

KENILWORTH ROAD RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD)

Location:	Kenilworth Road (off Strathmoor Drive, in the general area between Drury Road and Norfolk Road) (see map on reverse)
APN:	048H-7615-007-00
Proposal:	The proposed project would provide for the construction of seven single-family dwellings by means of a Planned Unit Development (PUD). The proposed PUD includes the following components: (1) a tentative parcel map to subdivide four existing lots as follows: existing lot nos. 1 and 2 would be merged into one lot, existing lot no. 3 would remain, and existing lot no. 4 would be divided into four lots and a designated remainder for a total of seven lots, (2) development of the project site and footprints for seven custom-built, single-family residences, including parking, landscaping, and post-construction stormwater management facilities, (3) roadway improvements, including widening and paving the unpaved portion of Kenilworth Road, (4) wildland fire protection, (5) geotechnical stabilization of the site and of upslope properties, (6) enhancement and protection of a small on-site wetland and drainage course, including establishment of a creek boundary deed restriction and, (7) various other improvements incorporated as part of the project that address lighting, air quality, trees, archeological, seismic, erosion, hazardous materials, water quality, noise and solid waste.
Applicant:	Eva Gero and David McDonald.
Owner:	Eva Gero and David McDonald.
Planning Permits Required:	Planned Unit Development (PUD), Creek Protection Permit, Tentative Parcel Map
General Plan:	Hillside Residential
Zoning:	R-30, One-Family Residential Zone, S-14 Community Restoration Combining Zone, and S-18 Mediated Residential Design Review Combining Zone.
Environmental Determination:	A Draft Focused Environmental Impact Report has been prepared. The public comment period began on December 5, 2005 and ends on January 19, 2006.
Historic Status:	Vacant Parcel – No Historic Status
Service Delivery District:	II
City Council District:	1
Status:	Pending
Action to be Taken:	Receive feedback from the Planning Commission and the public on the DFEIR and planning related permits.
For Further Information:	Contact case planner Leigh A. McCullen , 510-238-4977 or by email: lmccullen@oaklandnet.com

SUMMARY

The purpose of this report is to provide a summary of the project and its potential environmental impacts, as identified in the Draft Focused Environmental Impact Report (DFEIR), and to receive feedback from the Planning Commission and the public on the project and DFEIR. . The subject site is approximately 2.9 acres located in the Oakland hills, on Kenilworth Road, off of Strathmoor Drive in the general area between Drury Road and Norfolk Road. This application will establish a PUD (Planned Unit Development) to prepare the site for the sale and construction of seven custom single-family dwellings and create a boundary conservation easement, to prevent the future extension of Kenilworth Road. The project also includes the following components: (1) development of the project site and facilities; footprints for seven single-family dwellings, including parking, landscaping, and post-construction stormwater management landscaping, and post-construction stormwater management facilities; (2) roadway improvements, including widening and paving the unpaved portion of Kenilworth Road; (3) wildland fire protection; (4) geotechnical stabilization of the site and of upslope properties; (5) enhancement and protection of a small on-site wetland and drainage course, including establishment of a creek boundary deed restriction, and (6) various other improvements incorporated as part of the project that address lighting, air quality, trees, archeological, seismic, erosion, hazardous materials, water quality, noise and solid waste.

An Initial Study and a Notice of Preparation of a Draft Focused EIR and was issued on July 29, 2005. Based on an Initial Study, it was determined that the project may have significant environmental impacts. A Draft Focused Environmental Impact Report (DFEIR) was then prepared for the project, under the requirements of the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 *et. seq.* The DFEIR analyzes potentially significant environmental impacts in the following environmental categories: aesthetics, biological resources, geology and soils, hydrology and water quality, and noise. The Draft Focused EIR identifies no significant unavoidable environmental impacts. The DFEIR was released on December 5, 2005 and the public comment period closes on January 19, 2006.

BACKGROUND

Applications for the Kenilworth Project were submitted in 2003 and deemed complete by the City in July 2004. An Environmental Evaluation was prepared, and on April 20, 2005 and May 4, 2005, the Planning Commission determined that the project qualified for a Categorical Exemption with no modifications to the project or the proposed standard City Conditions of Approval. The Planning Commission's CEQA determination was appealed, and on July 19, 2005, the City Council granted the appeal, and directed that an Initial Study be prepared to determine whether a (Mitigated) Negative Declaration or focused EIR should be prepared. The Initial Study assessed the proposed project's potential impacts in the following areas: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and circulation, and utilities and service systems. The Initial Study identified the City's proposed, standard conditions of approval that would apply to the Project, regardless of whether an EIR was prepared. The applicant has agreed to voluntarily add all such Standard Conditions of Approval and Improvement Measures to the Mitigation Monitoring and Reporting Plan ("MMRP") developed for this EIR (see Attachment B). The Study also identified a set of specific potential impacts measured against a baseline set in July 2005 that would be discussed further in the DFEIR, including changes in the project site after the baseline was set. Those impacts were in the broader environmental topics of aesthetics, biological resources, geology and soils, hydrology and water quality, and noise, and they are discussed in this DFEIR.

The purpose of this DFEIR is to inform the public, responsible and trustee agencies, and other interested parties of potentially significant environmental effects of the proposed project. The DFEIR also identifies

ways to minimize potentially significant effects and describes reasonable alternatives to this project. Three project alternatives are analyzed, the No Project Alternative (site remains vacant), the Reduced Density Full-Project Site Alternative (four instead of seven residences on seven lots), and the Reduced Density Original Four-Lot Alternative (four residences on four lots).

The Draft FEIR, released on December 5, 2005, will be circulated for a 45-day public comment period. The City will then prepare a Final EIR containing copies of the comments, responses to those comments, and any necessary revisions to the FEIR. With certification of the FEIR, the City acknowledges its satisfaction that the Final FEIR fully addresses the received public comments and is adequate and complete under CEQA. After certification of the Final FEIR the City will consider approval or denial of the proposed project.

PROJECT SITE AND SURROUNDING AREA

The project site is in a low density, urbanized residential setting in the northern portion of the Oakland hills. The project site is completely surrounded by residential development, including single-family dwellings to the east, west and north and multi-family dwellings to the south. Although there is a large privately owned undeveloped hillside to the south and west, it is not publicly owned or designated open space. Further, the project site, including the right-of-way of Kenilworth Road, was platted as part of the original 1925 Gwen Units of the Highlands of Oakland subdivision. The Gwen Unit subdivision contains approximately 373 residential lots. The project site is approximately 2.9 acres in size, with the right-of-way for Kenilworth Road being 0.7 acres and the parcel area being the remaining 2.2 acres. The project site is steep with slopes ranging from 3:1 (horizontal: vertical) to 1.5:1 (33 to 66 percent).

