

OAKLAND CITY COUNCIL

RESOLUTION NO. 69660 C. M. S.

Rev

INTRODUCED BY COUNCILMEMBER _____

JPT:fmt:kj

**RESOLUTION SUSTAINING THE DECISION OF THE
PLANNING COMMISSION AND GRANTING THE
APPLICATION OF FRANK ALBANESE AND OAKLAND
DEVELOPMENT INC. TO CONSTRUCT A 32-UNIT MIXED
UNIT RESIDENTIAL DEVELOPMENT AND MAKING
RELATED CALIFORNIA ENVIRONMENTAL QUALITY ACT
DETERMINATIONS**

NOTICE TO ALL PARTIES:

The time within which judicial review must be sought of this decision of the City Council is governed by Section 10 of the Code of Civil Procedure of the State of California. Within certain exceptions, the time is ninety (90) days from the date of the decision.

WHEREAS, on or about August 19, 1992, Frank Albanese submitted a proposal to approve a Preliminary Planned Unit Development (PUD) to construct 16 townhouses and 16 single family detached units, to be located at the Redwood Drive and Crestmont Drive intersection in an R-30 residential zone in the Oakland Hills; and

WHEREAS, the City Planning Department recommended approval of the PUD, with additional conditions; and

WHEREAS, on or about November 18, 1992, the City Planning Commission sustained the staff recommendation to approve the Preliminary PUD, subject to the Conditions of Approval attached hereto and incorporated by reference herein as a part of Exhibit "A"; and

WHEREAS, within the time provided therefore, an appeal of the Planning Commission decision was filed with the City Clerk; and

WHEREAS, the appeal came before the City Council on or about December 12, 1992; and

WHEREAS, the requirements of the California Environmental Quality Act ("CEQA") of 1970 and the provisions of the Statement of Objectives, Criteria and Procedure for Implementation of CEQA, have been satisfied by the circulation, review and certification of Draft and Final Environmental Impact Reports; now, therefore, be it

RESOLVED: That the City Council, having heard all evidence adduced on behalf of all interested parties, and being fully informed of the Environmental Impact Reports and the proposal, finds that the appellants have not sustained the burden of establishing that there was error by the Planning Commission, nor that the Commission's decision was not supported by the evidence in the record, and be it

FURTHER RESOLVED: The Council finds that both the Draft Environmental Impact Report and the Final Environmental Impact Report were properly circulated for public review and comment, were adequately reviewed and analyzed, and reflect the independent judgment of the lead agency, and be it

FURTHER RESOLVED: The City Council, based upon all of the evidence, overrules all claims of inadequacy regarding either the Draft or Final Environmental Impact Report, and be it

FURTHER RESOLVED: That the City Council sustains the decision of the Planning Commission to approve the Preliminary Planned Unit Development, and incorporates herein as Exhibit "A" the report upon which that decision is based, adopts the findings and imposes the Conditions of Approval contained therein, and imposes Additional Conditions of Approval, attached hereto as Exhibit "B" and incorporated herein as a part of Zoning Case No. PUD88-367/ER88-37 and be it

FURTHER RESOLVED: That pursuant to Section 21081.6 of the California Environmental Quality Act, the City of Oakland, as lead agency, hereby adopts the following monitoring program for measures intended to mitigate or avoid significant effects on the environment.

Mitigation measures identified through the environmental review process to address significant impacts will be implemented through Conditions of Approval imposed on the project. Such Conditions of Approval are of three types: (1) those which must be implemented prior to issuance of a Building Permit, (2) those which must be implemented prior to issuance of a Certificate of Occupancy, and (3) those which are on-going, or for which no specific implementation time is specified. Mitigation measures implemented through each of these types of Conditions will be monitored as follows:

- (1) For those conditions which must be implemented prior to the issuance of a Building Permit, staff of the Development Controls Division of the City Planning Department will verify implementation before signing the Building Permit application.
- (2) For those conditions which must be implemented prior to the issuance of a Certificate of Occupancy, staff of the Development Controls Division of the City Planning Department will verify implementation before signing the Certificate of Occupancy.
- (3) Those Conditions which are on-going, or for which no implementation time is specified, will be periodically reviewed by a Planning Investigator in the Development Controls

Division of the City Planning Department. If the Planning Investigator determines that the Conditions are not being implemented as required, appropriate corrective action will be taken.

