

Location:	6550 Moraga Avenue (Chevron Gas Station)
	APN: 048H-7353-007-00
Proposal:	Convert auto repair service bays at existing gas station into a convenience market.
Applicant:	Anthony Tabacco & Associates
Owner:	Ken Betts, Inc.
Case File Numbers:	CMV05-545
Planning Permits Required:	Major Conditional Use Permit to establish a convenience market at an existing gas station, Minor Variance to allow two on-site parking spaces where four are required.
General Plan:	Neighborhood Center
Zoning:	C-27 Village Commercial Center
Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines, Conversion
Historic Status:	Non- Historic Property (NHP), Survey Rating: F3
Service Delivery District:	2
City Council District:	4
Status:	Pending
Action to be Taken:	Decision on application based on staff report
For Further Information:	Contact case project planner Mike Rivera at (510) 238-6417 or by email at mriviera@oaklandnet.com

SUMMARY

The applicant proposes to establish a convenience market at an existing nonconforming gas station located at 6550 Moraga Avenue. The proposal requires a Major Conditional Use Permit for the proposed use pursuant to the procedures in Chapter 17.134, and Minor Variance for required on-site parking pursuant to the procedures in Chapter 17.148 of the Oakland Municipal Code. The property currently contains a total of two fuel islands, an automobile repair service facility that includes two service bays, a small lobby/cashier’s area, a bathroom, a storage room, an outdoor automobile equipment facility and a trash/storage enclosure. The property is located in the C-27 Village Commercial Zone and in the Neighborhood Center District of the General Plan classification.

Staff recommends the Planning Commission deny the proposed application based on the inability to make the required findings attached to this report. If the Planning Commission finds that the required findings can be made to approve the application, staff has drafted conditions of approval that are attached to this report.

PROPERTY DESCRIPTION

The subject property is located at the intersection of Moraga Ave. and Mountain Blvd. in the Montclair Village Center. The triangular-shaped property is relatively flat and measures approximate 4,650 sq. ft. The property is bounded to the east, south and north by a mixture of small retail establishments and to the west by Highway 13. The property is accessed by four driveways- two on Mountain Blvd. and two on Moraga Ave. The existing gas station contains two islands with a total of five gasoline pumps. The property also has a single-story automobile repair service facility and a pylon sign structure. The single-story facility contains two service bays, a small lobby and cashiers area, a bathroom and a storage room. The small lobby area provides for the sale of small packaged foods such as snacks, candies, cigarettes and

non-alcoholic beverages. The property does not currently contain any designated on-site parking facilities. No changes are being considered for the existing pylon sign structure.

PROJECT DESCRIPTION

The applicant proposes to convert the 1,160 sq. ft. automobile repair service station building into an 816 sq. ft. convenience market. To establish the convenience market, the project requires the demolition of that portion of the building that houses the two service bays; and a new wall will be constructed for the new convenience market. The proposal also includes modification to the building floor area to accommodate the existing cashiers, bathroom and storage room. The project also requires the removal of an outdoor automobile equipment area located west of the building. All the automobile gas pumps, canopies and pylon sign structure will remain.

The applicant proposes a total of two on-site parking stalls for the convenience market. The required number of parking spaces is four. One new parking stall would be added on both the east and west sides of the building. The existing 28-ft.wide driveway and curb cut located to the northeast corner of the property along Mountain Blvd. will be relocated near the middle of the property. The relocation of the driveway would be necessary to improve vehicular circulation to the proposed on-site parking stalls. The applicant also proposes new landscaping areas to the northeast and northwest corner of the property.

GENERAL PLAN ANALYSIS

The property is designated Neighborhood Center Mixed Use by the General Plan-a classification which is intended to identify, create, maintain and enhance mixed use neighborhood commercial centers. These centers are typically characterized by smaller scale, pedestrian-oriented continuous street frontage with a mix of retail, housing, office, active open space, eating and drinking places, personal and business services, and smaller scale educational, cultural, or entertainment uses. Neighborhood Center Mixed Use areas support adjacent neighborhoods by providing distinctive and conveniently located mixes of retail shops, services, housing and public facilities.

The proposed convenience market would not be consistent with the intent of the General Plan because it will not be compatible with the characteristics that are found in small pedestrian-oriented commercial facilities. The desired uses in the Neighborhood Center Mixed Use are distinctive retail shops, services, eating and drinking places, and public facilities. The proposed convenience market in the gas station will not contribute to the neighborhood-serving characteristics of the subject neighborhood center. Thus, the proposed convenience market will not be consistent with the intent of the General Plan.

The proposed convenience market activity would also detract from the economic viability of other neighborhood-oriented retail establishments in the area that provide similar services to the neighborhood. The location of the convenience market in an existing gas station will not provide a convenient and functional shopping experience because the existing gas station users will make it difficult for the convenience market users to navigate through and utilize the limited on-site parking spaces. Therefore, the proposal would not be consistent with the intent of the General Plan.

