

## Todd, Amber

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**From:** Clevenger, Ann  
**Sent:** Wednesday, February 11, 2015 12:17 PM  
**To:** Thomson, Mitchell  
**Subject:** RE: 6754 Aitken Drive

Thanks, Mitch!

**Ann Clevenger, Planner III, AICP** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

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**From:** Thomson, Mitchell  
**Sent:** Wednesday, February 11, 2015 9:21 AM  
**To:** Clevenger, Ann  
**Cc:** Luster, Gay; Zahn, Robert  
**Subject:** RE: 6754 Aitken Drive

Hi Ann,

The letter dated 12/18/2014 doesn't trigger any new comments. The permit allowed construction around the tree in question, and required tree protection measures. The letter says the tree will be okay.

Sincerely,

**Mitch Thomson**  
Arboricultural Inspector

ISA Certified Arborist ® NO WE-1937A  
ISA Tree Risk Assessment Qualified ®

**Tree Services Unit**  
Bureau of Facilities & Environment  
City of Oakland | Oakland Public Works | APWA Accredited Agency  
7101 Edgewater Dr, Bldg 4 | Oakland, CA 94621  
(510) 615-5568 | (510) 615-5845 Fax  
[mthomson@oaklandnet.com](mailto:mthomson@oaklandnet.com)

**Report A Problem | Public Works Agency Call Center | (510) 615-5566**  
[www.oaklandpw.com](http://www.oaklandpw.com) | [pwacallcenter@oaklandnet.com](mailto:pwacallcenter@oaklandnet.com) | **Mobile app: SeeClickFix**

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**From:** Luster, Gay  
**Sent:** Wednesday, February 11, 2015 9:14 AM  
**To:** Thomson, Mitchell  
**Subject:** FW: 6754 Aitken Drive

**From:** Clevenger, Ann  
**Sent:** Friday, February 06, 2015 9:22 AM  
**To:** Luster, Gay  
**Subject:** 6754 Aitken Drive

Hi, Gay,

One last piece of housework on this one – the applicant had their arborist provide a supplemental letter on 12/18/14. Since it came in after the Tree Permit was approved (9/26/14), you probably have not seen it. I think it simply reinforces the protection issues for Tree A, which is the one the neighbor was very concerned about.

Can you ask the Tree Inspector (Mitch or Robert) to look at this (only 1-1/2 pages) and let me know if there are any additional comments? I'm getting ready to issue the approval letter.

Thank you!

Ann

**Ann Clevenger, Planner III, AICP** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**Todd, Amber**

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**From:** Charonnat Design [REDACTED]  
**Sent:** Friday, February 27, 2015 8:21 AM  
**To:** Clevenger, Ann  
**Cc:** Edward Xiao  
**Subject:** 6754 Aitken - Request for Review Status  
**Attachments:** 6754 Aitken - Planning Notes MEMO 20150130.pdf

Hello Ann -

Please let us know the status of the planning review of this project.

Enclosed is a copy of documents sent to you.

(Note - our records indicate it is now more than four months since the public comment period closed d[October 27, 2014]. That should be enough time to process this project.)

If you are unable to provide an update, please forward this to whoever can provide that information!

thanks.

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**  
1-5th Avenue Ste 1-9 Oakland Calif 94606  
(510) 436-3466 FAX (877) 769-9966 [charonnatdesign@gmail.com](mailto:charonnatdesign@gmail.com)



LEAL ROYCE CHARONNAT  
ARCHITECT+ENGINEERING

# MEMO

## SENT VIA:

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<input checked="" type="checkbox"/>	<input type="checkbox"/>	EMAIL
<input type="checkbox"/>	<input type="checkbox"/>	HAND
<input checked="" type="checkbox"/>	<input type="checkbox"/>	ATTACHMENTS

January 30, 2015

TO: Ann Clevenger, Planner  
Oakland Planning Department  
FROM: Leal Charonnat, Architect  
Project Address: Edward Xiao Residence -  
6754 Aitken Drive, Oakland, Ca 94611  
Design Review No: 14268 (Oct 10, 2014 posting)  
Project: New Single Family Dwelling  
SUBJECT: Design Review Response Comments

Dear Ms. Clevenger -

Attached are further Design Review Response Comments as they relate to the design of this new single family house. This is in addition to other information previously provided.

In addition, a second letter from the consulting arborist is also included that addresses concerns noted in your email message regarding the outside Main Level patio as it relates to the oak trees we are protecting and retaining.

The arborist's letter should substantially alleviate concerns regarding protection and retention of the oak trees located on the right (eastern) side of the house.

Please contact us should you have any questions regarding the design of this house; or if you need to have copies of any of the previous submitted materials and reports already provided.

We look forward to the approval of this project so that we may proceed to the next stage of city review. As previously noted, it has now been three months since public comments closed on this project.

Sincerely,

Leal Charonnat  
Architect

Attachments

6754 AITKEN DRIVE - NEW SINGLE FAMILY DWELLING



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According to our calculations, the proposed design conforms to all of the Oakland zoning regulations for a single family house at this location, on this specific type of upslope lot; including the technical requirements of setbacks, height limits, parking spaces, etc.

6754 AITKEN DRIVE - NEW SINGLE FAMILY DWELLING			
ITEM	REQUIREMENT	PROJECT SPEC	COMMENTS
<b>Zone</b>	RH-4		Up-slope lot
<b>Min. Width</b>	45-feet	55 ft	Width at front PL
<b>Min. Lot Area</b>	6,500 sf	6,014.90 sf	Existing lot
<b>Density</b>	1 unit	1 unit	Proposed Single Family Dwelling
<b>Setbacks</b>			
<b>Front Yard</b>	20 ft (5' > 20%)	5'	Front yard when slope >20%
<b>Side Yards</b>	5'/10% lot width: 5.58' @ front PL 7.50' @ rear PL	Right: 13.2' Left: 9.2'	Setbacks on both sides exceed the minimum requirements by almost a factor of 2x.
<b>Rear yard</b>	20 ft	40.7 FT	Setback is more than 2x required
<b>Height Limits</b>			
<b>Primary Bldg</b>	32 ft	27.90 ft	Max. Ht of upper level above grade
<b>Rear setback</b>	24 ft	8.55 ft	Max. Ht of roof at rear above rear PL
<b>Within 20 fr sb</b>	24 ft	23 ft	Max. Ht of Main level above grade
<b>Retaining Walls</b>	6 ft	4 ft	Upslope lot Ret. Wall may be > 6 ft
<b>Parking</b>			
<b>Spaces</b>	2	2	Standard size spaces
<b>Setback</b>	18 ft	20.4	Garage has separate dual doors
<b>Driveway width</b>	19 ft	19 ft	Width at street (no sidewalk)
<b>Driveway Slope</b>	Sec 17.116.260	Yes	Slope conforms to 17.116.260
[blue shading] Project <b>conforms</b> to zoning requirements			
[green shading] Project <b>exceeds</b> zoning requirements			



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Consultants - The design team of this project has included the following consultants:

- Geotechnical report and evaluation - Summit Engineering - They have prepared a soil engineering report (previously submitted) and have evaluated the building design vis-à-vis the design as it conforms to the recommendations of the soil engineering report.

SUMMIT ENGINEERING  
58556 Castle Drive  
Oakland CA 94611  
(510) 531-6655  
agmasso@comcast.net

- Green Rater Review - The project has a preliminary review by the green rater consultant (Note - Final green ratings are done, of course, from the building permit documents. At this stage [entitlement review] their review is preliminary, but informative as to how well this project conforms to the Green Rater Checklist.) The rating for this project is a the Platinum level.

Ana Isabel Jubes  
7623 sunnyvale  
Sunnyvale CA 94086  
(408) 431-9283  
isjubes@gmail.com

- Arborist Report and Review - As previously noted, we have used the advice of an arborist for both tree removal and tree protection and retention.

Dennis Yniguez  
Registered Consulting Arborist  
1428 Spruce Street  
Berkeley CA 94709  
(510) 649-9291  
dennis@treedecisions.com

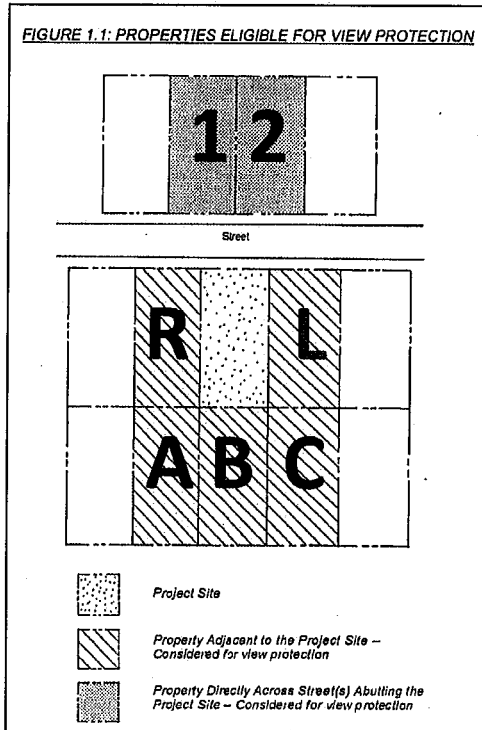


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OAKLAND DESIGN REVIEW MANUAL FOR ONE AND TWO UNIT RESIDENCES

**Criterion 1: Views** - A project shall make a reasonable effort to maintain the most significant views from primary living spaces of existing residences on lots in close proximity to the project site. View protection is considered for views that are located within view corridors, subject to view protection limitations.