FURTHER RESOLVED: That the City Council finds and determines that this Resolution complies with the California Environmental Quality Act and all local CEQA implementing regulations.

H:\JPT\PLANCOM\ALBANESE.PUD

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 26 1993, 19 _____

PASSED BY THE FOLLOWING VOTE:

AYES— BAYTON, DE LA FUENTE, JORDAN, MILEY, MOORE, OGAWA, SPEES, WOODS-JONES, and PRESIDENT HARRIS

NOES— MOORE-1

ABSENT— NONE

ABSTENTION— NONE

ATTEST: _____



ARRECE JAMESON

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

ZONING REPORT

 City Planning Department
 X City Planning Commission

CASE FILE: PUD88-367
ER88-37

APPLICANT(s): ALBANESE, Frank

DATE: November 18, 1992

 X Owner Buyer Lessee Agent

FILING DATE: Aug. 19, 1992

LOCATION: Northeast corner Redwood Road and
Crestmont Drive

APPLICATION: Planned Unit Development

LAST DATE FOR
CONSIDERATION: Nov. 18, 1992

PROPOSAL: To construct a 32-unit mixed use
residential development

APPLICABLE ZONING
REGULATION(S):

Section 9407 (Planned Unit
Development Criteria)

SUPPORT:

OPPOSITION: Letters submitted

STAFF RECOMMENDATION: Approve
 X Conditions Attached

COMMISSION ACTION: Approved
Vote: 5 ayes, 1 abstention (to approve)
Date: November 18, 1992

ZONING: R-30 One-Family Residential Zone

ENVIRONMENTAL STATEMENT:

 X EIR Negative Declaration Categorically Exempt:

PROPERTY DESCRIPTION: This site is located at the Redwood/Crestmont Drive intersection in the Oakland Hills. The four acre site is steep, undeveloped hillside primarily covered by grassland and scrub, with smaller areas containing oak, pine, eucalyptus, and other mature trees. Elevations range from ± 725 feet along the southwestern property line near Crestmont Drive and rise to ± 875 feet along the northeastern property line. Slope grades range between 30 and 55 percent. The site is roughly horseshoe-shaped, and surrounds a property owned by the East Bay Municipal Utilities District (EBMUD).

PROJECT DESCRIPTION: The proposal is a request for a Preliminary Planned Unit Development (PUD) to construct 32 residential dwelling units (16 townhouses and 16 single family detached units). Other discretionary permits required include: public access easement to cross adjacent City-owned property, grading and design review. Subsequent to the Final P.U.D. approval the applicant intends to resubdivide the site and develop two new private roads. A subdivision map will need to be filed if the Planning Commission should decide to approve the Final PUD.

Background: At the Planning Commission's November 4, 1992 public hearing the applicant presented a new site plan in response to design issues raised in the previous staff report regarding the P.U.D. application. Opponents of the project stated that the density was too high; there would be a loss of open hillside; the building type mix along the upper road was undesirable and; the soils conditions were unstable. The Planning Commission commented that the design needed additional work. The public hearing was closed and staff was directed to prepare a staff report with a recommendation. This report is being presented for the Planning Commission's consideration.

Discussion:

Land Use:

The P.U.D. provisions provided the flexibility needed to create a 32 unit mixed use low-medium density residential development on a steep environmentally sensitive hillside. Without a P.U.D., new development would be limited to ± 22 single-family units due to the physical constraints of the site.

Essentially, under the Planned Unit Development provisions, the basic zoning regulations can be relaxed and certain bonuses allowed. The four acre site is currently zoned R-30, One-Family Residential Zone which allows one unit on a lot of 5,000 sq.ft. This translates to a theoretical maximum density of 35 units. PUD approval would allow the proposal to mix building types and qualify for relief from the R-30 standard requirements for lot size, frontage and setback as well as the open space 20 ft. minimum distance standard.