ZONING ANALYSIS

The property is located in the C-27 Village Commercial Center Zoning District. The intent of the C-27 Zone is intended to create, preserve, and enhance areas with a selective range of retail establishments serving both short and long term needs in attractive, compact locations oriented toward pedestrian comparison shopping, and is typically appropriate to commercial clusters having their own special identity. A major Conditional Use Permit is required to establish a convenience market within the C-27 Zoning District.

The Conditional Use Permit procedure for convenience markets is intended to ensure commercial areas zoned C-27 will remain pedestrian-oriented, and that any convenience market approved would not adversely affect the livability or appropriate development of adjacent properties and the surrounding neighborhood, with the consideration to be given to the generation of traffic and the capacity of surrounding streets.

Staff believes that the proposed convenient market does not meet the intent of the C-27 Zone, because it would not preserve and enhance the variety of existing small-scale retail businesses that are vital and accessible to the needs of local consumers and nearby residents. Though the proposed convenience market would add a retail opportunity to the area, the proposed activity is not significantly vital because there are other retail businesses nearby that provide similar services.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. The proposed project has been determined to be exempt from environmental review under Section 15303 because it involves the conversion of an existing automobile repair service station.

KEY ISSUES AND IMPACTS

Convenience Market Activity- The existing gasoline and automobile repair service station is considered a nonconforming facility that is not allowed by the C-27 Zoning Regulations. The convenience market activity would be an extension of a nonconforming use activity that is not allowed per Section 17.114.080 of the Oakland Municipal Code. Section 17.114.080 states: *“The floor area and overall outside dimensions of any building, or portion thereof, devoted to such activity shall not be increased; no open parking, loading, sales, display, service, production, or storage area accommodating or serving such activity shall be relocated or increased in size; and no such building or open area shall be reconstructed”*.

The Montclair neighborhood commercial district is a small-scale retail business community that remains viable because it provides a wide range of business establishments to meet the needs of local consumers and residents. The proposed convenience market is not pedestrian-oriented, but is rather auto-oriented. The convenience market will create conflicting circulation patterns between service pump users and those wishing to access the convenience market. The proposed convenience market does not meet all the required on-site parking spaces. The location of the property, vehicular circulation and the shortage of required on-site parking for the convenience market will create negative impacts to the site and to the surrounding areas.

Staff has received comments from the Montclair Village community expressing opposition to the proposed convenience market. In fact, the community values the convenience and accessibility of the two existing service bays at the site.

Required Off-Street Parking- The proposed Convenience Market activity proposes a total of two off-street parking stalls. Section 17.116.080 of the Oakland Municipal Code requires one parking stall for each 200 square feet of floor area. The floor area for the proposed convenience market measures 816 square feet. Therefore, a total of four off-street parking stalls are required. The proposed project requires a Minor Variance to allow two on-site parking spaces where four parking spaces are required.

Due to the levels of vehicular traffic and parking shortage that are found in Montclair commercial district, the proposed convenience market activity combined with the existing gas station would likely impact traffic circulation and on-street parking in the surrounding area. The City’s General Plan identifies the Montclair Village business district as one of the specific target locations for community and economic development

improvement. Residents and merchants believe that the continued success of the Montclair business district is challenged by the shortage of parking. Staff believes that the proposed project does not provide valid justification for granting approval for the requested Minor Variance to allow two on-site parking stalls where four parking stalls are required.

Potential Benefits- Without disregarding the significant concerns staff has with this project, it is appropriate to also point out a number of potential benefits:

- The proposed convenience market will eliminate the automobile repair service facility, thereby eliminating the occasional storage of vehicles and other miscellaneous items on this prominent corner property that may not be visually appealing to the public.
- In addition, the convenience market remodel would provide an opportunity to make physical improvements to the property, such as remodeling of the building and the addition of landscaping.

In balance, however, staff finds that the conversion of the service bays to a convenience market would generate more negative than positive effects to the site. The proposed convenience market, for instance, will create conflicting circulation patterns between service pump users and those wishing to access the convenience market. With these conflicts along with the lack of off-street parking and the small footprint of the site, more will likely be increased and pedestrian conflicts as cars often find refuge on the driveway and sidewalk area while waiting for a parking space or place at the gas station.