PROJECT DESCRIPTION

The proposed project would construct seven single-family dwellings by means of a Planned Unit Development (PUD). Through recordation of a parcel map, existing four lots would be divided as follows: existing Lot Nos. 1 and 2 would be merged into one lot; existing Lot No. 3 would remain; and existing Lot No. 4 would be divided into four lots and a designated remainder for a total of seven buildable lots and a designated remainder. Proposed parcel frontages would average 75 to 80 feet, which is greater than most parcels along nearby Strathmoor Drive, where frontages average approximately 60 feet.

Project Components

The proposed project includes the following components and they are each described below in more detail: (1) construction of seven single-family residences, (2) roadway improvements, (3) wild fire protection, (4) geotechnical stabilization, and (5) creek protection.

1. Construction of Seven Single-family Dwellings.

The construction of seven single-family Dwellings would include the structures, site preparation, a sewage collection system, access and parking, and landscaping and screening.

- **Structures.** The project proposes construction of seven custom single-family residences. Proposed building heights are a 35-foot maximum at finished grade and an 18-foot maximum at the Kenilworth Road property line (at the midpoint). These heights are similar to those of surrounding structures. The buildings would be supported by piers and a grade beam foundation system. Setbacks would be similar to those of existing development, and meet the needs of

wetland and drainage course preservation. The front of the property on Kenilworth Road would have a minimum setback of five feet and a rear setback of 15 to 65 feet. Side yard setbacks would be a minimum of five feet or 10 percent of the lot width except creek side parcels may have a minimum side yard setback of five feet.

- **Sewage Collection.** The proposed project would include the installation of a gravity main within the entire Kenilworth Road right-of-way and flow into a privately maintained lift station located in the private access easement portion of the Kenilworth cul-de-sac. At that point the wastewater would be transported under pressure up grade to the public sewer main located in Devon Way via 5-foot private sewer and utility easement. In addition, two neighborhood homes could abandon their leach fields and connect to this system.
- **Access and Parking.** Kenilworth Road would be the only access to all of the residences. It would be widened to 20 feet, and extended 590 feet (see subsection on Road Widening, below). Parking would be on grade and on wooden structures with concrete decks. Each residence would include off-street parking spaces on car decks to be determined at the time of design review
- **Landscaping and Screening.** The project sponsors will prepare a Landscape Plan that conforms to City Development Standards for landscape coverage, screening and fire prevention. The Landscape Plans will address the following: landscaping types, screening types, landscaping walls, revegetation of slopes, preservation of mature trees, and wetland and drainage course enhancement, as appropriate.

2. Kenilworth Road Improvements (590 linear feet)

Kenilworth Road improvements would include stormwater management and emergency access features. Approximately 310 linear feet of Kenilworth Road are improved from its intersection with Strathmoor Drive to the project site boundary. The project as proposed would improve another 590 linear feet of this roadway. As shown on Figure 2-5 of the DFEIR, the right-of-way would be re-graded to achieve appropriate cross-slopes and widths to meet municipal standards. Compacted sub-base would be overlain with aggregate base, and then with asphalt. Retaining walls would be constructed at the edge of right-of-way where required to achieve acceptable slope stability.

- **Stormwater Management.** Swales would collect stormwater on the upslope side of the roadway, and transport runoff to inlets protected by retaining walls. Existing upslope landscaping and on-site native oak trees would be preserved as much as possible through design.
- **Emergency Access.** Emergency access to the area would be via the entire 900-foot length of improved Kenilworth Road (existing 310 linear feet, and 590 linear feet improved by the proposed project). The project would include a dedicated cul-de-sac turnaround, unobstructed at all times, and designed to City standards, for emergency access vehicles. The total 900-foot length of Kenilworth Road exceeds the maximum length allowed for a dead-end road in the City's fire hazard area, and in consultation with the City's Fire Prevention Bureau, the Applicant would implement the approved Fire Department conditions stipulated in memorandum April 21, 2003. (see Wildland Fire Protection section, below). (City of Oakland 2002)

3. Wildland Fire Protection

The project site is located in the fire hazard area. This area was burned in the Oakland Firestorm, and at least once prior to the Firestorm. In addition to improved emergency access, described above, the proposed project

would include the following features to reduce the current and future risk from fire to the proposed houses and surrounding properties:

- Four fire hydrants on approximately 300-foot centers would be installed, with adequate fire flow to be confirmed by EBMUD.
- The parcels would be landscaped with plant species that comply with the City's vegetation management program, intended to reduce fire hazard; in the area of the wetland, vegetation would enhance the wetland regime without introducing a fire hazard.
- On-site eucalyptus have been removed to eliminate or substantially reduce fuel loads (note that on-site native oak trees will remain).
- Houses will be outfitted with City-approved fire sprinkler systems.

4. Geotechnical Stabilization

Geotechnical stabilization would occur in accordance with the recommendation of a Certified Engineering Geologist and Geotechnical Engineer and would include the following features and activities: retaining walls, restrained retaining walls, demolition and stripping, subgrade preparation, keyways, slope stabilization, subsurface drainage, and engineered fill.

- **Retaining Walls.** To reduce the potential for triggering upslope slide movement, a retaining wall would be constructed along the upslope side of Kenilworth Road. Construction would occur prior to grading and excavation. The wall would be designed to resist lateral loads exerted by uphill landslide debris. Retaining walls would be provided with drainage facilities to prevent the build-up of hydrostatic pressures behind the walls.
- **Restrained Retaining Walls.** In conjunction with construction of homes and driveways (see above), retaining walls would be restrained and not free to deflect at the top of the wall. Walls and abutments would be provided with backdrain facilities.
- **Demolition and Stripping.** Grading would begin with removal of any buried pipes, leachfields, debris piles, trees and associated root systems, and other deleterious materials. Existing non-engineered fill, vegetation and soft or compressible soils would be removed as necessary. Areas to receive fill, slabs-on-grade, or structural foundations and those areas that serve as borrow for fill would be stripped of existing vegetation. Site strippings (soils) would be reserved for replacement on graded slopes prior to installation of proposed erosion control measures.
- **Subgrade Preparation.** Following demolition, clearing and stripping, areas to receive fill, slabs-on-grade or pavement would be scarified to a depth of at least 12 inches, then moisture conditioned, and compacted.
- **Keyways.** After stripping, grading would begin with construction of keyways and subdrains. Fills would be adequately keyed into firm natural materials unaffected by shrinkage cracks. Filling above keyways would be benched into firm competent soil or bedrock and drained as appropriate.
- **Slope Stabilization.** The identified landslides, which pose a potential hazard to the proposed project, would be removed and replaced as shown on the attached plans (see Attachment A). Where removal and replacement of a landslide is recommended, the excavation would be observed by the project Engineering Geologist to verify complete removal of the landslide debris. A keyway and subsurface drainage would be provided as recommended by the Geologist.