The proposed project site is designated for "Low Density Residential" on the Future Illustrative Land Use Map, with an allowable lot size of 5,000 to 9,999 sq.ft. of land per unit. The project proposed lot sizes are 5,000 sq.ft. or greater. The following Comprehensive Plan policies apply to the proposed project:

- Urban development wherever it occurs should be related sensitively to the natural setting, with the scale and intensity of development in each case bearing a reasonable relationship to the physical characteristics of the site.
- The City encourages appropriate mixtures of different dwelling types within planned unit developments in the hills.
- To conserve with care the open space and natural resources which will be needed by present and future generations.

The project would be divided into upper and lower portions, and home sites would generally conform to the hillside topography. At the southwest portion of the site, the oak knoll would be preserved. The project would include a mix of detached single-family homes, and clustered townhouse units. The project would be compatible with the surrounding neighborhood which is dominated by residential uses.

Analysis:

The project has been redesigned to respond to the parking deficit issue. From a functional standpoint, the latest parking proposal appears to adequately address its estimated parking demand. Resolution of the parking and roadway functional design, however, was only one of the outstanding issues related to the project. The design of the units for the upper portion of the site remains somewhat problematic. The proposed cluster of townhouse units interrupts the single-family residential character of the street. The contrast is heighten by the perpendicular parking configuration now being proposed by the project sponsor. The row of perpendicular spaces resembles a parking lot in a multi-family residential community rather than a typical single-family residential street. A more effective design solution might be to have the townhouse and associated parking spaces interspersed among the single-family dwelling units.

On the downslope side of the street, the scale of the dwelling units will be minimized on the street edge because the units will be somewhat below the street grade (the garage and first floor will be at street grade). However, due to the steepness of the site and surrounding area, the structures might appear somewhat massive from a downslope perspective. As such, they could detract from the natural hillside and Oak grove. Therefore, the design techniques specified in the EIR should be incorporated into the project to reduce the visual impacts. Additional considerations include: breaking-up the massing, varying building materials, and using earthtone or natural colors to blend in with the rolling topography and the Oak grove. There also should be a generous treatment of landscaping throughout the project. To ensure compatibility with the site and surrounding land use, the final design of each unit should be subject to design review.

On the lower portion of the site, the proposed density (10 units), parking layout and road design is an effective design solution. Most of the uncovered parking spaces have been removed and the reduced density makes the design appear less crowded. The spatial separation between buildings and windows in the townhouse units should be consistent with the minimum side yard and court depth requirements prescribed in the R-60 zone provisions.

An element should be incorporated into the project design that links the upper and lower site together. A path lined with a low wall or trees leading from the Oak knoll to the lower and upper portion of the site should be explored.

A positive feature of the project proposal is that the Oak knoll is proposed to be retained and made available for communal use and enjoyment. Given its relatively small size, steep topography and remote location, the knoll should be freely utilized by the residents of the project but have controlled access for nonresidents. Direct access could be provided from the abutting building units to the semi-public knoll. A communal path could link the other buildings including the upper site to the knoll. It's key to have some link to facilitate access to the semi-public open space by the residents. Otherwise, it could go unused as an amenity and perhaps even fall prey to increased vandalism or crime.

Traffic and Circulation:

The upper portion of the site would have 16 single family residential units and 6 townhouses along a $\pm 400'$ long x 24' wide private access road connecting to Redwood Road. This road would terminate in a cul-de-sac with a 50-foot diameter turning radius. The upper access road is proposed to have a maximum vertical grade of 19.4 percent for a length of about 270 feet. The proposed upper access road would meet the standards for minimum roadway width and minimum diameter for cul-de-sac turnaround. However the length and slope would exceed Public Works maximum recommended standards for public and private streets.

On the lower portion, located around a $\pm 65'$ long x 24' wide private access loop road, there would be 10 townhouse units. Private streets do not have to be built to public standards, and are installed by the developers, and are maintained by the property owners. However, the City's Engineering and Design Services Department have made preliminary recommendations in the DEIR that should be incorporated into the final design.