FIGURE 1.1: PROPERTIES ELIGIBLE FOR VIEW PROTECTION



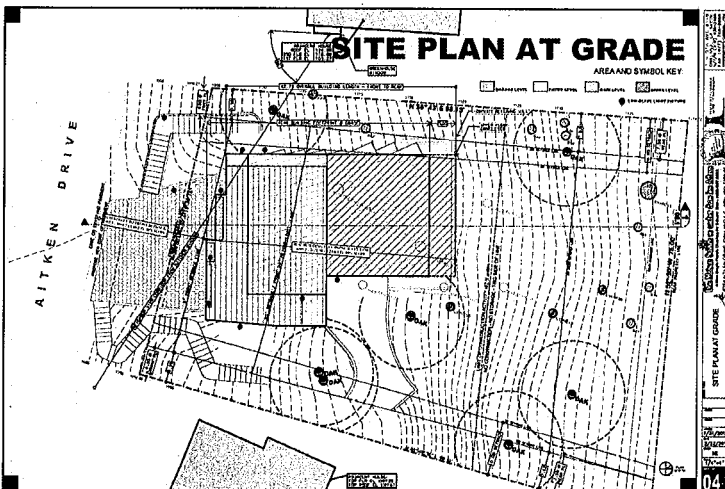
**RESPONSE: Eligible Properties (from figure 1.1)**  
**Properties 1 & 2** - These properties are located below street level. This project has no impact on their view corridors.

**Properties A,B,C** - These properties are located above project. Since the highest point of this project is 10-feet above the rear property line, this project has no affect on the view corridors of these properties.

**R - Neighbor on right** - This house is situated on a highly excavated lot. There are no windows facing the common property line. As such, this house has no major view corridor across the project property.

**L - Neighbor on left** - This house is situated on a highly excavated lot. There is one major view window - a "green house-type" facing the common property line. The project side yard setback almost twice the required amount. The neighboring property has a 60-degree view angle across the project property. It should be noted that that view is also through an existing oak tree that is to be retained. (see SITE PLAN AT GRADE)

**CONCLUSION** - The project does not affect the view corridors of neighboring properties. As such, the property conforms to the requirements of Criterion 1 - Views.

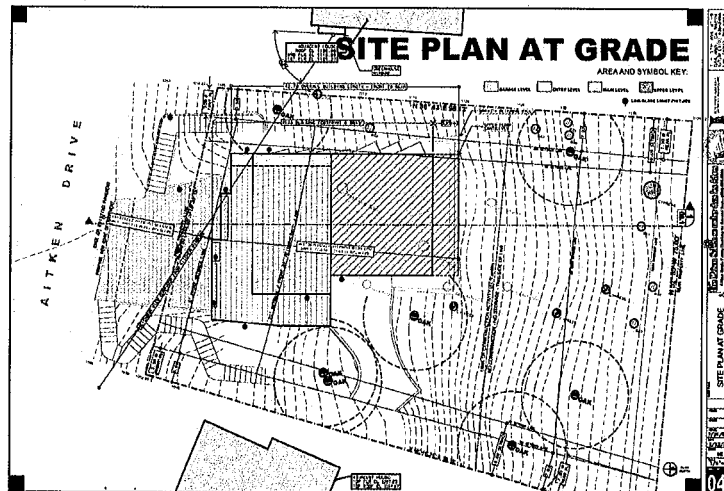




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OAKLAND DESIGN REVIEW MANUAL FOR ONE AND TWO UNIT RESIDENCES

**Criterion 2: Solar Access** - A project shall make a reasonable effort to minimize solar access impacts on actively used outdoor or indoor areas of abutting residential properties.



**RESPONSE:**

- **The property on the right** - This house is below the level of the project; and major established oak trees that are between the project and common side property line; therefore the project has little to no affect of solar impact on this property.
- **The property on the left** - This house is substantially higher than the project

The rear wall of the project matches closely the rear wall of the adjacent property. (See site plan. Note - outline of existing neighboring houses were established by the property survey.)

The side yard setback of the project is more than 10-feet in general, more than the required setback) that reduces the solar impact on the neighboring property.

The existing trees on the upper side of the property - between the project and the common side yard property line - are retained. These established trees will continue to have a solar impact on the neighboring property. There is no intention of this project removing any trees except those recommended by removal by the project's consulting arborist.





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OAKLAND DESIGN REVIEW MANUAL FOR ONE AND TWO UNIT RESIDENCES

CRITERION 3:

3A. PRIVACY A project shall make a reasonable effort to minimize privacy impacts from upper-level decks or windows on primary living spaces of residential lots abutting the SIDES OR REAR of the project site.

3B. The project shall be designed to minimize privacy impacts ON THE PROJECT from neighboring properties.

RESPONSE:

4A. Neighboring property on right: This neighbor has no view windows facing the common property line. The usable rear yard of the neighboring property is a narrow corridor between that house and a retaining wall - therefore, this project will have no impact on the privacy of this adjacent neighbor.

The project has an outside area at the main level of the house. This level is above the roof of the adjacent house.

Neighboring property on left: The project has no rooms with windows facing the side common property line with this neighbor (except for a small bathroom window.)

The project has only a staircase with windows framed and angled to face toward the street. Except for the occasional use of the stairway on this side of the project, the privacy of the neighbor is not impacted.

The project intends to retain all existing mature trees between the project and the common property line. These mature trees will provide a privacy screen between the two residences.

Rear Neighbors - Since the project has no windows facing the rear, these properties' privacy will not be impacted.

4B. Neighboring property on right: This house has no windows of consequence facing the common property line. The project privacy will not be impacted by this residence.

Neighboring property on left: This house has one major window (a 'greenhouse type) facing the common property line. The project living spaces are arranged to have no windows facing this property. Only a stairway is on the side facing this neighbor. The outdoor space for the living level, as well as an outside deck for the upper level are on the opposite side, and have no impact on this neighbor.

Rear Neighbors - Since the project has no windows facing the rear, the project privacy will not be impacted by these neighbors.



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CRITERION 4: SITE DESIGN

- 4A. The building or addition shall be sited in a manner that is compatible with adjacent properties and any existing site features, respects the configuration and natural amenities of the lot, and maintains or promotes useable open space.
- 4B. Stairways, accessways, and corridors shall be designed to ensure the privacy and security of residents without adversely affecting the residential amenity of adjacent properties.
- 4C. The primary pedestrian entrances shall be identifiable from the street; and, where desirable, pedestrian entry paths shall be distinct and separate elements from parking pads and driveways.
- 4D. Outdoor spaces shall be an integral part of the overall design (distinct spaces and/or landscaped zones rather than left-over spaces).
- 4E. On hillsides, open spaces shall reinforce natural landforms (especially in canyon areas), provide for visual openness between houses and include livable outdoor areas such as courts, yards or terraces at or near grade.

**RESPONSE:**

*Overall site layout design concept: The overall layout of the project is a multi-level living spaces above the required parking (garage) structure.*

*The main entrance to the house is by a outside at-grade stairs leading from the edge of the street to the main entrance one level above the garage. (There secondary man-door entrances at the garage level, but these are de-emphasized and do not constitute the "look" of an entrance to the house above.) The at-grade entrance stairs has a railing on one side to match the entry porch railing.*

*A secondary set of steps (a gravel-like walkway with wooden stair risers) winds its way up the right side of the property to an outside space at the entry level. The steps do not have a railing, and will essentially be hidden by the new front yard landscaping.*

*Out side spaces for the living spaces are located on the right (southeast side).*

- 4A - *As shown on Sheet 03.0 Neighborhood Context, the designs of the neighboring houses are a cacophony of different styles, many of which are inappropriate for a hillside home.*

*The project design has its floor plates stepped back, providing an interesting articulated front façade as well as following the contour of the steep hillside.*

*The house design is kept purposely narrow in order to retain the major existing oak trees that are close to the front property.*

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Tahoe Office @ Nevada City, California: P.O. Box 2227 • 95959 • 530/264-5001  
charonnatdesign@gmail.com



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*The house layout is such that useable outdoor space is on the right side, affording privacy for project occupants, retaining existing established trees, and having no impact on the adjoining neighbor.*

- 4B. *The main stairway connecting the levels of the project is located on the left side of the house.*