- **Construction of Subsurface Drainage Facilities.** Subsurface drainage systems would be installed in keyways and landslide removal areas. A trench sub-drain would then be installed through the center of the sub-excavation. The wetland and drainage course would be protected and not disturbed during this activity. One or more subdrains could be directed to filter subsurface water to the wetland to enhance hydrology of this feature.
- **Engineered Fill.** Import materials, if any are needed, must meet requirements contained in Section 2.02B, Part I of the Guide Contract Specifications. The Geotechnical Engineer would be informed if importation of soil is contemplated. A sample of the proposed import material would be submitted to the Geotechnical Engineer for evaluation at least 72 hours prior to delivery at the site. Fill material, generally comprising retained stripped materials, would be moisture conditioned and compacted. Maximum dry densities and moisture contents would be determined in accordance with ASTM-D-1557, latest edition. Fills would be placed in lifts not exceeding 8 inches or the depth of penetration of the compaction equipment used, whichever is less.
- **Graded Slopes.** Graded cut and fill slopes would be designed and constructed at average gradients 2:1 (horizontal: vertical). All cut slopes would be examined by the Engineering Geologist during slope grading for adverse bedding, seepage, or bedrock conditions that could affect slope stability; over-excavation of adverse geologic conditions could require over-excavation and re-construction of these slopes.

5. Post-Construction Stormwater Management

- The project will have less than one-acre of new impervious surface (approximately 43,093 square feet), as shown in Figure 10 on page 26.¹ In order to reduce the amount and rate of site runoff, and to reduce the amount of pollutants in site runoff, design would include post-construction stormwater controls consistent with the Alameda Countywide Clean Water Program (NPDES Permit No. CAS0029831) ("NPDES Permit").² **In order to further pre-treat and to detain and slow the release of runoff**, upslope v-ditches would discharge to one of four inlets located on the upslope margin of Kenilworth Road (two inlets are associated with each project). The inlets would each be connected to a 48-inch diameter pipeline located beneath the roadway. These pipes would serve to detain runoff. The subdrains would transport runoff from the roadway west across the project site to energy dissipaters located near the western boundary of each project site. The energy dissipaters would spread water slowly across a geotextile and rock basin, where runoff would infiltrate or would slowly dissipate to downslope properties.

6. Wetland Enhancement and Preservation

The small (0.12-acre) wetland area located on the project site offers opportunities for combining enhancement of the wetland with management of subsurface water. The project sponsors propose to direct one subsurface

¹ The calculations shown in Figure 10 are extremely conservative, for instance the residential footprints are assumed to be 4,000 square feet when actually they would be around 2,500 square feet since the homes constructed are likely to be two-story rather than one-story ranch-style homes.

² As of February 15, 2005, the City is implementing new "C.3" (New Development and Redevelopment Performance Standards) stormwater compliance for Group 1 Project (projects that include one acre or more of new impervious surface). These C.3 requirements do not apply to the Project because at full build-out, including houses, driveways and Kenilworth Road, the Project would result in less than one acre of impervious surface.

drain to a location above the wetland (not within the delineated boundary of the wetland), where it would filter subsurface water downslope, underground, to the wetland area. Such drainage would increase flushing and provide a healthier wetland regime.

- **Setbacks and Protection** –. Both the wetland and drainage course would be protected during construction and permanently. During construction, a minimum four-foot wetland/riparian protection zone would be established and fenced off by an inner silt fence and an outer construction fence. No ground disturbing activities would occur within the outer construction fence, which would be located a minimum of four feet from the edge of the delineated wetland or bank of the drainage course. To achieve permanent wetland and drainage course protection, the proposed project would establish a minimum 20-foot and maximum 25-foot creek boundary from the edge of the delineated wetland or bank of the drainage course.
- **Deed Restriction.** The conditions of this deed-restricted area will be established by the City, and will prevent activities that could adversely affect wetlands or creeks from occurring within the area. Vegetated enhancement of the wetland and drainage course would occur outside the delineated limits of the actual features, but some enhancement may occur within the setbacks to stabilize these areas, and further develop the natural wetland and riparian regimes. All enhancement of the drainage course would occur in accordance with the Landscape Plan and the site-specific Creek Protection Plan.

GENERAL PLAN ANALYSIS

The General Plan land use designation for the project site located in the North Hills Planning Area is Hillside Residential. The desired character and uses of this land use designation is single unit residential structures. The intent of this land use classification is to “. . . *create, maintain, and enhance neighborhood residential areas that are characterized by detached, single unit structures on hillside lots*” (Land Use and Transportation Element, Oakland General Plan, 1998). Desired characteristics of future development are residential in nature. Allowable intensity/density is a maximum of five principal units per gross acre (or up to 14 units on the 2.9 acre site). Key objectives for the Hillside Residential land use classification of the Land Use and Transportation Element of the General Plan are as follows:

Develop single family dwellings in keeping with surrounding residential development.

Foster healthy, vital, and distinctive neighborhoods with adequate open space.

Encourage high-quality housing for a range of incomes in Oakland’s neighborhoods.

Construct housing to meet current and future needs of the Oakland community.

Preserve, protect, and enhance riparian areas and biological resources.

The residential development is consistent with Hillside Residential General Plan land use designation. The proposed project’s density of seven new residential units on 2.9 acres is well within the density of five principal units per gross acre allowed by the General Plan.