Parking:

At the upper portion of the site, the supply of 58 parking spaces would meet the minimum zoning code requirement of 41, and the EIR anticipated total demand of 58. Parking will be provided in the form of garages and perpendicular on-street spaces.

On the lower portion of the site, parking will be provided in the form of garages and driveways. The supply of 24 parking spaces would meet the minimum zoning code requirement of 15, and the EIR anticipated total demand of 23.

Geology:

A site-specific geotechnical study was prepared in 1988 by Alan Kropp & Associates with the assistance of Darwin Meyers Associates. That report was re-evaluated by the authors in 1992, to establish its applicability to the project. The Kropp and Meyers reports, was reviewed by Hallenbeck & Associates at the request of the Crestmont Homeowners Association. Hallenbeck & Associates agreed with the Kropp and Meyers conclusion, that the site is suitable for development and there are no slope stability concerns which should preclude development of the site. The City of Oakland's Building Services Department conducted a brief review of the geotechnical studies prepared by Kropp and Meyers. Building Services has concluded that if the project is approved the project applicant will be required to provide an updated geotechnical report and detailed peer review of the new reports. This will be made a condition of the P.U.D.

A Planned Unit Development permit may be granted only if the Planning Commission adopts findings certifying the environmental document has been completed in compliance with CEQA and that the development (including conditions imposed under the authority of Section 7805 and 9402) conforms to all of the following criteria, as well as to the Planned Unit Development Regulations at Section 7800.

CEQA Findings:

The Commission finds that the Draft EIR was circulated for public review and comment, was reviewed and analyzed by the City, and reflects the independent judgment of the City. The Commission also finds that the Final EIR was completed in compliance with CEQA and reflects the independent judgement of the City. To that extent the Commission certifies the Final EIR.

Section 9407 Permit Criteria:

- (a) The location, low-medium density design, size and residential use is consistent with the Oakland Comprehensive Plan's Low Density Residential designation requiring 5,000-9,999 sq.ft. land/dwelling unit. The project would include a mix of detached single-family homes and clustered townhouse units on lots of 5,000 sq.ft or greater. The project would be compatible with the surrounding neighborhood which is dominated by similar residential uses.
- (b) The proposed site design and dwelling unit styles are similar in character to the surrounding area. Because of the steepness of the site and surrounding area, the structures might appear massive from short and long-range views. They also may be in contrast to the natural hillside and oak grove. Incorporation of the design techniques specified in the EIR and discussed in this PUD report would integrate this development into its surroundings.
- (c) Project-generated traffic would slightly (2%) increase overall traffic at the nearby intersections. This minimal increase would not discernably affect daily or peak hour traffic on surrounding streets.
- (d) Adherence to the mitigation measures would be sufficient to ensure public services and utilities are adequate to serve the site.
- (e) The proposed development would provide amenities that would not be feasible without P.U.D. bonuses under the zone. The P.U.D. provisions provided the flexibility needed to create a 32 unit mix use low-medium density residential development on a steep environmentally sensitive hillside. It also allowed relief from the R-30 standard requirements for lot size, frontage and setback requirements as well as the open space 20 ft. minimum distance standard.
- (f) The general design is similar to the land use pattern and design on surrounding streets and in the neighborhood. Therefore, the development will be well integrated into its setting.

RECOMMENDATION: Approve subject to the attached Conditions of Approval.

Attachment: Location Map
Site Plan (10/28/92)
Mitigation Measures ER 88-37
Building Services Recommendations (8/17/92)

EXHIBIT A

CONDITIONS OF APPROVAL ATTACHED AND MADE A PART OF ZONING CASE NO. PUD 88-367.