*Since the project design has no living spaces facing the left side, privacy impacts between the project occupants and neighbors is minimized.*

- 4C *The main entrance to the house is by a outside at-grade stairs leading from the edge of the street to the main entrance one level above the garage.*

*The entrance steps and front door are clearly visible from the street by visitors.*

*(There secondary man-door (swing) entrances at the garage level, but these are de-emphasized and do not constitute the "look" of an entrance to the house above.)*

*The at-grade entrance stairs has a railing on one side to match the entry porch railing.*

*A secondary set of steps (a gravel-like walkway with wooden stair risers) winds its way up the right side of the property to an outside space at the entry level. These steps do not have a railing, and will essentially be hidden by the new front yard landscaping.*

- 4D. *The house layout design is done in a narrow fashion in order to provide outdoor spaces for the two main living levels.*

*The lower level has a small outside patio (roof over garage) that - being one level above street level - has good solar exposure but retains a sense of privacy.*

*The main living level has its outside area located between mature oak trees (to be retained.) This outside space will be shaped as recommended by field inspection of the arborist guidelines.*

*The balcony deck for the upper bedroom level is facing the side yard, with shading and privacy provided by the existing mature oak trees.*

- 4E. *The outdoor spaces for this project are all at grade level.*

*The house design is both narrow and stepped to fit the contour of the hillside. The house width steps back to allow more outdoor space at the upper (main) level with privacy.*



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CRITERION 5: BUILDING DESIGN

5A. Each building shall have an architectural composition of forms that are well related to one another and the site in proportion, scale, geometry and style.

5B. Building elevations (walls, windows, roof/eave lines etc.) shall be composed in an ordered, unified and consistent manner that reinforces the design's basic composition, style and massing while providing visual interest.

5C. Complement neighborhood scale, development patterns and orientation of structures and not disrupt neighborhood appearance. DYES/ NO D The principal entryway shall be visually prominent and located either on the front elevation or on the front portion of a side elevation.

5D Parking entrances and garages shall be integrated into the overall design so that they are not dominant features of facades.

5E. Detailing and use of materials shall enhance the design's appearance and reinforce the architectural composition and style.

5F. For additions and alterations, the scale, bulk, and massing shall be compatible with, but not necessarily identical to, the existing residence. Any new materials shall be integrated into the overall design even if they are not necessarily identical or similar to existing exterior treatments.

**RESPONSE:**

5A. *The overall design of the project is a narrow articulated multi-story residential building with a simple shed roof that follows the existing slope of the hillside.*

*The overall house is composed of three large volumes - for each level - that become narrower than the one below.*

*This stepping of volumes allows for private outdoor space for each living level as well as maintain the existing major oak trees located on the lower portion of the lot.*

5B. *The house facades respond to the different environment of each side:*

*The right/south-eastern side - set back more than 2-3 times the required setback - provides for private outdoor spaces for the three living levels: outside patios for the entry and main levels, and a small private balcony for the upper master bedroom level.*

*The windows are large simple glazed areas that open up the interior spaces to view the outside.*



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*The front/street/southern side has deep overhangs that provide sun shade for the interior spaces.*

*With side shading walls, the front elevation has a multifaceted façade that provides interest from that of a simple plain wall (such as the 3-story flat façade of the neighbor on the left.)*

*The left/south-western façade is graced with a scattering of large windows each tilted (like a bay window opening) toward the south/street.*

*This side provides visual interest and also performs the technical task of acting as a "trombe wall" - catching as much sunlight as possible for solar gain in the interior stairway.*

*This wall is different from the opposite (right side) since there are no living spaces using these windows.*

*In essence, the layout of these windows convey to the viewer that the space behind is not living, but serves as a active pathway (stairway) between the floors.*

*The front door - visible from the street - is easily accessible via at-grade stairs that start from the edge of the street/driveway.*

5C. Analysis of the general neighborhood is that there is no cohesive neighborhood theme with which to follow or adhere too.

*The houses on the right are wide single story (in front) designs that sit over the garage. This type of design if followed would have required 2-3 times the amount of excavation as the proposed project; plus the probable elimination of the mature oak trees located on the lower portion of the project lot.*

*The neighboring house on the left is as three story un-articulated flat façade. This type of design (left neighbor) does not meet the basic design criteria and it is doubtful such a design would be permitted even with no neighborhood style.*

*The proposed project overall massing is designed to fit in between the existing (retained) oak trees, as well as follow the general steep uphill terrain of the site.*



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- 5D. The entrance to the house is on the first (entry) level of the house - above the garage.

The front door is located on the front portion of the left side of the house - easily approached and visible from the main front entry steps.

The entry steps begin close to the street, identifying the way to the entry to the house.

Minor doors at the garage level do not indicate access to the house; only a utilitarian nature and are not identified as entry points to the living spaces above.

- 5E. The garage car doors are divided, and staggered in elevation.

This articulation is coordinated with the staggered front façade of the first living (entry) level above.

The garage façade is also broken up further by having recessed 'man-doors' between the garage car doors.

The rough texture of the garage level creates a separate, "foundation" appearance that differentiates the utilitarian garage level from the living levels above.

- 5F. The exterior materials of the living spaces (the three levels above the garage level) have a smooth plaster finish.

The upper roof has no side eaves - only the deep overhang with side fins at the front and rear.

As decorative motif, glazed tile squares are used around the roof line. These add both a color accent and as a random arrangement (see elevations) mimic the trees surrounding the house.

The simple finish of the house allows the simple forms of the house to make a simple statement in contrast to the natural trees surround the house.

- 5G. - N/A



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OAKLAND DESIGN REVIEW MANUAL FOR ONE AND TWO UNIT RESIDENCES

CRITERION 6: BULK - ALL PROJECTS

The project shall manage mass, scale and composition, including materials and detailing, to minimize the building's actual and perceived bulk.

RESPONSE:

*Unlike neighbors on either side, this project's bulk is broken up by having each successive story be narrower than the one below.*

*Because the roof slants back (at close to the slope of the existing hill) the actual bulk behind the front façade is hidden.*

*Since the front façade of each floor steps back from the one below, the 3-story bulk of the house is not as apparent if this was not done.*

CRITERION 7 BULK - SPECIAL METHODS FOR HILLSIDES

7A. Hillside projects shall use methods that blend with the hillside setting and minimize the building's prominence.

7B. On sloped sites, minimize perceived bulk when viewed along with neighboring structures from the downslope side.

RESPONSE:

*7a. The project design uses a shed roof style to follow the slope of the existing hillside. Each successively higher level becomes narrower (stepping in from the right side) in order to reduce the visual bulk of the overall structure - and to allow for outdoor open space that minimizes the impact on the existing (retained) oak trees.*

*The deep recesses of the roof overhang with side fins on the front elevations of each level also break up what would be a smooth blank wall.*

*7B. The bulk of the house is reduced because each level of the house steps back from the one below.*

*Unlike the neighbor on the left - which has a three story unarticulated front façade wall over the garage - the project design does not have vertical wall in front that is more than two stories.*

*Besides stepping back floor-by-floor, the front façade is also broken into different planes on the lower level to further disguise the full extent of the structure's bulk..*



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**OAKLAND DESIGN REVIEW MANUAL FOR ONE AND TWO UNIT RESIDENCES**

**CRITERION 8: NEIGHBORHOOD COMPATIBILITY (CONCEPT)**

8A. New construction within 40 feet of a front lot line shall relate well to any strong, positive visual patterns, or "contexts" presented by neighboring buildings within the context area. These visual patterns shall include those created by: (i) roof forms and pitch; (ii) principle entryway treatment; (iii) front setback; (iv) surface materials; (v) windows and openings; (vi) architectural detailing; and (vii) front yard landscaping (see Figure 8-1 ).

The "context area" consists of the five lots on each side of the project site and the ten closest lots across the street (see Figure 8-2).

This criterion shall apply only if the slope of the project site is 20 percent or less and one of the following situations exists:

- a. Within 1,000 feet of the project site, there is a grid system of multiple streets, or the system of streets forms a pattern of a nearly rectilinear grid or the intersection of more than one grid; or
- b. At least 75% of the sites (including vacant lots) within 300 feet of and on the same street as the project site are 4,000 square feet or less in area.

This criterion does not apply if there are fewer than 10 houses in the context area.

**RESPONSE:**

- *The project site has a slope greater than 20%.*
- *There is no grid system of multiple streets in the neighborhood;*
- *Lot sizes in the neighborhood vary, but are mostly over 4,000 square feet in area.*

*Based on the above conditions, Criteria 8 does not apply to this project.*





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CRITERION 9: SITE ACCESS AND PARKING

9A. Parking areas, garages, driveways and other parking provisions shall be sited to minimize their visual impact on the street and shall be subordinated to the house, landscape and pedestrian entrance.

9B. Where physically feasible, unenclosed parking spaces shall be visually screened from the street and other significant vantage points.