The Open Space, Conservation and Recreation Element (OSCAR) of the General Plan identifies a privately-owned property, the Lands of Varney, to the west of the project for potential conservation (OSCAR Action OS-1.2.4, Additional Resource Conservation Area Designations) (discussed in Chapter G, Cumulative Impacts, Page 95-96). However, the OSCAR recommends against acquisition with City funds due to fiscal constraints and the larger need for additional open space in the flatland neighborhoods.

Further, City land use controls, including open space and conservation policies, can not deny an owner economically viable use of their land (OSCAR, Relationship to Private Property Rights, page 1-2).

Project Conformity with the Oakland General Plan			
Relevant GP Topic	Relevant Objective/Policy	Project Conforms?	Substantiation/Comment
Land Use and Transportation Element (LUTE)			
Neighborhoods	Objective N3: Encourage the construction, conservation, and enhancement of housing resources in order to meet the current and future needs of the Oakland community.	Yes	The proposed project includes construction of housing that would meet the needs of the Oakland community.
	Policy N3.9 Orienting Residential Development: Residential developments should be encouraged to face the street and to orient their units to desirable sunlight and views, while avoiding unreasonably blocking sunlight and views for neighboring buildings, respecting the privacy needs of residents of the development and surrounding properties, providing for sufficient conveniently located on-site open space, and avoiding undue noise exposure.	Yes	The proposed project would orient residences toward sunlight and view, and would not block the enjoyment of same for existing homes.
	Policy N3.10 Guiding the Development of Parking: Off-street parking for residential buildings should be adequate in amount and conveniently located and laid out, but its visual prominence should be minimized.	Yes	The proposed project includes adequate convenient parking consistent with site conditions
	Objective N6: Encourage a mix of housing costs, unit sizes, types, and ownership structures.	Yes	The proposed project would fulfill the need for a specific type of housing for which there is demonstrated effective demand in the City.

Project Conformity with the Oakland General Plan			
Relevant GP Topic	Relevant Objective/Policy	Project Conforms?	Substantiation/Comment
	Policy N7.2 Defining Compatibility: Infrastructure availability, environmental constraints and natural features, emergency response and evacuation times, street width and function, prevailing parcel size, predominant development type and height, scenic values, distance from public transit, and desired neighborhood character are among the factors that could be taken into account when developing and mapping zoning designations or determining “compatibility”. These factors should be balanced with the citywide need for additional housing.	Yes	Proposed project design, which will be developed with input from City staff and in accordance with City conditions placed on the project will fully address all aspects of this policy.
	Policy N7.4 Designing Local Streets: Local streets should be designed to create an intimate neighborhood environment and not support high speed or large volumes of traffic. Providing on-site parking for cars and bicycles, planting and maintaining street trees, and landscaping, minimizing the width of driveway curb cuts, maintaining streets, bike routes, and sidewalks, and orienting residential buildings toward the street all contribute to the desired environment.	Yes	Kenilworth Road would be improved fundamentally in its historic location, and would be slightly realigned in an attempt to avoid damage to protected trees. While providing adequate residential and emergency access, the street will maintain its historic character, and the houses will be oriented as appropriate for site conditions.
	Policy N7.6 Developing Subdivided Parcels: Development on subdivided parcels should be allowed where site and building design minimize environmental impacts, building intensity and activity can be accommodated by available and planned infrastructure, and site and building designs are compatible with neighborhood character.	Yes	The proposed project is designed to blend with the adjacent natural and surrounding built environments, and is protective of views from adjacent parcels. Existing and project-designed infrastructure is adequate to serve the proposed project.

Project Conformity with the Oakland General Plan			
Relevant GP Topic	Relevant Objective/Policy	Project Conforms?	Substantiation/Comment
Open Space, Conservation, and Recreation Elements (OSCAR)			
Open Space	Policy OS-1.3: Development of Hillside Sites: On large sites with subdivision potential, generally conserve ridges, knolls, and other visually prominent features as open space. Maintain development regulations which consider environmental and open space factors such as land stability, plant and animal resources, earthquake and fire hazards, and visual impacts, in the determination of allowable density. Where hillside development does occur, encourage creative architecture and site planning which grading and protects the natural character of the hills.	Yes	While not a “large” site development, the proposed project would protect and stabilize hillside conditions that would not otherwise be improved, and the project would not intrude on adjacent views.
	Policy OS-4.2: Protection of Residential Yards: Recognize the value of residential yards as a component of the City’s open space system and discourage excessive coverage of such areas by buildings or impervious surfaces.	Yes	The proposed project would provide substantial yard space. In addition, they would protect existing natural site features (drainage and wetland features). Yards would be in keeping with downslope natural areas.

ZONING ANALYSIS

The project site is located within the R-30 Zoning District, a One-Family Residential Zone, intended to create, enhance, and preserve areas for single-family dwellings, typically appropriate to already developed lower density dwelling areas of the City. The project site is also located within two combining overlay zones. The S-14 combining overlay zone is intended to guide construction of residential facilities in the area damaged by the 1991 Oakland firestorm (Oakland Municipal Code §§ 17.16.010–17.16.10-120 and §§ 17.98.010–17.98.030). The S-18 combining overlay zone (Mediated Residential Design Review) is intended to protect nearby properties, especially with respect to a proposal's massing or bulk, and any view, privacy, or solar access impacts of the proposal on neighboring properties. The S-18 combining overlay also establishes a procedure where the project sponsors and owners of neighboring properties have the opportunity to resolve, through mediation, any issues concerning the proposed design. Another purpose is to encourage the applicant and neighboring owners to have early discussion on proposals so that these issues can be resolved prior to submittal of an application (Oakland Municipal Code Chapter 17.147). The project sponsor has not yet submitted any applications for design review and therefore the design of the seven dwellings are not currently being considered.

REQUIRED PLANNING PERMITS***Tentative Parcel Map***

Approval of a Tentative Parcel Map is required to subdivide the four existing as follows:

Existing Lot Nos. 1 and 2 would be merged into one lot; existing Lot No. 3 would remain; and existing Lot No. 4 would be divided into four lots and a designated remainder for a total of seven buildable lots and a designated remainder. Proposed parcel frontages would average 75 to 80 feet, which is greater than most parcels along nearby Strathmoor Drive, where frontages average approximately 60 feet. The proposed lots also exceed the minimum lot area requirement for the R-30 zone and meet or exceed the surrounding prevalent lot area.

Planned Unit Development

Per Sections 17.140.030 and 17.040.060 of the Zoning Regulations, the Planning Commission shall consider the applications for planned unit development permits.

