and small apartment buildings. The surrounding neighborhood along Fruitvale Avenue is a mix of residential and commercial buildings that are generally two stories in height. The eastern half of the property located nearest to Fruitvale Avenue is currently developed with an existing mixed use building containing a small market on the ground floor and two dwelling units on the second floor. This building was constructed between 1999 and 2001 and had received Design Review approval from the Zoning Division in 1998. The site had previously been occupied by a Standard Oil (later Chevron) gas station that was built in 1967 and demolished in 1987. Prior to that the property had been developed with some stores on Fruitvale Avenue that dated from 1925, and a dwelling (later divided into a triplex) along East 27th Street that appeared to have predated the stores.

The subject property is located in an area that is well served by AC transit bus service with the 14 line running down East 27th Street and the 53 line running along Fruitvale Avenue. The project site is also located within a 15 minute walk from several AC transit bus lines (including a transbay route) along nearby MacArthur Boulevard.

GENERAL PLAN ANALYSIS

The proposed project falls under the Mixed Housing Type Residential General Plan Land Use Classification, and is therefore subject to Neighborhood Objectives N1, N2, N3, N5, N6, N8, N9, N10, and N11 of the City of Oakland General Plan. These objectives and policies encourage increased housing through in-fill development; neighborhood businesses where appropriate; a mix of housing costs, unit sizes, types, and ownership structures; increased residential densities near commercial and transit corridors; pedestrian friendly development; and residential development that is consistent with the surrounding neighborhood character, and that maintains a positive and safe public image. The proposed project will create a pedestrian friendly development that is located along an arterial street in a neighborhood commercial area that is relatively well served by transit and will also create additional in-fill housing opportunities by providing additional housing in an established neighborhood that is served by existing infrastructure. The proposed project will also strengthen the neighborhood commercial district that is centered on Fruitvale Avenue by providing additional space for neighborhood serving restaurants and retail stores. Specifically, General Food Sales and General Retail Sales Commercial Activities, as defined by the Oakland Planning Code, has been determined to conform to the Mixed Housing Type Residential General Plan Land Use Classification pursuant to the Guidelines for Determining Project Conformity With the General Plan and Zoning Regulations, adopted by the City Planning Commission.

ZONING ANALYSIS

The proposed project is located within both the C-20 Shopping Center Commercial Zone and the R-50 Medium Density Residential Zone. The front 85-feet of the property as measured from Fruitvale Avenue (constituting slightly more than ½ of the property) is located in the C-20 Zone, with the remainder located in the R-50 Zone. Almost all of the new proposed building is to be located in the R-50 Zone.

The proposed project complies with all applicable zoning regulations. Regular Design Review is required for the construction of a new building pursuant to the C-20 Zone regulations. A Major Interim Conditional Use Permit is required to permit the proposed General Food Sales and General Retail Sales Commercial Activities in the R-50 Zone pursuant to the General Provisions of Planning Code and General Plan Conformity (Chapter 17.01 O.P.C.), as the property is located within the Mixed Housing Type Residential General Plan Land Use Classification.

MODIFICATION OF CONDITIONS

In February of 2002, the Planning Commission approved the Major Variance for Alcoholic Beverage Sales within an existing building located on the subject site subject to several stringent conditions of approval. The ABAT Unit began monitoring this location in early 2003 for possible condition violations. On January 15 and 22, 2003, 2003 ABAT verified 10 condition violations. The operator was cited with a violation of OMC 17.152.030a and OMC 1.28.020. On November 30, 2004 the operator was documented in violation for possession of counterfeit tobacco products as well as a violation on condition 10 and 17 of the conditions of approval. The Operator was notified on January 5, 2005 to comply with all operating restrictions. The ABAT Unit has determined that this operator has not remained in compliance with the conditions of approval issued under VM01-439. The Police Department has recommended that the original conditions remain in place.

Staff recommends **denial** of the modification of conditions associated with VM01-439.

ENVIRONMENTAL DETERMINATION

The project is exempt from environmental review under California Environmental Quality Act (CEQA) Guidelines Section 15301(e)(2) (Existing Facilities) of the State CEQA Guidelines. This exemption allows

for the expansion of existing developments of up to an additional 10,000 sq. ft in floor area so long as the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and is not in an environmentally sensitive area. The project site is already served by all of the necessary public services and facilities, and the project is not located within an environmentally sensitive area as it is substantially surrounded by urban uses; has no value as habitat for endangered, rare, or threatened species; and because the project will not result in any significant effects related to traffic, noise, air quality, or water quality.