9C. Visible portions of the driveway shall minimize the use of paving, and use natural or decorative materials and designs.

9D. Garages shall be architecturally consistent with the residence and enhance the main building's streetscape appearance.

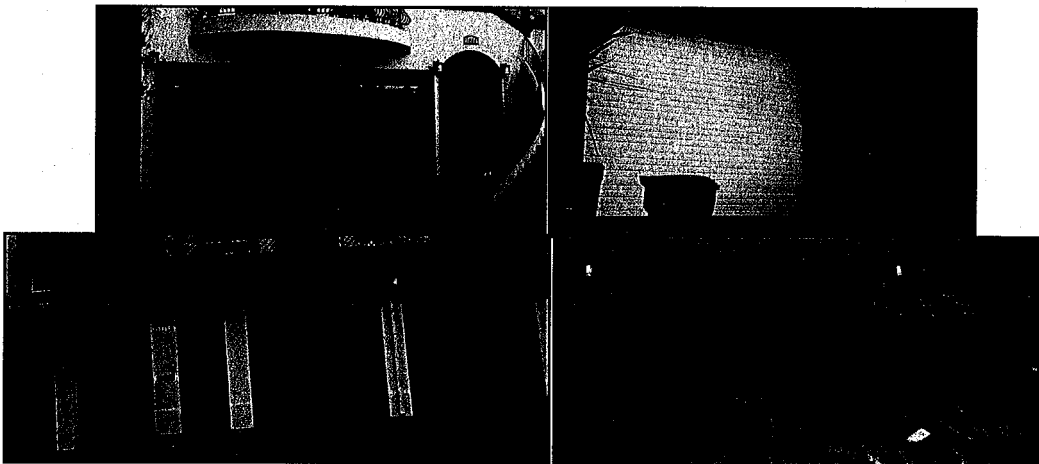
RESPONSE:

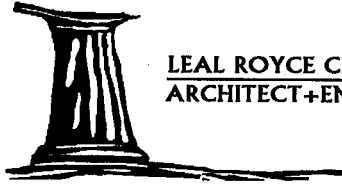
9A. *The garage (for parking the required parking spaces) is recessed the proper distance from the street (subject to minimum setback distance requirements for the space between garage doors and street.)*

*The garage has two doors, rather than one large one, to break up the façade.*

*The two garage doors in set in different planes, further breaking up the mass of the garage.*

EXAMPLES OF MODERN UPHILL DESIGN HOMES WITH GARAGE LEVEL DOORS: *These are examples of homes that have 'man-doors' (swing) at the garage level while having a house entrance above. (While having such doors may not be the "norm" - it is certainly not a novel idea to have access to a garage other than through a large garage door.)*





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9B. All required parking is within the enclosed garage structure.

9C. Perforated decorative paving stones are used for the driveway.

*The slope and vertical contours of the driveway meet the Oakland engineering requirements for sloped driveways for residences.*

9D. The garage wall planes match the above story vertical planes.

*The exterior finish of the garage is different from the finishes of the above residential structure.*

*The wall planes of the front garage wall is further articulated with recessed 'man-doors' (swing) that create visual interest while reducing the (entry) importance of these swing doors.*



Design Review No: 14268 (Oct 10, 2014 posting)  
Project: New Single Family Dwelling  
SUBJECT: Design Review Response Comments

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10A. The proposed landscaping shall complement the building design and the use of open spaces and yards, and provide visual interest and spatial definition to outdoor spaces and visual relief from building masses.

10B. Landscape areas shall be provided wherever possible along property lines and the base of buildings to soften edges.

10C. Fences, retaining walls, exterior stairs, other minor structures and site paving (hardscape) shall be consistent with the building architecture and landscaping and be sensitive to adjacent property conditions and public views.

10D. Street-fronting yards shall be designed to highlight the pedestrian entry.

10E. Water conservation shall be considered in the selection of plant material and irrigation systems.

10F. Fire resistant vegetation shall be used in hill areas. (The booklet "Firescape - Landscaping to Reduce Fire Hazard" published by the East Bay Municipal Utility District is available at the Zoning Counter.)

RESPONSE: (refer to Sheet 09.0 Landscape Plan )

10A. The proposed landscaping will provide a visual enhancement to the project.

*The selected flowering plants will provide color during different seasons of the year.*

*The scale of the plantings is such as to provide interest and shape to the front yard of the project.*

*All trees on the property are to be retained except for three trees that fall within the building footprint, and two trees recommended for removal (due to their condition) by the consulting arborists,*

10B. landscaping is provide in the front yard up to and including the open spaces along the of the project.

*No new landscaping is proposed behind the project. (See Landscape plan for limit of construction activity as well as soil disturbance.)*

10C. Retaining walls in the front yard are limited to 4-feet exposure (below the recommended 6-feet height limitation), with walls finished with decorative stone; front stairs to the entry (2<sup>nd</sup> story) level are at grade, finished with tile; site paving for driveway is paver stones that allow for drainage.



Design Review No: 14268 (Oct 10, 2014 posting)  
Project: New Single Family Dwelling  
SUBJECT: Design Review Response Comments

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10D. *The pedestrian entryway (front stairs to the second level) begin near the street/garage driveway intersection.*

*Main entry stairs are finished with tile, same as the entry patio at the front door.*

*The pathway on the right to a side patio entrance to the right is a simple low-key gravel with wood riser meandering stairs.*

10E. *Plants selected conform to the East Bay Municipal Utility District recommended plants for low-water conditions.*

*A gray-water system is to be incorporated (from the second floor entry level) to provide water for the new front yard plantings.*

10F. *Per the EBMUD recommendations, the following features are incorporated in the design of the house and landscaping:*

- *Fire-resistive materials are used for siding and roof.*
- *No eaves are used on either side of the house.*
- *No additional ground cover is used in the 'forested' area above the house.*
- *Landscaping and ground cover are drought resistant, low-water need landscaping of low and medium height, and only in the front yard.*
- *All existing oak trees are retained.*
- *No invasive species are used in new landscaping.*
- *No large masses of shrubs are planted next to house.*



**LEAL ROYCE CHARONNAT**  
**ARCHITECT+ENGINEERING**

Page 18 of 22  
January 30, 2015

Design Review No: 14268 (Oct 10, 2014 posting)  
Project: New Single Family Dwelling  
SUBJECT: Design Review Response Comments

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OAKLAND DESIGN REVIEW MANUAL FOR ONE AND TWO UNIT RESIDENCES

CRITERION 11: STREET-FRONTING FENCES AND FREESTANDING WALLS

RESPONSE: Not applicable

CRITERION 12: S-10 SCENIC ROUTE COMBINING ZONE

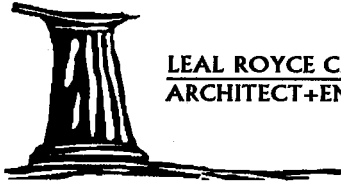
RESPONSE: Not applicable

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Bay Area Office @ Oakland: 1- 5<sup>th</sup> Avenue #1-9 • 94606 • 510/436-3466 • FAX 877-769-9966  
Tahoe Office @ Nevada City, California: P.O. Box 2227 • 95959 • 530/264-5001  
charonnatdesign @ gmail.com

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MEMO 6754 AITKEN - DESIGN REVIEW RESPONSE COMMENTS - 20150130DOC.DOC



Design Review No: 14268 (Oct 10, 2014 posting)  
Project: New Single Family Dwelling  
SUBJECT: Design Review Response Comments

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The following comments are to address the Design Review Approval Criteria as annotated in the Oakland Design Review Manual for Ione and Tow Unit Residences. The numbered responses correspond to the Design Criteria numbering system.

For reference, the Introduction pages from the manual are included with these comments.

Our position is that this design substantially conforms to both the zoning regulations and design criteria as applicable to this project.

In sum, the intent of the design of this project is for a new single family house is to have:

- Provide a site-specific response to the existing terrain and vegetation - have minimal impact on the existing trees
- A design that minimizes the removal of any trees other than those recommended due to health or safety issues by the consulting arborist
- provide the residents with a substantially energy efficient (and energy generative) structure
- a design that takes advantage of the solar orientation of the property,
- A design that incorporates a gray-water system for irrigation of the front yard landscaping

Our records indicate it is now more than four months since the public comment period closed (October 27, 2014) and except for one email sent to Mr. Xiao, we have not received any further communications on this project from city staff. Please correct us if we are mistaken on this.

Below are some comments and information regarding the project design, along with supporting documents that respond to the concern about TREE A mentioned in their communication.