CONCLUSION

Should the Planning Commission consider the potential benefits of the project to outweigh the negative effects, staff has prepared findings and conditions of approval. (See attachment-C)

Staff, however, believes that the proposed application is inconsistent with the set standards and policies of the City. The proposed convenience market activity is an expansion of a nonconforming gas station facility which is not allowed in the C-27 Zone and in the Neighborhood Center Mixed Use classification. Although the proposed convenience market activity could be allowed with a Conditional Use Permit, the applicant has not fully demonstrated that the convenience market will be beneficial to local consumers and residents. Staff believes that there are no solid grounds to support the requested parking variance. The property is located at the intersection of Moraga Ave. and Mountain Blvd. and is one of the entryways to the Montclair Village neighborhood. The neighborhood lacks sufficient public parking. Therefore, granting approval for the requested variance would increase the potential for parking shortage.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Deny the proposed application CMV05-545 based on the inability to make the required findings. (See Attachment B-Findings for Denial)
or
3. Approve the proposed application CMV05-545 subject to the required findings and conditions. (See Attachment C- Findings and Conditions of Approval)

Prepared by:

Mike Rivera
Planner II

Approved by:

SCOTT MILLER
ZONING MANAGER

Approved for forwarding to the
City Planning Commission:

CLAUDIA CAPPIO
Development Director

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

ATTACHMENTS:

- A. Project Plans
- B. Findings for Denial
- C. Findings for Approval & Conditions of Approval

FINDINGS FOR DENIAL

This proposal does not meet the required findings under Sections 17.134.050 (General Use Permit Criteria), 17.102.210 (Special Conditional Use Permit Findings applying to Convenience Markets), and 17.148.050 (A) (Minor Variance Findings) as set forth below. Required findings are shown in **bold** type; explanations as to why these findings cannot 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 development is not consistent with the intent of the General Plan because the proposed convenience market will not enhance the mixture of small retail establishments in the neighborhood. The proposed convenience market will also not be compatible with the characteristics that are found in small pedestrian-oriented commercial facilities.

- 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 development is not consistent with the intent of the General Plan because the convenience market located in the Neighborhood Center Mixed Use does not support adjacent neighborhoods by providing distinctive and conveniently located mixes of retail shops, services, housing and public facilities. The proposed convenience market in the gas station will not contribute to the neighborhood - serving characteristics of the subject neighborhood center.

- 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 development does not conform with the City Comprehensive Plan because the convenience market will not be compatible with the characteristics that are found in small pedestrian-oriented commercial facilities. The proposed convenience market activity would also detract from the economic viability of other neighborhood-oriented retail establishments in the area that provide similar services to the neighborhood.

Section 17.102.210, Special Conditional Use Permit Findings applying to Convenience Markets

The proposal will not interfere with the movement of people along an important pedestrian street.

Traffic and parking capacity from the proposed convenience market would intensify and affect the function of the area. Similar but larger commercial facilities exist nearby that would generate additional on-street parking and vehicular traffic. The location of the convenience market in an

existing gas station will not provide a convenient and functional shopping experience because the existing gas station users will make it difficult for the convenience market users to navigate through and utilize the limited on-site parking spaces. As a result, vehicles may potentially block the public sidewalks, thus making it unsafe to the general public.

Section 17.148.050 (A) – Minor Variance Findings:

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.

The proposed project includes a minor variance to allow two on-site parking spaces where four parking spaces are required. Staff finds that there is no hardship to grant a variance approval to reduce the number of the required off-street parking spaces to allow a new convenience market in an existing gas station. The location, size of the existing gas station and the shortage of on-site parking for the proposed convenience market will make circulation patterns difficult between gas station and convenience market users. Furthermore, by granting a variance, the operation of the convenience market and gas station will create parking and traffic impacts to the surrounding neighborhood-oriented retail properties.

FINDINGS FOR APPROVAL

This proposal does meet the required findings under Sections 17.134.050 (General Use Permit Criteria), 17.102.210 (Special Conditional Use Permit Findings applying to Convenience Markets), and 17.148.050 (A) (Minor Variance Findings) 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.**
- 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.**
- 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.**
- D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070.**
- 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 development will eliminate existing nonconforming automobile service bays. The proposed development will also provide an opportunity to make site, building and landscaping improvements.

Section 17.102.210, Special Conditional Use Permit Findings applying to Convenience Markets

- A. The proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, and traffic problems and capacity.**
- B. The proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds.**
- C. The proposal will not interfere with the movement of people along an important pedestrian street.**

- D. The proposed development will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area.**
- E. The design will avoid unduly large or obtrusive Signs, bleak unlandscaped parking areas, and an overall garish impression.**
- F. Adequate litter receptacles will be provided where appropriate.**
- G. Where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of ten p.m. and seven a.m.**
- H. Proposals for new Fast-Food Restaurants must substantially comply with the provisions of the Oakland City Planning Commission "Fast-Food Restaurant--Guidelines for Development and Evaluation" (OCPD 100-18)**

The proposed development will include Conditions of Approval to address loitering and on-site parking. The proposed convenience market is not located next to a church, private or public schools, public parks or playgrounds. Conditions of approval will be included to make site, building and landscaping improvements. The proposed development is not located adjacent to any residential facilities.