1. That the project shall be constructed in accordance with the plans dated October 28, 1992 subject to the conditions set forth herein; and the applicable mitigation measures attached and identified in Table 2-1 Summary of Environmental Effects, numbers 4.1 through 4.9-1 in the Environmental Impact Report dated May 1992 and September 1992 and; the mitigation measures are hereby incorporated into this report by reference.
2. That the project be redesigned to show the townhouse buildings containing units Number 11-16 and associated parking spaces interspersed with the single-family dwelling units on the upper portion of the site.
3. That the final design of each unit shall be subject to design review and that the Community Development and Restoration Center's residential design guidelines for hillside development shall be used by the applicant in designing the project.
4. That exterior building materials shall be earthtones and/or natural colors to blend in with the rolling topography and the Oak grove. Moreover, materials whether wood, stucco or combination of the two should be proportioned to be compatible with the surrounding natural environment. There should not be a visual over-representation of stucco.
5. That street trees be provided as required by the Director of Parks and Recreation.
6. That the spatial separation between the building walls and legally required windows in the townhouse units shall be generally consistent with the minimum side yard and court depth requirements prescribed in the R-60 zone provisions.
7. As part of the final P.U.D. design a small walk shall be provided to connect the access road to each building cluster.
8. That a communal path be included in the design that would connect the Oak knoll to the upper and lower portions of the site.
9. That the project meet all the conditions imposed by the Building Services Department report dated August 17, 1992.
10. That all oaks and other trees protected under the Tree Removal Ordinance No. 11565 shall be retained.
11. That this P.U.D. approval be subject to the applicant obtaining a public access easement be obtained from the City of Oakland via the Department of Public Works-Real Estate Division to allow vehicles to cross adjacent City owned property.
12. That a nonprofit property owner association, which includes all owners of property on the site, be established to maintain all common areas (including the Oak knoll), landscaping, and shared building facilities, with membership in the association to be made a condition of ownership; and that the developer of the units be a member of such association until all units are sold.

EXHIBIT A

JAN 12 1993

13. A copy of the conditions of approval be recorded with the Alameda County Recorder in a form approved by the Director of City Planning within 30 days of the effective date of this approval; proof of such recordation shall be provided to the Director of City Planning within 10 days following recordation.
14. That this permit shall become effective upon satisfactory compliance with the above conditions. Failure to obtain Final P.U.D. approval within two (2) years of the effective date of preliminary P.U.D. approval shall invalidate this approval, provided further, that upon written request the Director of City Planning may grant a one year extension of the deadline, with additional extensions subject to approval by the City Planning Commission.

ADOPTED BY:

City Planning Commission: November 18, 1992 (date) 5 ayes, 1 abstention
City Council _____ (date) - to approve (vote)
_____ (date) _____ (vote)

EXHIBIT A

OAKCREST ADDITIONAL CONDITIONS OF APPROVAL

1. That the applicant, prior to the issuance of any certificate of occupancy by the City for the Applicant's project, shall pay all costs, expenses and fees required by the City for the applicant's project to connect to the City's storm drain and sewer systems.

2. That no grading work related to the project shall be done during the wet season, unless specifically permitted in writing by the Director of Planning and Building. For purposes of this condition, the term "wet season" shall be defined to have the meaning set forth in Section 2-6.030 of the Oakland Municipal Code, as amended from time to time, provided that the time period used to define the season, for purposes of this condition, shall be the periods of October 15 1992 until and through May 15, 1993 and October 15, 1993 until and through May 15, 1994.

3. That the applicant, at his sole expense, shall install, maintain and monitor, on the project site, an appropriate number of slope inclinometers. The number and location of slope inclinometers shall be determined by the City and shall be based on site conditions, location of proposed grading, and the City's review of the Project's geotechnical reports, provided that not less than two (2) slope inclinometers shall be installed. Each slope inclinometer shall be installed to a depth determined, after field investigation, by the applicant's geotechnical engineer and