KEY ISSUES AND IMPACTS

1. Neighborhood compatibility & design

Staff feels that the proposed project is compatible with the surrounding neighborhood and does not feel that any significant changes to the proposed plans need to be made to ensure such compatibility. The proposed building fits in well with the 2-story height context of the surrounding neighborhood, while the architectural style is compatible with the mixture of traditional architectural styles that are found throughout the surrounding neighborhood. An independent parking area is being provided for the residential units, and this parking area is gated to prevent its use by the commercial customers of the proposed project. Additionally, the location of the proposed residential parking area provides a buffer between the proposed commercial uses and the adjacent residential uses. The proposed project also provides for a group usable open space area for the use of the future residents that is screened and separated from the commercial areas of the property in a manner that is considerably better than the existing open space area provided for the existing dwelling units. The proposed project also provides for the installation of a gate along the balcony of the existing dwelling units, thereby improving the privacy and usability of this open space area for the residents of the existing dwelling units. Furthermore, generous balcony space has been proposed for the new dwelling units, further reinforcing a family-friendly design for these new dwelling units. A landscaped setback along East 27th Street has been provided, as required by the Zoning Regulations, to ensure compatibility with this predominantly residential street.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Approve the Major Interim Conditional Use Permit and Regular Design Review application subject to the attached findings and conditions.
3. Deny REV05-030 (Modification of Conditions associated with VM01-439)

Approved by:

GARY V. PATTON
Deputy Director of Planning and Zoning

Prepared by:

ANDREW M. SMITH
Planner III

ATTACHMENTS:

- A. Revised project plans
- B. Conditions of approval for case no. DR98-223
- C. Original site plan
- D. Conditions of approval for VM01-439

FINDINGS FOR APPROVAL

This proposal meets the required findings under Section 17.134.050 of the Oakland Planning Code (General Use Permit Criteria), Section 17.136.070(a) of the Oakland Planning Code (Design Review Criteria for residential facilities); and Section 17.136.070(b) of the Oakland Planning Code (Design Review Criteria for nonresidential facilities) as set forth below. Required findings are shown in **bold** type; explanations as to why these findings can be made are in normal type.

SECTION 17.134.050 – General Use Permit Criteria:

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

The proposed project is consistent with the context of the surrounding neighborhood and the policies of the Oakland General Plan. The property is located in a neighborhood commercial district surrounded by residential neighborhoods. Additionally, the subject property is located in close proximity to mass transit, and the proposed project will not result in an appreciable increase in traffic on the adjacent streets. Furthermore, the addition of living units to the area will likely have a positive impact on the businesses of local merchants, and will likely spur additional new development in the area, as called for the by the Oakland General Plan.

- 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.**

By grouping the existing and proposed buildings together sharing a common parking area, while including independent residential parking and open space areas, the proposed development will provide a convenient and functional living, working, and shopping environment. The design of the proposed project is compatible with the surrounding neighborhood and has been designed so as to mitigate any potential conflicts between the residential and commercial uses on the subject property and surrounding neighborhood.

- 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 proposed project will enhance the successful operation of the surrounding area in its basic community functions by creating two additional dwelling units and space for a neighborhood serving restaurant and retail store.

- D. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.**

The proposed project has been reviewed for and found to comply with all applicable design review criteria.

- E. That 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.**

FINDINGS

The proposed project is consistent with the objectives and policies of the Mixed Housing Type Residential General Plan Land Use Classification of the City of Oakland General Plan. These objectives and policies encourage increased housing through in-fill development; neighborhood businesses where appropriate; a mix of housing costs, unit sizes, types, and ownership structures; increased residential densities near commercial and transit corridors; pedestrian friendly development; and residential development that is consistent with the surrounding neighborhood character, and that maintains a positive and safe public image. The proposed project will create a pedestrian friendly development that is located along an arterial street in a neighborhood commercial area that is relatively well served by transit and will also create additional in-fill housing opportunities by providing additional housing in an established neighborhood that is served by existing infrastructure. The proposed project will also strengthen the neighborhood commercial district that is centered on Fruitvale Avenue by providing additional space for neighborhood serving restaurants and retail stores. Specifically, General Food Sales and General Retail Sales Commercial Activities, as defined by the Oakland Planning Code, has been determined to conform to the Mixed Housing Type Residential General Plan Land Use Classification pursuant to the Guidelines for Determining Project Conformity With the General Plan and Zoning Regulations, adopted by the City Planning Commission.