Section 17.148.050 (A) – Minor Variance Findings:

- A. 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.**
- B. 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.**
- C. 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.**
- D. 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.**

The location, size and shape of the property limit the proposed development from providing more than the two additional on-street parking spaces that are proposed. The case can also be made that the two proposed on-site parking spaces may be sufficient to meet the typical consumer demand if they are designated for short –term parking only – perhaps five minutes maximum.

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 submitted on **October 31, 2005** and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and approved plans, 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 April 5, 2008 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 submitted no later than the expiration date, 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, requirements, regulations, and guidelines 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.

A copy of the approval letter and conditions of approval for this project shall be reproduced on page one of any plans submitted for a building permit for this project. A copy of the approved plans shall be available for review at the job site at all times.

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.

STANDARD CONDITIONS FOR CONVENIENCE MARKET

8. Litter Control Plan

The applicant shall submit for review and approval by the Planning Division a Litter Control Plan that requires that the premises and surrounding properties are kept free of litter and debris. The plan shall include, but not be limited to:

- I. 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.
- II. A management schedule for keeping the premises and surrounding area free from litter originating from the operation of the commercial activities; and
- III. Daily sweeping and trash collection of the premises, the public sidewalk and the gutter area of the public street immediately adjacent to the project.

9. Signage Plan.

Prior to issuance of sign permit.

The applicant shall submit a Signage Plan for review and approval by the Planning and Zoning Division, showing areas of all proposed signage.

10. Tobacco Sales.

Ongoing.

Sale of tobacco products shall be such that said sales do not constitute a tobacco oriented activity as defined in Section 17.09.040 in the Oakland Planning Code. The total floor area devoted to the sales of tobacco products shall be less than 20 percent of the total store floor area.

11. Landscaping

- I. Prior to the issuance of a building permit, the applicant shall submit for review and approval by the Planning and Zoning Division, a detailed landscape and irrigation plan prepared by a licensed landscape architect or other qualified person. Such plan shall include a planting schedule, detailing plant types and locations, and a system for irrigation of plantings.
- II. All landscaping indicated on the approved landscape plan shall be installed prior to the issuance of a Certificate of Occupancy, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code.
- III. All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition

and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All paving or other impervious surfaces shall occur only on approved areas.

12. Lighting Plan.

Prior to issuance of building permit.

- I. 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.
- II. The applicant shall maintain all on-site lighting to meet the State Business and Professions Code Section 25612, providing enough illumination to identify loiterers standing in the immediate vicinity of the project site. Such illumination shall remain on during all hours of darkness when the business is open, but shall be shielded to a point below the light bulb and reflector and not cast unnecessary glare onto adjacent residential properties.

13. Loitering Signage.

Prior to commencement of activity.

The applicant shall post "No Loitering" signs on the building façade and other visible locations around the property. The signs shall be permanent and have letters a minimum of 2 inches in height.

14. Loitering Prevention.

Ongoing.

The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to leave. Persons loitering in the vicinity of the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave.

15. Encroachment Permit.

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.

16. Construction Hours.

During all construction activities.

Construction shall only take place between 7:30AM and 6:00PM, on Monday through Friday; 9:00AM to 5:00PM on Saturdays. No construction shall occur on Sundays or Federal holidays. The project applicant 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:

- a) 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.
- b) Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces.

- c) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours and lane closures will occur.
- d) Provision for accommodation of pedestrian flow.
- e) Location of construction staging areas.
- f) Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected.

HAZARDOUS MATERIALS & CONTAMINATION

17. State, Federal, or County Authority Environmental Approval.

Prior to issuance of any demolition, grading or building permit.

The applicant shall provide to the Planning and Zoning Division, written verification that the appropriate State, Federal or County authorities have granted all required clearances and confirmed compliance with all applicable conditions imposed by said authorities, for all previous contamination at the site.

18. Hazardous Materials Assessment and Reporting Program.

Prior to issuance of any demolition, grading or building permit.

The applicant shall provide evidence from the City’s Fire Department, Office of Emergency Services, indicating compliance with the City of Oakland Hazardous Material Assessment and Reporting Program, pursuant to City Ordinance No. 12323.

19. Operating Hours.

Ongoing.

Operating hours for the business shall be 6:30AM-10:PM everyday. These periods may be changed after review by the City Planning Commission at a noticed public hearing.

20. Trash and Recyclables Enclosure.

Prior to issuance of any building permits.

The applicant shall submit for review and approval by the Planning and Zoning Division plans showing all trash and recyclables collection areas on the site. The location of the proposed collection areas shall be shown on the building permit plan set. This collection area enclosure shall be screened from the street and adjacent properties by a wall, fence, or dense landscaping with a minimum height of six (6) feet, and with an opaque enclosure. No trash shall be stored outside the designated trash collection area.

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