shall be reviewed and approved by the City. Each inclinometer shall be installed prior to the commencement of any construction on the project site and shall be monitored and maintained for one (1) year after the date of issuance, of the final certificate of occupancy for the project. Within five (5) days of installing each slope inclinometer, and prior to the start of any construction on the project site, the applicant shall provide the City with a report of the initial measurements and readings of each slope inclinometer. The report, and all subsequent reports, shall contain the actual technical readings and measurements (raw data) for each slope inclinometer, and a geotechnical interpretation of the reduced data, written in standard, non-technical English. For the purposes of this condition, the initial readings and measurements for each slope inclinometer shall be considered the baseline readings and measurements. Within one week of the start of construction, or as directed by the City, the applicant shall perform a second monitoring and obtain a second set of readings and measurements from each slope inclinometer. Within five (5) days of obtaining the second readings, and measurements, the applicant shall provide the City with a second report, meeting the requirements of the first report. Assuming the report indicates no significant changes in slope inclination, as determined by the City, the applicant, within one (1) month of obtaining the second set of slope inclinometer readings and measurements, shall perform a third monitoring and obtain a third set of readings and measurements from each slope inclinometer. Within five (5) days of obtaining the third set of readings and measurements, the applicant

shall provide the City with a third report, meeting the requirements stated herein. Assuming no significant changes in slope inclination, as determined by the City, the applicant, beginning with the date of the issuance of the final certificate of occupancy for the project, shall perform four (4) additional monitorings during the one (1) year period following issuance of the final certificate of occupancy for the project. The monitorings shall be performed once in December, one in February, one in April, and one in June. If the one year period referenced above does not include a normal rainfall season, as determined by the National Weather Service monitoring station closest to the project site, the monitoring period shall be extended to include a normal rainfall season. In the latter event, two (2) additional monitorings shall be performed at the times directed by the City. Within five (5) days of each monitoring, applicant shall provide the City with a report, meeting the requirements stated herein. The City, based upon the reports and/or any other demonstrable evidence obtained during the period in which the slope inclinometers are required to be in use, may require the applicant to perform additional monitorings and provide the City with additional reports. In addition, if any of the slope inclinometer readings and measurements indicate significant slope movement or significant changes in slope inclination, as determined by the City, the City shall be authorized to require the stoppage of all work in the project site and require the applicant to provide the City with a proposal for site and project remediation. The proposal shall be subject to City approval. The term

"construction", as used in this condition, shall include any grading or earthwork, but shall not include clearing and grubbing.

4. That, if the City, based upon a review of site conditions, determines that temporary shoring is necessary to protect graded slopes, pending installation of permanent retaining structures, the applicant, at his sole expense, shall design, install and maintain a temporary shoring system. The system shall be subject to the approval of the City.

5. That except as otherwise set forth herein, 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 of this project and/or certification of the environmental impact report by the City of Oakland, the Planning Department, Planning Commission, or City Council. These obligations shall apply to any and all appeals that may be taken from any claim, action or proceeding. The applicant's defense, indemnification and hold harmless obligations stated herein shall be limited to paying the first \$10,000.00 of the opposing party's attorney's fees and costs, if such attorneys fees and costs are awarded by the court. The obligations herein shall not obligate the applicant to pay monetary damages awarded against the City. The City shall promptly notify the applicant of any claim, action or proceeding. Nothing stated herein shall limit, in

any manner, any right or remedy the City may have at law or equity.

If the applicant fails to perform any of the obligations required by this condition, the City shall not process/approve such application/permit, whether it is newly applied for or resubmitted. Further, until all such required obligations are performed by the applicant, the City shall not process/approve any permit or application for any project located, or to be located, on the property that is the subject of this condition of approval.

The applicant shall not be required to reimburse the City for the City's own attorneys's fees incurred in such defense, except for costs incurred in record preparation.

Upon approval of the applicant's project and/or certification of the attendant EIR, the obligations established by this condition shall be binding upon the applicant, even if the City's project approval and/or certification decisions are voided by a court of competent jurisdiction. Immediately upon approval, said obligations shall be recorded by the applicant, in the Alameda County Recorder's Office, against the property that is the subject of the City's decision and the project and/or EIR and, thereafter, shall run with the land and be binding upon all successors in interest.

The Office of the City Attorney is hereby directed to take whatever actions are necessary to implement this condition, including but not limited to entering into an agreement with the applicant. The obligations set forth in this condition shall be in addition to those set forth in condition #7 hereof. Moreover, the defense indemnification and hold harmless limitations stated in this condition #5 shall not apply to the obligations set forth in condition #7 hereof.