17.136.070A - RESIDENTIAL DESIGN REVIEW CRITERIA:

- A. 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 materials and textures, as well as the visual appearance of scale are similar to the surrounding neighborhood which consists mostly of one and two story mixed use and residential buildings. The design of the proposed addition is also consistent with the architectural style of the existing building located on the project site.

- B. The proposed design will protect, preserve, or enhance desirable neighborhood characteristics.**

The proposed project will protect and preserve the desirable neighborhood characteristics by reinforcing the residential nature of the surrounding neighborhood, while preserving the architectural integrity of the existing development.

- C. The proposed design will be sensitive to the topography and landscape.**

The area is flat and no views will be impacted. The proposed project will provide new landscaping where only a vacant lot currently exists.

- D. If situated on a hill, the design and massing of the proposed building relates to the grade of the hill.**

The proposed project is not located on a hill.

- E. 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 the City Council.**

The proposed project is consistent with the objectives and policies of the Mixed Housing Type Residential General Plan Land Use Classification of the City of Oakland General Plan. These objectives

and policies encourage increased housing through in-fill development; neighborhood businesses where appropriate; a mix of housing costs, unit sizes, types, and ownership structures; increased residential densities near commercial and transit corridors; pedestrian friendly development; and residential development that is consistent with the surrounding neighborhood character, and that maintains a positive and safe public image. The proposed project will create a pedestrian friendly development that is located along an arterial street in a neighborhood commercial area that is relatively well served by transit and will also create additional in-fill housing opportunities by providing additional housing in an established neighborhood that is served by existing infrastructure. The proposed project will also strengthen the neighborhood commercial district that is centered on Fruitvale Avenue by providing additional space for neighborhood serving restaurants and retail stores. Specifically, General Food Sales and General Retail Sales Commercial Activities, as defined by the Oakland Planning Code, has been determined to conform to the Mixed Housing Type Residential General Plan Land Use Classification pursuant to the Guidelines for Determining Project Conformity With the General Plan and Zoning Regulations, adopted by the City Planning Commission.

17.136.070B - NONRESIDENTIAL DESIGN REVIEW CRITERIA:

- A. 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 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 design which have some significant relationship to outside appearance shall be considered.**

The materials and textures, as well as the visual appearance of scale are similar to the surrounding neighborhood which consists mostly of one and two story mixed use and residential buildings. The design of the proposed addition is also consistent with the architectural style of the existing building located on the project site. By grouping the existing and proposed buildings together sharing a common parking area, while including independent residential parking and open space areas, the proposed development will provide a convenient and functional living, working, and shopping environment.

- B. 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.**

The proposed project will protect and preserve the desirable neighborhood characteristics by reinforcing the residential nature of the surrounding neighborhood, while preserving the architectural integrity of the existing development.

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

The proposed project is consistent with the objectives and policies of the Mixed Housing Type Residential General Plan Land Use Classification of the City of Oakland General Plan. These objectives and policies encourage increased housing through in-fill development; neighborhood businesses where appropriate; a mix of housing costs, unit sizes, types, and ownership structures; increased residential densities near commercial and transit corridors; pedestrian friendly development; and residential development that is consistent with the surrounding neighborhood character, and that maintains a positive and safe public image. The proposed project will create a pedestrian friendly development that is located

along an arterial street in a neighborhood commercial area that is relatively well served by transit and will also create additional in-fill housing opportunities by providing additional housing in an established neighborhood that is served by existing infrastructure. The proposed project will also strengthen the neighborhood commercial district that is centered on Fruitvale Avenue by providing additional space for neighborhood serving restaurants and retail stores. Specifically, General Food Sales and General Retail Sales Commercial Activities, as defined by the Oakland Planning Code, has been determined to conform to the Mixed Housing Type Residential General Plan Land Use Classification pursuant to the Guidelines for Determining Project Conformity With the General Plan and Zoning Regulations, adopted by the City Planning Commission.

CONDITIONS OF APPROVAL**STANDARD CONDITIONS:****1. Effective Date, Expiration, and Extensions****a. Ongoing.**

The approval of the Major Interim Conditional Use Permit and Design Review application shall expire two (2) calendar years from the date of approval unless actual construction or alteration has begun under necessary permits by this date. Expiration of any valid building permit for this project may invalidate this approval. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Zoning Administrator may grant an extension of this permit, and up to two subsequent extensions upon receipt of a subsequent written request and payment of appropriate fees received no later than the expiration date of the previous extension.