- The Planned Unit Development Regulations of the Oakland Planning Code permits a waiver or reduction of the minimum height and yard requirements otherwise applying to the underlying zoning district. Pursuant to the PUD regulations the normally required height and yard requirements would be waived. Proposed building heights are a 35-foot maximum at finished grade and a 18-foot maximum at the Kenilworth Road property line (at the midpoint). These heights are similar to those of surrounding structures. The buildings would be supported by piers and a grade beam foundation system. Setbacks would be similar to those of existing development, and meet the needs of wetland and drainage course preservation. The front of the property on Kenilworth Road would have a minimum setback of five feet and a rear setback of 15 to 65 feet. Side yard setbacks would be a minimum of five feet or 10 percent of the lot width except creek side parcels may have a minimum side yard setback of five feet. Other than the proposed height and setbacks, the development shall be subject to the regulations generally applying in the R-30 and S-18 Zones in which it is located. Design review would be required in

accordance with the City's Hillside Design Guidelines Design Review Criteria and the S-18 Mediated Design Review Overlay Zone.

This Planned Unit Development would establish requirements for, and installation of, all infrastructure improvements required to provide for the future construction of the proposed dwellings.

Once the infrastructure is complete, each lot will then be sold for the construction of a custom-designed dwelling on the designated building sites. Each dwelling will be required to obtain separate design review approvals consistent with the requirements of the S-18 Mediated Residential Design Review Combining Zone, comply with the conditions applicable to the PUD and Tentative Map and obtain any other necessary permits including but not limited to a Creek Protection Permit.

Design Review

Design review will be required for any construction or alteration in accordance with the City's Hillside Design Guidelines Design Review Criteria and the S-18 Mediated Design Review Overlay Zone.

Creek Protection Permit

Potentially regulated wetlands/waters, comprising a total of approximately 0.017 acre, were identified on the project site (on Parcel 2). An investigation/delineation of these features was performed on January 10, 2003, and approximately 0.012 acre of potential low-grade seasonal wetlands and 0.005 acre (2 feet wide by 115 feet in length) of a drainage course were identified (Olberding 2003a). These features were delineated pursuant to Corps protocols, and the delineation submitted to the Corps. The Corps verified this delineation in April 2003 (Corps 2003 *the verification is included in this document as Attachment C, U.S. Army Corps of Engineers' Determination of Waters of the U.S.*). Pursuant to this wetland delineation and the City's Creek Protection Ordinance, a creek protection plan, detailing wetland and creek enhancement and preservation, has been submitted to, and reviewed by, Environmental Services. The creek protection plan covers the protection and restoration of the creek and wetland area during the installation of the proposed infrastructure improvements. The establishment of a Wetland and Creek Deed Restriction and an appropriately sized creek buffer, the implementation of 21 Best Management Practices to control the discharge of sediments and other materials, and the implementation of the creek protective conditions of the Creek Protection Plan will avoid and minimize indirect impacts to riparian habitat. Construction of a dwelling on creek side properties of the development will require a separate creek protection permit. The project would also require the approval of the California Department of Fish and Game, through a Streambed Alteration Agreement. Such an agreement was already entered into for a smaller project but would have to be renegotiated.

Tree Permit

There are seven existing protected coast live oak trees on the site (see Table 4 and Figure 11 of the DFEIR) that are in excess of 4 inches diameter at breast height (dbh). Some of the oak trees have multiple stems that are less than 4 inches in diameter each but at 4.5 feet above the ground the combined diameters of component stems total over 4 inches diameter. In addition, the two multi-stemmed specimens of the California bay laurel identified in Table 4 and shown in Figure 11 contains a cluster of stems, each less than 9 inches diameter, but with combined diameters exceeding 9 inches at 4.5 feet above the ground surface. The EIR analyzes a worst-case condition and assumes that five of the coast live oak trees, the Monterey pine and the two California bay laurel trees would be removed. The Oakland Tree Protection Ordinance requires individual tree protection during construction if construction activities would be within ten feet of a protected tree.

Per standard policy and practice, a consulting arborist and the Tree Services division of the City's Office of Parks and Recreation will create a tree protection plan. This plan shall include measures such as surveying and mapping the trunk locations and elevations of individual trees and adjusting the grading plan where feasible to preserve individual trees. Specific practices for protecting trees during construction include:

- Grading and construction plans will delineate the tree protection zone.
- Trees remaining on-site will be protected by pre-construction tree protection fencing. The minimum tree protection zone for healthy trees is generally one foot of protection for each inch in diameter.
- The protection zone will be marked with readily visible fencing materials that remain in place for the duration of construction.
- A six-inch layer of mulch will be placed within the protection zone for the duration of construction. The soil should be moist prior to placement of the mulch.
- No materials, soils, vehicles, equipment, storage or traffic should be allowed within the protection zone.

As specific construction plans are developed, compliance with the Tree Protection Ordinance and the Tree Removal Permit would identify any further measures that would be required and would avoid significant effects.

ENVIRONMENTAL REVIEW

Pursuant to CEQA Guidelines Sections 15064 and 15183 an Initial Study and Notice of Preparation of the Draft EIR and was released on July 29, 2005. The Initial Study assessed the proposed project's potential impacts in the following areas: aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and circulation, and utilities and service systems. The Initial Study identified a set of Improvement Measures consistent with the City's standard Conditions of Approval that would apply to the project regardless of the results of the Initial Study (see Attachment B). The Initial Study also identified a set of specific potential impacts that would be discussed further in the Focused EIR. Those impacts were in the broader environmental topics of aesthetics, biological resources, geology and soils, hydrology and water quality, and noise, and are discussed in this Draft Focused EIR.

The City observed the 30-day scoping period in accordance with CEQA Guidelines Section 15082 to allow members of the public and public agencies to comment on the scope of the proposed analysis identified in the Initial Study. The City received five comment letters during the 30-day scoping period. In summary, the environmental issues raised are as follows, all of which are found to not be significant and have been addressed in the Initial Study and the Draft Focused EIR:

- An EIR should be prepared for the proposed project to fully comply with the California Environmental Quality Act.
- U.S. Fish and Wildlife Service and Department of Fish and Game should be consulted.
- The setting description of the project site and neighborhood should be accurately described.
- The baseline characteristics of the project site have been altered and the environmental analysis will need to be revised.