Please let us know the status - thank you. CC - S. Miller/E. Xiao

- 
- **Concern:** The neighbor's [6760 Aitken] letter of October 27, 2014 noted concern of construction adjacent to TREE A and concluded the current project design "is unacceptable."
  - **Response:** The Arborist for this project re-reviewed the specific situation regarding TREE A and provided a response (attached):

*"...In summary, my professional opinion is that the proposed construction will have no significant detrimental effect on the health, longevity, or stability of the 18" diameter coast live oak that has been identified at Tree A in the arborist report."* - Dennis Yniguez, Registered Consulting Arborist



Design Review No: 14268 (Oct 10, 2014 posting)  
Project: New Single Family Dwelling  
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Note that he references documents originally submitted with the application. In short, the project will have no significant impact on this tree. It should also be noted that the house was designed "narrow" in order to lessen the impact and retain the adjacent trees on either side of the house. Out of a total of 23 trees, only five are removed.

- Design Features: The attached document explains the various technology features incorporated in the design of this house. These features are part and parcel of the house design.
- Neighborhood Context: The attached document (full-size previously submitted) shows that for this specific site, there is not a consistent context applicable to this site. Regardless, this design incorporates numerous features that were never a consideration for any of the neighboring houses.



Design Review No: 14268 (Oct 10, 2014 posting)  
Project: New Single Family Dwelling  
SUBJECT: Design Review Response Comments

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RECEIVED COMMENTS VIA ANN CLEVINGER EMAIL JAN 26, 2015:

Engineering Services has reviewed application PLN 14268 - a new single family home at 6754 Aitken Court - and has the following comments at this time.

- A. Note that the property lies within a seismic hazard zone with landslide potential. A soils report is not required at this time but shall be included with the application for building permit. This may affect the design of the structure.
- B The address is in the Very High Hazard Security Zone (Fire Zone) and the applicable codes for this zone will apply.
- C. It appears from the drawings that new retaining walls are being proposed. Note that private retaining walls are not allowed in the public right-of-way.
- D. The drawings show new stairs in the public right-of-way. Note depending on the type of stairs ultimately proposed, new stairs may not be allowed in the right-of-way. If they are allowed the property owner shall obtain a Minor Encroachment Permit from the City.

RESPONSE:

- A. A soil report has already been prepared and submitted with the original submission documents. In addition, a letter from the soil engineer who reviewed the submitted design and confirms that it - on a preliminary basis since actual structural drawings and design were not available at this time - substantially complies with the criteria set out in the geotechnical soil report.
- B. The design of the house (no eaves, minimal landscaping, tree retention) is done to comply with the Very High Hazard Security Zone.





Design Review No: 14268 (Oct 10, 2014 posting)  
Project: New Single Family Dwelling  
SUBJECT: Design Review Response Comments

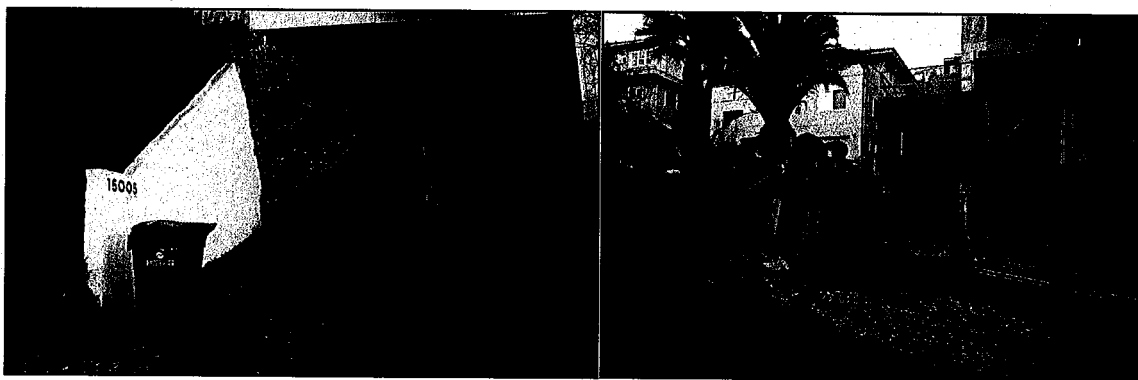
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C.

D. No private retaining walls are proposed in the street area.

*This comment seems in error since the location for this project is not in a street grid, but in the Oakland hills where the paved street is far from the property line, necessitating retaining walls in order to have viable vehicle access to the required parking areas located on the property. (This comment seems apropos to projects where the property line stops at the front sidewalk. In truth, every house on a sloping lot will require retaining walls not on the actual private property.*

EXAMPLES OF MAJOR RETAINING WALLS NOT ON PRIVATE PROPERTY:



E. The design of this project will require stairway access to upper levels of the house (as do most upslope homes in Oakland.) Since such stairs cannot be built only on private property and have access from the street, a Minor Encroachment Permit will be applied for concurrent with a building permit application.

Dennis Yniguez  
Registered Consulting Arborist  
Dennis@TreeDecisions.com

## TREE DECISIONS



1428 Spruce Street  
Berkeley, CA 94709  
510-649-9291

February 9, 2014

Ann Clevenger, Planner III, AICP  
City of Oakland, Bureau of Planning  
250 Frank H. Ogawa, Suite 2114  
Oakland, CA 94612

Re: Application for Building Permit for 6754 Aitken Drive in Oakland  
(APN 48D-7298-65)

Applicant: Edward Xiao, Owner/Contractor, 118 Vernon Street, San Francisco, CA 94132

Dear Ms. Clevenger,

I'm writing this letter at the request of Edward Xiao, Owner/Contractor/Applicant.

I've already prepared an arborist report dated April 4, 2014, that was submitted by Mr. Xiao as part of the permit application process. I also prepared a follow-up letter dated December 18, 2014, that I believe was submitted to your office in late December of 2014.

Mr. Xiao asked me to address the potential effect of the installation of pavers on the health of two coast live oaks. These oaks are identified in the arborist report and on the attached site map as Tree Y (with two trunks that are 14 and 15 inches in diameter) and Tree W (with one trunk that is 8 inches in diameter).

The attached Main Level Plan for 6754 Aitken shows the overhead view of the pavers the Applicant proposes to install as a side-yard patio. The circles (with dashed lines) represent radius measurements that are 12 feet from the trunk of each tree. Two circles are indicated for Tree Y because it has two trunks.

Pavers within the area of the circles of Tree Y would not be installed deeper than a maximum of 18 inches below existing grade. Pavers within the area of the circle of Tree W (which has a small diameter trunk and is situated well above the patio) would not be installed deeper than a maximum of 48 inches below existing grade. The exact depth of the cut into the hillside would depend on the height of the step of the sliding door that opens onto the paved patio, and could be determined with exactness after the building is constructed.

In my professional opinion, the distance of the patio pavers from the trunks of Tree Y and Tree W, and the depth of installation, would not have a significant detrimental effect on the health or stability of either tree. The protective fencing of the Tree Protection Zones around both trees would remain in place throughout the construction of the house and would then be reduced in size only as necessary to allow for final paver installation.

Tree Health & Risk Assessment ♦ Forensic Examination & Case Analysis ♦ Appraisal of Tree Value  
Insurance Claim Evaluation ♦ Land Development Consultation ♦ Resolution of Tree-Related Disputes

Please feel welcome to call if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis Yniguez", with a stylized, flowing script.

Dennis Yniguez  
Registered Consulting Arborist

Attached: View of proposed pavers, excerpted from the Applicant's Main Level Plan View.

## Design Review Approval Criteria

The following are the Design Review Manual's approval criteria. In order to be approved, a project must conform with all of the applicable criteria:

### CRITERION 1: VIEWS

- ☒ YES/NO ☐ A project shall make a reasonable effort to maintain the most significant views from primary living spaces of existing residences on lots in close proximity to the project site. View protection is considered for views that are located within view corridors, subject to view protection limitations.

**SEE COMMENTS 1**

(Refer to Guidelines 1.1- 1.4 for methods to help meet the 'Views' criterion).

### CRITERION 2: SOLAR ACCESS

- ☒ YES/NO ☐ A project shall make a reasonable effort to minimize solar access impacts on actively used **SEE COMMENTS 2** or indoor areas of abutting residential properties.

(Refer to Guidelines 2.1- 2.3 for methods to help meet the 'Solar Access' criterion).

### CRITERION 3: PRIVACY

- ☒ YES/NO ☐ A project shall make a reasonable effort to minimize privacy impacts from upper-level decks **SEE COMMENTS 3A** on primary living spaces of residential lots abutting the SIDES OR REAR of the project site.

- ☒ YES/NO ☐ The project shall be designed to minimize privacy impacts ON THE PROJECT from neighboring **SEE COMMENTS 3B**es.

(Refer to Guidelines 3.1- 3.3 for methods to help meet the 'Privacy' criterion).

### CRITERION 4: SITE DESIGN

- ☐ YES/NO ☐ The building or addition shall be sited in a manner that is compatible with adjacent properties and any **SEE COMMENTS 4A** site features, respects the configuration and natural amenities of the lot, and maintains or promotes useable open space.

- ☐ YES/NO ☐ Stairways, accessways, and corridors shall be designed to ensure the privacy and security of **SEE COMMENTS 4B** without adversely affecting the residential amenity of adjacent properties.