2. Scope of This Approval**a. Ongoing.**

The project is approved pursuant to the Planning Code of the Municipal Code only and shall comply with all other applicable codes, requirements, regulations and guidelines, including but not limited to those imposed by the City's Building Services Division and the City's Fire Marshal.

3. Changes to Approval**a. Ongoing.**

Minor changes to approved plans may be approved administratively by the Zoning Administrator. Major changes to the approved plans shall be reviewed by the Zoning Administrator to determine whether such changes require submittal and approval of a new, independent permit. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction.

4. Modification of Conditions or Revocation**a. Ongoing.**

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

5. Waste Reduction and Recycling**a. Prior to issuance of a building or demolition permit**

The applicant may be required to complete and submit a "Waste Reduction and Recycling Plan," and a plan to divert 50 percent of the solid waste generated by the operation of the project, to the Public Works Agency for review and approval, pursuant to City of Oakland Ordinance No. 12253. This condition applies to a) new residential and commercial construction 2) commercial and apartment house demolition, and 3) commercial and apartment house additions and alterations with a permit valuation of greater than \$50,000. Contact the City of Oakland Environmental Services Division of Public Works at (510) 238-7073 for information.

6. Construction hours**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.

7. Encroachment Permit.

a. Prior to issuance of any building permit.

The applicant shall obtain any encroachment permits, privately constructed public improvements, waiver of damages or other approvals required by the Building Services Division, prior to grading permit and building permit issuance location of any permanent or temporary elements located in the public right of way.

8. Site Maintenance.

a. During all construction activities.

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

9. Approved Plans on Site.

a. During all construction activities.

At least one (1) copy of the approved above referenced plans that include the Approval Letter and Conditions of Approval for this project, shall be available for review at the job site at all times.

10. Best Management Practices.

a. During all construction activities.

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.

a. During all construction activities.

Dust control measures shall be instituted and maintained during construction to minimize air quality impacts. The measures shall include:

- i. Watering all active construction areas as necessary to control dust;
- ii. Covering stockpiles of debris, soils or other material if blown by the wind;
- iii. Sweeping adjacent public rights of way and streets daily if visible soil material or debris is carried onto these areas.
- iv. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
- v. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas;
- vi. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- vii. Install sandbags or other erosion control measures to prevent silt runoff onto public roadways; and

viii. Replant vegetation in disturbed areas as quickly as possible.

12. Neighbor Noticing of Access Obstructions.

a. *During all construction activities.*

Construction vehicles, materials and other equipment shall not block the road so that neighbors would be adversely affected from getting to and from their properties. The applicant shall ensure that immediately adjacent property owners are notified in writing no less than 48 hours before any major delivery, hauling, detours, or lane closures related to the project's construction activities occur.

13. Defense, Indemnification & Hold harmless

a. *Within ten (10) business days of the filing of a claim, action or proceeding that is subject to this provision, the applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes this condition of approval.*

The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, Oakland Redevelopment Agency, Oakland City Planning Commission and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Planning and Zoning Division, Oakland City Planning Commission, the City of Oakland Redevelopment Agency 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.

ADDITIONAL CONDITIONS:

14. Underground utilities.

a. *Prior to issuance of building permit.*

All new electric and telephone facilities (including transformers); fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities shall be placed underground by the developer from the applicant's structures to the point of service. This change shall be indicated on the building permit plan set and shall be subject to review and approval by the Zoning Administrator.

15. Exterior lighting plan

a. *Prior to issuance of building permit*

An exterior lighting plan shall be included in building permit plan set and shall be subject to review and approval by the Zoning Administrator. This plan shall include architectural drawings or photographs and specifications for all proposed exterior light fixtures. All exterior light fixtures shall be shielded to a point below the light bulb and reflector, except that partially shielded fixtures are acceptable on the front elevation of the ground floor.

16. Landscape installation and maintenance

a. *Prior to issuance of building permit*

Automatic irrigation shall be provided for all proposed landscaping adjacent to the sidewalk and in all group usable open space areas. An irrigation plan shall be included in building permit plan set and shall be subject to review and approval by the Zoning Administrator.

b. *Prior to final inspection.*

All proposed landscaping and irrigation shall be installed prior to final inspection of the building unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code.

CONDITIONS OF APPROVAL

c. Ongoing.

All proposed landscaping shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements.

17. Existing Conditions of Approval

a. Ongoing

The existing conditions of approval from case number DR98-223 shall remain in place for the existing development, except as superseded by this approval.

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