- The biological resources should be fully examined including the wetlands, habitat for endangered species (Alameda whipsnake), nesting birds, and other wild animals.
- Geological impacts of the project should be identified, including potential seismic impacts, potential landslides, grading and cut and filling.
- Hydrology and water quality impacts should be analyzed.
- Visual Quality of the project should be analyzed.
- Air Quality control measures during constructed should be identified.
- Growth Inducement should be addressed.
- Noise impacts of the project should be analyzed, including vibration from project construction.
- Land use discussion should be accurate and should include land use designations of the General Plan.
- Mitigation measures should be identified, particularly for impacts from noise, view shed issues, soil and geology issues, biological resources issues and zoning.
- A mitigation monitoring plan should be prepared and implemented.
- Construction impacts should be discussed including noise, removal of debris, air quality, fire prevention, traffic and parking.
- Alternatives should include a four-lot alternative.
- Cumulative impacts should be examined including creeks and watersheds.
- There should be greater protection of the creek area.

Significant Impacts that Could Be Mitigated to Less-Than-Significant-Levels

The Draft FEIR analyzed significant impacts that could be mitigated to less-than-significant levels on aesthetics, biological resources, geology and soils, hydrology and water quality, and noise. The City's standard conditions of approval and best management practices, which the applicant has agreed to voluntarily add to the MMRP, would be implemented to reduce impacts to aesthetics, hydrology and water quality, and noise to less-than-significant levels (see Attachment B). To reduce impacts to biological resources to less-than-significant levels mitigation measures as well as the City's standard conditions of approval and best management practices are required. A brief discussion of these biological impacts and the measures required to reduce them to a less than significant level are summarized below (note: conditions of approval, best management practices, and mitigation measures describe below are not all inclusive please see the DFEIR for a full list of mitigations and conditions):

Biology: There is a remote possibility of Alameda whipsnake movement into the project area resulting in potential but unexpected impact to the Alameda whipsnake. Standard conditions of approval that apply to other projects in the Oakland-Hills to avoid or minimize impacts to the whipsnake would be implemented. These conditions include conducting a survey prior to construction, construction of a snake barrier fence to exclude Alameda whipsnakes from moving into the construction area, daily equipment inspection, and debris removal.

One nest-like structure, which appears to be a possible raptor nest, was observed in one of the coast live oak tree on the property. Construction during nesting season would result in a significant impact to nesting raptors. If construction is scheduled during the nesting season (February 15th to July 31st), a pre-construction field survey of the oak trees shall be conducted no earlier than 45 days and no later than 20 days prior to the proposed construction in the vicinity of the tree containing the "nest-like" structure to determine presence of nesting birds. Should the surveys find nesting birds, disruptive construction activity would be postponed through the end of the nesting season in consultation with a qualified biologist.

Construction activity could have short-term, temporary adverse effects on runoff water quality, such as from erosion and siltation, illicit disposal of debris and wash water from construction vehicles and equipment. This would represent a potentially significant impact. To avoid impacts Best Management Practices and the Approval Conditions of the Creek Protection Plan would be implemented.

Landscaping within the rear portions of proposed buildings could introduce invasive, low habitat value, plant species to the riparian corridor. This impact is considered to be potentially significant. To mitigate impacts all landscape materials would be native species.

The construction and operations associated with the proposed project could adversely affect the jurisdictional wetland present on the site through direct removal, filling, or hydrologic interruption. With inclusion of protective design measures and BMPs from the proposed project's Creek Protection Plan along with compliance with the City's Creek Protection Ordinance, the impact to wetlands would be avoided and mitigation measures would not be required. The Creek Protection Plan includes measures to protect the wetland during construction and protect and enhance it over the lifetime of the residences.

Protected trees would be removed from the site. Per standard policy and practice, a consulting arborist and the Tree Services division of the City's Office of Parks and Recreation will create a tree protection plan. This plan shall include measures such as surveying and mapping the trunk locations and elevations of individual trees and adjusting the grading plan where feasible to preserve individual trees. When tree removal is unavoidable, the trees that are removed shall be replaced at a 1:1 ratio with 24-inch box trees and incorporated in the Landscape Plan. In addition four mature 60-inch box trees would be part of the Landscape Plan.

Geology and Soils: Hill slopes of the project site and some up-slope parcels contain mapped landslides, and future landsliding is a possibility. Repair of the existing project site landslides would reduce this risk. To stabilize the subject site and Kenilworth right-of-way the City may need to issue wet weather grading permits. If a wet weather grading permit were issued, 11 best management practices would be implemented to reduce impacts of wet weather grading to less-than-significant levels.

AREAS OF CONTROVERSY

Residents of the project neighborhood and in the surrounding area have expressed concern that: (1) the proposed project could adversely affect the biological resources of the project site including tree removal, wetlands, and other habitat (discussed in Chapter B, Biology, pages 37 to 64 of the DFEIR); (2) the proposed project could affect views of other residences in the area (discussed in Chapter A, Aesthetics, pages 31 to 35 of the DFEIR); (3) the proposed project could adversely affect the hydrology, soils and geology in the area (discussed in Chapter C, Geology and Soils, pages 65 to 73; and in Chapter D, Hydrology and Water Quality, pages 75 to 82 of the DFEIR); (4) construction of the proposed project could have adverse noise, vibration and air quality impacts (discussed in Chapter E, Noise, pages 83 to 93 of the DFEIR; and in Chapter 3, Air Quality, pages 25 to 34 in the Initial Study); (5) gas and electric facilities that are located within and adjacent to the project site (page 23 of the DFEIR); and (6) cumulative conditions be adequately analyzed to assess potential impacts of the proposed project including the creeks and watersheds (discussed in Chapter D, Hydrology and Water Quality, pages 75 to 82 of the DFEIR). These concerns have been addressed in the DFEIR and would not result in significant environmental impacts.

The Draft Focused EIR identifies no significant environmental impacts that could not be avoided through standard conditions of approval and best management practices or mitigation measures.

CONCLUSION

Staff recommends that the Planning Commission:

- 1) Hold a public hearing and receive public testimony on the Draft EIR and planning related permits,
- 2) Provide staff and the project sponsor direction regarding issues to be addressed in the Final EIR and issues/concerns related to the project, and
- 3) Close the public hearing on the Draft Focused EIR and planning related permits, but continue to accept written comments on the Draft Focused and planning related EIR until 4:00 p.m. on January 19, 2006.