- ☐ YES/NO ☐ The primary pedestrian entrances shall be identifiable from the street; and, where desirable, **SEE COMMENTS 4C** entry paths shall be distinct and separate elements from parking pads and driveways.

- ☐ YES/NO ☐ Outdoor spaces shall be an integral part of the overall design (distinct spaces and/or landscaped **SEE COMMENTS 4D** rather than left-over spaces).

- ☐ YES/NO ☐ On hillsides, open spaces shall reinforce natural landforms (especially in canyon areas), provide for **SEE COMMENTS 4E** openness between houses and include livable outdoor areas such as courts, yards or terraces at or near grade.

(Refer to Guidelines 4.1- 4.8 for methods to help meet the 'Site Design' criterion).

**CRITERION 5: BUILDING DESIGN**

☒ YES/ NO ☐ Each building shall have an architectural composition of forms that are well related to one another and the site in proportion, scale, geometry and style.  
**SEE COMMENTS 5A**

☒ YES/ NO ☐ Building elevations (walls, windows, roof/leave lines etc.) shall be composed in an ordered, unified and consistent manner that reinforces the design's basic composition, style and massing while providing visual interest.  
**SEE COMMENTS 5B**

☒ YES/ NO ☐ Complement neighborhood scale, development patterns and orientation of structures and not disrupt neighborhood appearance.  
**SEE COMMENTS 5C**

☒ YES/ NO ☐ The principal entryway shall be visually prominent and located either on the front elevation or on the side elevation.  
**SEE COMMENTS 5D**

☒ YES/ NO ☐ Parking entrances and garages shall be integrated into the overall design so that they are not visually disruptive features of facades.  
**SEE COMMENTS 5E**

☒ YES/ NO ☐ Detailing and use of materials shall enhance the design's appearance and reinforce the architectural composition and style.  
**SEE COMMENTS 5F**

☐ YES/ NO ☐ For additions and alterations, the scale, bulk, and massing shall be compatible with, but not necessarily identical to, the existing residence. Any new materials shall be integrated into the overall design even if they are not necessarily identical or similar to existing exterior treatments.  
**N/A**

(Refer to Guidelines 5.1- 5.11 for methods to help meet the 'Building Design' criterion).

**CRITERION 6: BULK- ALL PROJECTS**

☒ YES/ NO ☐ The project shall manage mass, scale and composition, including materials and detailing, to minimize the building's actual and perceived bulk.  
**SEE COMMENTS 6A**

(Refer to Guidelines 6.1- 6.11 for methods to help meet the 'Bulk- All Projects' criterion).

**CRITERION 7: BULK: SPECIAL METHODS FOR HILLSIDES**

☒ YES/ NO ☐ Hillside projects shall use methods that blend with the hillside setting and minimize the building's prominence.  
**SEE COMMENTS 7A**

☒ YES/ NO ☐ On sloped sites, minimize perceived bulk when viewed along with neighboring structures from the slope side.  
**SEE COMMENTS 7B**

(Refer to Guidelines 7.1- 7.9 for methods to help meet the 'Bulk: Special Methods for Hillsides' criterion).

**CRITERION 8: NEIGHBORHOOD COMPATIBILITY (CONTEXT)**

☒ YES/ NO ☐ Where physically feasible, unenclosed parking spaces shall be visually screened from the street **SEE COMMENTS 8.1-10** Other significant vantage points.

☒ YES/ NO ☐ Visible portions of the driveway shall minimize the use of paving, and use natural or decorative materials and designs. **SEE COMMENTS 8.1-10**

☒ YES/ NO ☐ Garages shall be architecturally consistent with the residence and enhance the main building's streetscape appearance. **SEE COMMENTS 8.1-10**

**SEE COMMENTS 8.1-10** (Refer to Guidelines 9.1- 9.7 for methods to help meet the 'Site Access and Parking' criterion).

The "context area" consists of the five lots on each side of the project site and the ten closest lots across the street (see Figure 8-2).

This criterion shall apply only if the slope of the project site is 20 percent or less and one of the following situations exists:

- Within 1,000 feet of the project site, there is a grid system of multiple streets, or the system of streets forms a pattern of a nearly rectilinear grid or the intersection of more than one grid; or
- At least 75% of the sites (including vacant lots) within 300 feet of and on the same street as the project site are 4,000 square feet or less in area.

This criterion does not apply if there are fewer than 10 houses in the context area.

(Refer to Guidelines 8.1- 8.7 for methods to help meet the 'Neighborhood Compatibility' criterion).

**CRITERION 9: SITE ACCESS AND PARKING**

☒ YES/ NO ☐ Parking areas, garages, driveways and other parking provisions shall be sited to minimize their impact on the street and shall be subordinated to the house, landscape and pedestrian entrance. **SEE COMMENTS 9.1-10**

☒ YES/ NO ☐ Where physically feasible, unenclosed parking spaces shall be visually screened from the street **SEE COMMENTS 9.1-10** Other significant vantage points.

☒ YES/ NO ☐ Visible portions of the driveway shall minimize the use of paving, and use natural or decorative materials and designs. **SEE COMMENTS 9.1-10**

☒ YES/ NO ☐ Garages shall be architecturally consistent with the residence and enhance the main building's streetscape appearance. **SEE COMMENTS 9.1-10**

**SEE COMMENTS 9.1-10** (Refer to Guidelines 9.1- 9.7 for methods to help meet the 'Site Access and Parking' criterion).

**CRITERION 10: LANDSCAPING**

☒ YES/ NO ☐ The proposed landscaping shall complement the building design and the use of open spaces and definition to outdoor spaces and visual relief from building masses. **SEE COMMENTS 10.1-10**

☒ YES/ NO ☐ Landscape areas shall be provided wherever possible along property lines and the base of buildings to soften edges. **SEE COMMENTS 10.1-10**

☒ YES/ NO ☐ Fences, retaining walls, exterior stairs, other minor structures and site paving (hardscape) shall be consistent with the building architecture and landscaping and be sensitive to adjacent property conditions and public views. **SEE COMMENTS 10.1-10**

☒ YES/ NO ☐ Street-fronting yards shall be designed to highlight pedestrian entry. **SEE COMMENTS 10.1-10**

☒ YES/ NO ☐ Water conservation shall be considered in the selection of plant material and irrigation systems. **SEE COMMENTS 10.1-10**

☒ YES/ NO ☐ Fire resistant vegetation shall be used in hill areas. (The booklet "Firescape - Landscaping to Reduce Fire Hazard" published by the East Bay Municipal Utility District is available at the Zoning Counter.) **SEE COMMENTS 10.1-10**

(Refer to Guidelines 10.1- 10.15 for methods to help meet the 'Landscaping' criterion).

**CRITERION 11: STREET-FRONTING FENCES AND FREESTANDING WALLS**

Note: Criterion 11 applies only to street-fronting fences/walls that:  
(a) are taller than 42" and require a Conditional Use Permit; or  
(b) are part of a landscape plan requiring City approval.

☐ YES/ NO ☐

Street fronting fences and freestanding walls shall not be overly dominant within the streetscape and shall relate well to buildings, landscaping and other streetscape design features.

**N/A**

☐ YES/ NO ☐

Fences and freestanding walls within front yards and the front portions of street side yards on corner lots shall complement the architectural style of the adjacent residence.

**N/A**

"Front portions of street side yards" refers to the portions of street side yards adjacent to the main residence and does not refer to portions at the rear of the main residence.

(Refer to Guidelines 11.1- 11.12 for methods to help meet the 'Street Fronting Fences and Freestanding Walls' criterion).

**CRITERION 12: S-10 SCENIC ROUTE COMBINING ZONE**

Note: Criterion 12 applies only to projects in the S-10 Scenic Route Combining Zone that require Design Review and/or a Conditional Use Permit.

☐ YES/ NO ☐

Project design in the S-10 Scenic Route Combining Zone shall be aimed at achieving an atmosphere of harmony with nature. The following design considerations shall be given special attention:

**N/A**

1. Materials and architectural appointments;
2. Colors;
3. Landscaping;
4. Building mass and siting.

(Refer to Guidelines 12.1- 12.5 for methods to help meet the 'S-10 Scenic Combining Zone' criterion).

**Todd, Amber**

---

**From:** Clevenger, Ann  
**Sent:** Friday, February 27, 2015 8:35 AM  
**To:** Miller, Scott  
**Subject:** FW: 6754 Aitken - Request for Review Status  
**Attachments:** 6754 Aitken - Planning Notes MEMO 20150130.pdf

Hi, Scott,

I turned this one in to you a 2-3 weeks ago. Have you looked at it yet?

Thanks.  
Ann

**Ann Clevenger, Planner III, AICP** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** Charonnat Design [REDACTED]  
**Sent:** Friday, February 27, 2015 8:21 AM  
**To:** Clevenger, Ann  
**Cc:** Edward Xiao  
**Subject:** 6754 Aitken - Request for Review Status

Hello Ann -

Please let us know the status of the planning review of this project.