6. That prior to the issuance of grading permits for the project, the applicant, at his sole expense, shall retain an independent geotechnical engineer, subject to City approval, to review and monitor all construction activities for compliance with the City's grading regulations, related code requirements and these conditions which have geotechnical technical requirements and/or implications, including but not limited to the review of proposed slope inclinometer locations and the review of inclinometer monitoring reports. This engineer shall be available for use by the City during the review of required submittals for a grading permit as well as the review of proposed foundation designs to assure appropriate consideration has been given to site specific geotechnical conditions. The term "independent geotechnical engineer", as used herein, shall mean a geotechnical engineer licensed by the State of California who is not involved with either the design or construction of any aspect of the project.

7. That, with respect to any impact of surface drainage from any adjacent properties, the applicant, at his sole expense, shall design, construct, and maintain in perpetuity, subject to the City's approval, a storm water collection system for the Oakcrest development (hereinafter "Oakcrest Development Storm Water Collection System"). The applicant, at his sole expense, shall design, construct and maintain a cut-off ditch along the rear property lines of those lots bordering the project site located on Rishell Drive. Said cut-off ditch, which, for purposes of this condition, shall be considered part of the Oakcrest Development Storm Water Collection System, shall intercept and convey to a storm drain pipeline system, surface storm water drainage that discharges across the rear property lines of 301, 315, 321, 329, 335, 341 and 349 Rishell Drive. The capacity of any existing storm water pipeline that receives the discharge of this cut-off ditch shall be evaluated and modified by the applicant as required. Construction of this storm water collection system shall be subject to the City's permit requirements for the private construction of public improvements (P-Job permit).

Unless otherwise stated herein, the obligations required by this condition #7 shall be performed by the applicant prior to the issuance of any final certificate of occupancy for the project.

Prior to the issuance of any building permits, the applicant shall execute an agreement, in form and substance acceptable to the City Attorney which obligates the applicant to

defend, indemnify and hold the City, its agents, officers, and employees harmless from any claim, action or proceeding (including those for damages, legal costs and attorneys fees and related appeals) relating to the installation, maintenance, monitoring and/or operation of Oakcrest Development Storm Water Collection System and from any such claim, action, or proceeding relating to damages to the applicant's property as a result of drainage emanating from any City of Oakland drainage pipe or system located above the project site.

8. The applicant will comply with the January 17, 1993 letter of understanding (attached as Exhibit "1") written by Jeffrey Franzen Chairman of the Hill Area Coalition regarding the median strip on Redwood Road between Campus Drive and Skyline Boulevard.

9. Applicant agrees to comply with the proposed "Hire Oakland" Ordinance which he understands means that the will give first priority to hiring Oakland residents in all crafts with an emphasis upon women and minority subcontractors and employees.

Post-It brand

Fax Transmittal Memo 7672

To *Ralph Wheeler*
 Company
 Location
 Fax #
 Telephone #
 Comments

No. of Pages
 From *Jayne Becker*
 Company
 Location
 Fax #
 Telephone #
 Dept. Charge
 Original Disposition: ☐ Destroy ☐ Return ☐ Call for pickup

Oakcrest Attachment

Jeffrey E. Franzen
 6259 Ridgemont Drive
 Oakland, CA 94619

17 January 1993

Mr. Frank Albanese
 6363 Redwood Road
 Oakland, CA 94619

Ref: Oakcrest PUD

Dear Mr. Albanese:

This letter is to confirm our conversation during the walk-through and examination of the median on Redwood Road in front of future Oakcrest Development.

Upon completion of the project and during landscaping construction for this development, you have agreed to provide a one time clean up effort and restoration of some drought resistant landscape materials (where feasible) for the portion of median in front of your property. You have also agreed to extend the one time clean up effort to Skyline Blvd. and Campus Drive.

Please sign both copies of this letter of understanding and forward one copy to me.

Sincerely,

Jeffrey E. Franzen
 Jeffrey E. Franzen
 Chairman of the
 Hill Area Coalition

EXHIBIT 1

Accepted by:

Accepted by:



Frank Albanese

Date: 1-17-93

TOTAL P.01

EXHIBIT 1