Prepared by:

Leigh A. McCullen
Planner III

Approved for forwarding to the City Planning
Commission by:

Gary V. Patton
Deputy Director of Planning and Zoning

ATTACHMENTS

- A. Project Plans
- B. Standard Conditions of Approval and Improvement Measures

STANDARD CONDITIONS OF APPROVAL/IMPROVEMENT MEASURES

The following improvement measures, and standard conditions of approval, addressing lighting, air quality, trees, archeological, seismic, erosion, hazardous materials, water quality, noise and solid waste, are incorporated into the project and are part of the project. The applicant is adding these measures to the project’s Mitigation Monitoring and Reporting Program.

Improvement Measure 1: Project design will incorporate downward directed lighting (“cut-off luminaires”) to direct security lighting downward and reduce off-site light scatter, while providing sufficient illumination for security and safety.

Improvement Measure 2: The contractor will implement all Basic BAAQMD PM₁₀ (fugitive dust) control measures. This measure will be enforced through contract specifications.

BAAQMD Fugitive Dust Control Measures			
Control Measure	BAAQM D Category	Emission Source Controlled	Measure
1	Basic	Land	Water all active construction areas at least twice daily
2	Basic	Trucks	Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard.
3	Basic	Land	Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas and staging areas, at construction-sites.
4	Basic	Land	Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction-sites.
5	Basic	Streets	Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
Source: BAAQMD, 1996 as revised through 1999. Table 2.			

Improvement Measure 3: Exhaust control measures as recommended by the BAAQMD will be implemented to reduce the less-than-significant PM₁₀ emissions from diesel fuel.

Exhaust Control Measures	
Control Measure	Measure
1	Prohibit truck idling in excess of 2 minutes
2	Use electricity from power poles rather than generators
3	Limit the size of construction equipment engines to the minimum practical size

4	Configure construction equipment with 2 to 4 degree engine timing retard or pre-combustion chamber engines
5	Install high pressure injectors on diesel construction equipment
6	Install soot traps
7	Install catalytic oxidizers
8	Minimize concurrent operation of vehicles

Improvement Measure 4: Construction of the Wetland and Creek Conservation Easement will follow the Creek Protection Plan approved by the City as required by the requirements of the City’s Creek Protection Ordinance. In particular, the following two improvement measures are noted:

- Use a larger size cobble for energy dissipation than the 6” – 8” in diameter specified in the draft Plan. Key larger rocks into the slope to prevent dislodgement and movement downstream.
- Deed language specifying the conditions of a deed-restricted conservation easement established by the City through compliance with the Creek Protection Ordinance will be written by the project sponsor and submitted to the City for review and approval.

The following 21 specific practices for protecting the wetland and drainage course areas during construction shall be implemented.

Maintain a 4-foot minimum construction setback from the delineated edge of the wetland and drainage course.

Install and maintain silt fencing with the bottom vertical six inches placed in a trench and anchored by a backfill soil a minimum of 2 feet horizontal from the delineated edge of the wetland and the drainage course.

Install and maintain a construction exclusion fence a minimum of 4 feet from the delineated edge of the feature. This fence will be orange-colored five-foot plastic mesh that clearly establishes the setback edge.

No equipment and no foot traffic will be allowed within the fenced setback area.

Landslide repair or work that involves soil disturbance will not take place during the rainy season. Such activities will be limited to the period of April 15 to October 15.

During construction, no runoff water from the project will be discharged directly into the drainage.

During construction, storm inlets will be protected by silt barriers such as hay bales or straw wattles. Collected silt will be removed on an as-needed basis and disposed of in accordance with applicable regulations.

During slope stabilization work, a keyway will be constructed around the drainage area that will prevent sediment and pollutants from collecting in the drainage course.

Stockpiled soils will be placed away from the drainage course, and no dirt will be placed upslope from the drainage course. Runoff from areas of stockpiled soils will be controlled by covering or spraying with a soil binder and placing straw wattles around its perimeter.

Disturbed areas will be protected from erosion prior to October 1 by seeding the slopes with an erosion control mix, covering the seeded area with erosion control fabric, and placing straw wattles around its perimeter.

No construction debris, litter, or human waste material will be deposited into the buffer zone. If construction debris falls within the buffer zone it will be removed on a daily basis.

During construction, staging and storage areas for equipment, fuels, lubricants, solvents, and other chemicals will be located so that accidental spills do not directly run off into the wetland or drainage course setbacks.

The contractor and foremen for major subcontractors will receive materials explaining the sensitivity of the drainage course area, the prohibitions contained in the Creek Protection Plan, and the possible consequences for violating the Plan. Sufficient copies will be given to these individuals so that they can be distributed to their work crews.

The project will incorporate the following maintenance and monitoring procedures during the construction phase:

Inspect and repair inlet and outlet stormwater structures.

Stabilize and/or repair eroded areas or failures of embankments and slopes.

Monitor buffer fencing in place during construction.

Construct additional surface ditches, sediment traps as needed, and backfill of eroded gullies.

Observe the site conditions for litter control.

Plant enhancement vegetation outside the delineated limits of the wetland and drainage course. Such enhancement vegetation may be planted within the construction setback area.

Construct the subsurface drain discharge area upslope and outside the delineated limits of the wetland. Such hydrologic enhancement should be located outside the construction setback to the extent practicable.

Improvement Measure 5: Any trees approved for removal will be removed between August 1 and January 31 to avoid the nesting season (February 1 to July 30). Alternatively, field surveys will be conducted no earlier than 45 days and no later than 20 days prior to the removal of any trees during nesting/breeding season to determine presence of nesting birds. Should the surveys find nesting birds, disruptive construction activity would be postponed through the end of the nesting season in consultation with a qualified biologist.

Improvement Measure 6: Construction will not occur within 150 feet of an active nest until the nest is vacated or juveniles have fledged.

Improvement Measure 7: A consulting arborist and the Tree Services division of the City's Office of Parks and Recreation will create a tree protection plan. This plan shall include measures such as surveying and mapping the trunk locations and elevations of individual trees and adjusting the grading plan where feasible to preserve individual trees. Specific practices for protecting trees during construction include:

- Grading and construction plans will delineate the tree protection zone.
- Trees remaining on-site will be protected by pre-construction tree protection fencing. The minimum tree protection zone for healthy trees is generally one foot of protection for each inch in diameter.
- The protection zone will be marked with readily visible fencing materials that remain in place for the duration of construction.
- A six-inch layer of mulch will be placed within the protection zone for the duration of construction. The soil should be moist prior to placement of the mulch.
- No materials, soils, vehicles, equipment, storage or traffic should be allowed within the protection zone.