Enclosed is a copy of documents sent to you.

(Note - our records indicate it is now more than four months since the public comment period closed d[October 27, 2014]. That should be enough time to process this project.)

If you are unable to provide an update, please forward this to whoever can provide that information!

thanks.

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**  
1 - 5th Avenue Ste 1-9 Oakland Calif 94606  
(510) 436-3466 FAX (877) 769-9966 [REDACTED]



**Todd, Amber**

---

**From:** Charonnat Design [REDACTED]  
**Sent:** Monday, March 02, 2015 8:36 AM  
**To:** Clevenger, Ann  
**Cc:** Edward Xiao  
**Subject:** PLN14268 - 6754 AITKEN DR - Regular Design Review for new construction - (status request) 3/2/2015

Hello -

please let us know status at this time.

thank you

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**  
1-5th Avenue Ste 1-9 Oakland Calif 94606  
(510) 436-3466 FAX (877) 769-9966 [REDACTED]

**Todd, Amber**

---

**From:** Clevenger, Ann  
**Sent:** Monday, March 02, 2015 8:43 AM  
**To:** Charonnat Design  
**Subject:** RE: PLN14268 - 6754 AITKEN DR - Regular Design Review for new construction - (status request) 3/2/2015

Good morning,

The decision letter (approval) is almost finished and will be mailed today.

Regards,  
Ann

**Ann Clevenger, Planner III, AICP** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** Charonnat Design [<mailto:charonnatdesign@gmail.com>]  
**Sent:** Monday, March 02, 2015 8:36 AM  
**To:** Clevenger, Ann  
**Cc:** Edward Xiao  
**Subject:** PLN14268 - 6754 AITKEN DR - Regular Design Review for new construction - (status request) 3/2/2015

Hello -

please let us know status at this time.

thank you

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**

**1-5th Avenue Ste 1-9 Oakland Calif 94606**

**(510) 436-3466 FAX (877) 769-9966**

**Todd, Amber**

---

**From:** Charonnat Design [REDACTED]  
**Sent:** Monday, March 02, 2015 8:55 AM  
**To:** Clevenger, Ann  
**Subject:** Re: PLN14268 - 6754 AITKEN DR - Regular Design Review for new construction - (status request) 3/2/2015

Thanks for the update.

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**  
1-5th Avenue Ste 1-9 Oakland Calif 94606  
(510) 436-3466 FAX (877) 769-9966 [REDACTED]

On Mon, Mar 2, 2015 at 8:42 AM, Clevenger, Ann <[AClevenger@oaklandnet.com](mailto:AClevenger@oaklandnet.com)> wrote:

Good morning,

The decision letter (approval) is almost finished and will be mailed today.

Regards,

Ann

**Ann Clevenger, Planner III, AICP** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: [\(510\)238-6980](tel:5102386980) | Fax: [\(510\) 238-4730](tel:5102384730) | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** Charonnat Design [REDACTED]  
**Sent:** Monday, March 02, 2015 8:36 AM  
**To:** Clevenger, Ann  
**Cc:** Edward Xiao  
**Subject:** PLN14268 - 6754 AITKEN DR - Regular Design Review for new construction - (status request) 3/2/2015

Hello -

please let us know status at this time.

thank you

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**

**1-5th Avenue Ste 1-9 Oakland Calif 94606**

**(510) 436-3466 FAX (877) 769-9966** [REDACTED]

**Todd, Amber**

---

**From:** Charonnat Design [REDACTED]  
**Sent:** Monday, March 02, 2015 9:09 AM  
**To:** Clevenger, Ann  
**Subject:** Re: PLN14268 - 6754 AITKEN DR - Regular Design Review for new construction - (status request) 3/2/2015

Oh? This week maybe?

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**  
1 - 5th Avenue Ste 1-9 Oakland Calif 94606  
(510) 436-3466 FAX (877) 769-9966 [REDACTED]

On Mon, Mar 2, 2015 at 8:42 AM, Clevenger, Ann <[AClevenger@oaklandnet.com](mailto:AClevenger@oaklandnet.com)> wrote:

Good morning,

The decision letter (approval) is almost finished and will be mailed today.

Regards,

Ann

**Ann Clevenger, Planner III, AICP** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** Charonnat Design [REDACTED]  
**Sent:** Monday, March 02, 2015 8:36 AM  
**To:** Clevenger, Ann  
**Cc:** Edward Xiao  
**Subject:** PLN14268 - 6754 AITKEN DR - Regular Design Review for new construction - (status request) 3/2/2015

Hello -

please let us know status at this time.

thank you

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**

**1-5th Avenue Ste 1-9 Oakland Calif 94606**

**(510) 436-3466 FAX (877) 769-9966**

**Todd, Amber**

---

**From:** Clevenger, Ann  
**Sent:** Monday, March 02, 2015 9:50 AM  
**To:** Charonnat Design  
**Subject:** RE: PLN14268 - 6754 AITKEN DR - Regular Design Review for new construction - (status request) 3/2/2015

It will likely be mailed today.

**Ann Clevenger, Planner III, AICP** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** Charonnat Design [REDACTED]  
**Sent:** Monday, March 02, 2015 9:09 AM  
**To:** Clevenger, Ann  
**Subject:** Re: PLN14268 - 6754 AITKEN DR - Regular Design Review for new construction - (status request) 3/2/2015

Oh? This week maybe?

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**  
1-5th Avenue Ste 1-9 Oakland Calif 94606  
(510) 436-3466 FAX (877) 769-9966 [REDACTED]

On Mon, Mar 2, 2015 at 8:42 AM, Clevenger, Ann <[AClevenger@oaklandnet.com](mailto:AClevenger@oaklandnet.com)> wrote:

Good morning,

The decision letter (approval) is almost finished and will be mailed today.

Regards,

Ann

**Ann Clevenger, Planner III, AICP** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** Charonnat Design [REDACTED]  
**Sent:** Monday, March 02, 2015 8:36 AM  
**To:** Clevenger, Ann  
**Cc:** Edward Xiao  
**Subject:** PLN14268 - 6754 AITKEN DR - Regular Design Review for new construction - (status request) 3/2/2015

Hello -

please let us know status at this time.

thank you

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**

**1-5th Avenue Ste 1-9 Oakland Calif 94606**

**(510) 436-3466 FAX (877) 769-9966** [REDACTED]



**Todd, Amber**

---

**From:** [REDACTED]  
**Sent:** Wednesday, March 11, 2015 11:09 AM  
**To:** Clevenger, Ann  
**Cc:** Miller, Scott  
**Subject:** Re: Case file #PLN14268

Dear Ms. Clevenger and Mr. Miller,

Please refer to my email below of Oct. 21, 2014. I still have the same concerns: namely that Mr. Xiao's plan (which I have a copy of) which was

APPROVED on March 2, 2015, but I did not receive the notice of this until mail came on Sat., March 7, 2015. I have pneumonia and was unable to respond immediately. In the notice I did receive there was NO attachment C or D as the letter from Scott Miller stated was included, they were Not included. Mr. Xiao's excation wall is within a five foot circle around Oak tree A and his front porch is only three feet from the tree A's trunk. This construction will surely destroy this large beautiful mature oak tree. Why is "Oakland" land of the Oaks? and planning dept. has approved building plans which will destroy one of the most vital and beautiful Oak tree in the city. Please come look at this oak tree between 6760 and 6754 Aitken and you will understand.

In addition, the excavation for a retaining wall 44.36 feet tall (HUGE) is too close to my home at 6760 Aitken and will undermine my foundation and could cause my house to go down in value by \$500,000 which is exactly what happened a few years ago to my neighbor George Lythcott at 6650 Moore Drive. The lot next to him and directly across from 6675 Moore has been an eyesore for years. What happened was the same situation I am now facing: a plan which has no bonded and properly licensed general contractor in charge and no construction loan having inspections before releasing a draw. The lot sits vacant for years with only retaining walls built after excavation came too close to George's home, very close about 4 feet from his house. He told me his home went down in value about \$500,000 and there was a lawsuit and the owner of the lot disappeared! I don't want this nightmare to happen to me and your approved plans for Mr. Xiao make it look very likely. I am low income and cannot afford the \$1,352 fee for an appeal. My only asset for my retirement (I am 72 years old) is my equity in my home and now that is being threatened.

In conclusion, please reconsider your approval of case file #PLN14268 due to the above concerns. Thank you for your time and consideration.

Sincerely,

Catherine Teegarden, owner of 6760 Aitken Dr., OAKland, CA 94611

----- Original Message -----

**From:** Clevenger, Ann  
**To:** [REDACTED]  
**Cc:** Miller, Scott  
**Sent:** Monday, November 03, 2014 12:10 PM  
**Subject:** RE: Case file #PLN14268

Hello, Ms. Teegarden,

So sorry for the belated reply. I've only taken two multiple-day vacations this year, and they both happen to have fallen in October (2<sup>nd</sup> and 4<sup>th</sup> week). As Scott Miller mentioned in his e-mail to you, no action has been taken on the project. We just don't have the staff to pick up and run with projects when we're on vacation, so they wait for our return.