Improvement Measure 8: Should currently unknown cultural resources be encountered during construction, the contractor will immediately stop work in the vicinity and notify the City, who will contact a qualified Archaeologist. The Archaeologist will evaluate the resource and consult, if appropriate, with local Native American organizations. Should human remains be discovered, the City will contact the Coroner. The contractor will redirect work away from the area until notified by the Archaeologist. If the resource is found to be significant under CEQA, an appropriate mitigation plan will be developed and implemented. This measure will be enforced via construction contract specifications.

Improvement Measure 9: Project elements will meet Uniform Building Code Seismic Zone 4 design standards or better to withstand expected earthquake ground shaking, liquefaction, or other ground failures. Design will be in accordance with the recommendations of the final Geotechnical Report, and will be verified for seismic loading by California-registered Professional Civil and Geotechnical Engineers; recommendations by the same regarding site preparation and design will be incorporated into project plans.

Improvement Measure 10: Site stabilization activities will be conducted under the supervision of a California-registered Professional Geotechnical Engineer.

Improvement Measure 11: The contractor will employ all or any combination of the following to avoid and minimize erosion, and to avoid sedimentation:

No grading during the rainy season unless a wet weather grading permit is approved

Tops of fill or cut slopes will be graded to prevent water from flowing freely down the slopes

Hydroseed or mulch cut slopes

Use silt fences, hay wattles, or bales to contain sedimentation

Street sweep to remove soil related to construction activities

Plant low-water landscaping shortly after site preparation

Improvement Measure 12: The contractor will prepare and implement a site-specific Health & Safety Plan submitted for approval to the City of Oakland. This plan will include plans, procedures, and controls to protect workers, the public and the environment, and will address the potential risk of exposure to hazardous materials associated with site preparation and with the transportation of hazardous materials from the project site during construction.

Improvement Measure 13: The following actions will be implemented to address safety needed and risks involved with the project:³

1. Not to exceed a 12% road grade and granting an easement so a complying 70-foot diameter turnaround for fire trucks.
2. Fire water flow meets fire code.
3. Demonstrate water pressure meets fire flow requirements or use approved fire sprinkler system in new structures.
4. Install four new fire hydrants.
5. Use plant species for landscaping that comply with City's vegetation management program.
6. Fire apparatus turnaround will be dedicated and unobstructed at all times.
7. Submit survey and site plans for fire department review, prior to issuance of building permits(s) for the first house.

³ Ibid (Phillip C. Basada).

8. Road turnouts will be provided per City's draft access road standards for dead-end streets.
9. All hydrants closest to any of the proposed building(s) will be operational before construction.
10. All new homes will be provided with an approved residential sprinkler system.
11. Each home will have steps on grade when on-site slopes to access the rear exterior walls exceed 15 percent.

Improvement Measure 14: The contractor will use any construction-generated water meeting regulatory standards for on-site dust suppression, and will discharge excess construction water meeting regulatory standards to the sanitary sewer system.

Improvement Measure 15: A "small project" Storm Water Pollution Prevention Plan (SWPPP) will be developed and implemented, with appropriate BMPs for each stage of the project. The SWPPP will be submitted to the City and RWQCB for review and acceptance. During site preparation and construction, control measures could include silt fences, hay wattles, and filter fabric to prevent runoff of sediment into San Leandro Creek and the Bay. The SWPPP will include post-construction controls to address storm water runoff during the life of the project. To the extent applicable and feasible the SWPPP will utilize techniques found in *Erosion and Sediment Control Field Manual* (RWQCB 1999b) for construction BMPs, and *Start at the Source, Design Guidance Manual for Stormwater Quality Protection* (Bay Area Stormwater Management Agencies Association [BASMAA] 1999) for post-construction BMPs.

Improvement Measure 16: Construction contractors will be required to limit standard construction activities as required by the City Building Department. Such activities are generally limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise generating activities greater than 90 dBA limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise generating activity permitted between 12:30 p.m. and 1:30 p.m. No construction activities will be allowed on weekends until after the building is enclosed, without prior authorization of the Building Services Division, and no extreme noise generating activities will be allowed on weekends and holidays.

Improvement Measure 17: To reduce daytime noise impacts due to construction, construction contractors will be required to implement the following measures:

- Equipment and trucks used for project construction will 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).
- Impact tools (*e.g.*, jack hammers, pavement breakers, and rock drills) used for project construction will 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 will be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves will be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures will be used, such as drills rather than impact equipment, whenever feasible.
- Stationary noise sources will be located as far from adjacent receptors as possible, and they will be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.

Improvement Measure 18: To further mitigate potential pile driving and/or other extreme noise generating construction impacts, a set of site-specific noise attenuation measures will be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures will be submitted for review and approval by the City to ensure that maximum feasible noise

attenuation will be achieved. These attenuation measures will include as many of the following control strategies as feasible:

- Erect temporary plywood noise barriers around the construction site, to shield adjacent uses;
- Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
- Monitor the effectiveness of noise attenuation measures by taking noise measurements.

Improvement Measure 19: Prior to the issuance of each building permit, along with the submission of construction documents, a list of measures to respond to and track complaints pertaining to construction noise will be submitted to the City Building Department. These measures will include:

- A procedure for notifying the City Building Division staff and Oakland Police Department;
- A plan for posting signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem;
- A listing of telephone numbers (during regular construction hours and off-hours);
- The designation of an on-site construction complaint manager for the project;
- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of pile-driving and/or other extreme noise-generating activities about the estimated duration of the activity; and
- A preconstruction meeting will be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

Improvement Measure 20 -- Construction Waste Diversion. Prior to issuance of the building permit, the Project Sponsor will submit and have approved a construction waste recycling plan to the Public Works Department to divert 50 percent or more of the project’s construction waste from land fill disposal.

Improvement Measure 21 – Residential Solid Waste Reduction Plan. Prior to issuance of the building permit, the Project Sponsor will submit and have approved a residential waste recycling plan to the Public Works Department to minimize residential solid waste disposal to landfills over the operational life of the residences.