Did you come in to look at the case file and project plans? They have been on my desk, labeled for ease of finding by any of my co-workers. If not, you're welcome to come in any time. I do have your letter and e-mails, so we would certainly be taking your comments into account, especially those that relate to the findings we are required to make for a decision on the project (building and site design, impact on streetscape, neighbor's properties, etc.).

Mr. Xiao has an architect, Leal Charonnat, who prepared the plans. I don't know who the building contractor will be, and that's not something we usually get involved with at the Planning level; however sometimes the Applicant happens

to be the builder, or they otherwise present themselves to us or volunteer that information. You are correct that the Building Division conducts inspections at various stages of the project construction.

Depending on the amount of grading, construction might be restricted during the wet weather grading season (October 15<sup>th</sup> - April 15th). A soils report is typically required for building permits, but not for Planning permits except under special circumstances such as when there is a history of landslides or other suspected geotechnical issues.

I can give you a copy of the reduced-size architectural plans. If you are coming in, I get leave them for you. Otherwise, I can try to make a pdf and send them on by e-mail.

I'm still reviewing the documents so if some of my answers are not complete or specific enough, I can add to them later.

Thanks for your patience.

Best regards,

Ann Clevenger, Planner III

**Ann Clevenger, Planner III, AICP** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

---

**From:** Fixerloans1@yahoo.com [REDACTED]  
**Sent:** Tuesday, October 21, 2014 2:48 PM  
**To:** Clevenger, Ann  
**Subject:** Case file #PLN14268

Dear Ms. Clevenger,  
Re: Building Permit for 6754 Aitken Dr., Oakland, CA 94611  
Case file # PLN14268

I own the property next door at 6760 Aitken Dr. I have some concerns about Mr. Edward Xiao's plans to build a house next to where I live and own:

1. He is acting as his own general contractor and wishes to be an owner-builder. He is a computer person, not a builder. As far as I know, he also has no experience building a home. He is also not using a construction loan to build. If he hired a licensed general contractor, I would at least have some protection with that contractor being experienced and bonded. If he were using a construction loan, I would at least be protected by the fact that the lender would do inspections before releasing a draw. So now without either of the above, my only protection is the inspections made by the city **after** he does work. This makes me very uncomfortable. If there are mistakes made, my home could down in value by a great deal. My foundation could be undermined. I am being asked by Mr. Xiao to just take his word for everything being OK. That is not enough.
2. The beginning of excavation must not be in the fall or winter. It must be after the rains have stopped. The ground water could de-stabilize my foundation and the huge oak on the property line with mine.
3. This huge oak tree also has a huge root system and if the root system is disturbed, it could fall down. I asked Mr. Xiao to have an arborist fence off this root system so that it would not be disturbed and he just said he already took care of that. His verbal assurances are not enough for me.
4. I would like a copy of the buildings plans with the footprint of his proposed house and also the landscape plans. Mr. Xiao did show me some 8 X 10 inch plans, but refused to allow me to make a copy of them. How do I get a copy?
5. I would like to see a soils report. Mr. Xiao did not show that to me and he said I could not have a copy.

Thank you for your time and consideration,  
Catherine Teegarden



**Todd, Amber**

---

**From:** [REDACTED]  
**Sent:** Wednesday, March 11, 2015 11:49 AM  
**To:** Clevenger, Ann; Miller, Scott  
**Subject:** I need Attachment C and D which were NOT in letter to me from Mr. Miller

Dear Ann Clevenger and Scott Miller,

In the "Approval" letter which I received last Saturday March 7th, 2015, Attachment C and D were missing. Please email me the C. Supplemental Letter from Arborist, dated Dec. 18, 2014 and

D. Comments from Oakland Engineering Services Division, dated Dec. 2, 2014.

case file# PLN 14268 for 6754 Aitken Drive, Oakland, Ca 94611

I do need them asap because tomorrow is the deadline for an appeal. Why do I get only 3 business days to deal with this?

Thanks so much,  
Catherine Teegarden

**Todd, Amber**

---

**From:** [REDACTED]  
**Sent:** Thursday, March 12, 2015 10:59 AM  
**To:** Miller, Scott; Clevenger, Ann  
**Subject:** Fw: Case file #PLN14268

Good Morning Mr. Miller and Ms. Clevenger,  
I am asking that the time deadline for filing an appeal be extended until Tuesday, March 17, 2015, due to , as I explained to Ann Clevenger when I went down to the city yesterday, the mail was delayed for some reason and I did not receive the notice of APPROVAL for regular design review until Sat., March 7. If the deadline is today on March 12, I don't have enough time to research and decide on a course of action. I do need time to consult with a friend who is knowledgeable about excavation near my home and likely destruction of the very tree which separates my home from view of the new construction proposed. As per the below email, I did not even receive Attachments C and D (they were not in the envelope) and I had to go down to the city yesterday to get them. It is very unfair to me to have zero days to file an appeal. Please extend the deadline for an appeal. I will try to scan the envelope the notice came in: it is postmarked March 2 , but for some reason mail did not reach me until March 7.

Thank you for your time and consideration,  
Catherine Teegarden  
[REDACTED]

----- Original Message -----

**From:** [REDACTED]  
**To:** Clevenger, Ann  
**Cc:** smiller@oaklandnet.com  
**Sent:** Wednesday, March 11, 2015 11:08 AM  
**Subject:** Re: Case file #PLN14268

Dear Ms. Clevenger and Mr. Miller,  
Please refer to my email below of Oct. 21, 2014. I still have the same concerns: namely that Mr. Xiao's plan (which I have a copy of) which was APPROVED on March 2, 2015, but I did not receive the notice of this until mail came on Sat., March 7, 2015. I have pneumonia and was unable to respond immediately. In the notice I did receive there was NO attachment C or D as the letter from Scott Miller stated was included, they were Not included. Mr. Xiao's excavation wall is within a five foot circle around Oak tree A and his front porch is only three feet from the tree A's truck. This construction will surely destroy this large beautiful mature oak tree. Why is "Oakland" land of the Oaks? and planning dept. has approved building plans which will destroy one of the most vital and beautiful Oak tree in the city. Please come look at this oak tree between 6760 and 6754 Aitken and you will understand.

In addition, the excavation for a retaining wall 44.36 feet tall (HUGE) is too close to my home at 6760 Aitken and will undermine my foundation and could cause my house to go down in value by \$500,000 which is exactly what happened a few years ago to my neighbor George Lythcott at 6650 Moore Drive. The lot next to him and directly across from 6675 Moore has been an eyesore for years. What happened was the same situation I am now facing: a plan which has no bonded and properly licensed general contractor in charge and no construction loan having inspections before releasing a draw. The lot sits vacant for years with only retaining walls built after excavation came too close to George's home, very close about 4 feet from his house. He told me his home went down in value about \$500,000 and there was a lawsuit and the owner of the lot disappeared! I don't want this nightmare to happen to me and your approved plans for Mr. Xiao make it look very likely. I am low income and cannot afford the \$1,352 fee for an appeal. My only asset for my retirement (I am 72 years old) is my equity in my home and now that is being threatened.

In conclusion, please reconsider your approval of case file #PLN14268 due to the above concerns. Thank you for your time and consideration.

Sincerely,  
Catherine Teegarden, owner of 6760 Aitken Dr., OAKland, CA 94611  
[REDACTED]

----- Original Message -----

**From:** Clevenger, Ann  
**To:** [REDACTED]  
**Cc:** Miller, Scott  
**Sent:** Monday, November 03, 2014 12:10 PM

**Subject:** RE: Case file #PLN14268

Hello, Ms. Teegarden,

So sorry for the belated reply. I've only taken two multiple-day vacations this year, and they both happen to have fallen in October (2<sup>nd</sup> and 4<sup>th</sup> week). As Scott Miller mentioned in his e-mail to you, no action has been taken on the project. We just don't have the staff to pick up and run with projects when we're on vacation, so they wait for our return.

Did you come in to look at the case file and project plans? They have been on my desk, labeled for ease of finding by any of my co-workers. If not, you're welcome to come in any time. I do have your letter and e-mails, so we would certainly be taking your comments into account, especially those that relate to the findings we are required to make for a decision on the project (building and site design, impact on streetscape, neighbor's properties, etc.).

Mr. Xiao has an architect, Leal Charonnat, who prepared the plans. I don't know who the building contractor will be, and that's not something we usually get involved with at the Planning level; however sometimes the Applicant happens to be the builder, or they otherwise present themselves to us or volunteer that information. You are correct that the Building Division conducts inspections at various stages of the project construction.

Depending on the amount of grading, construction might be restricted during the wet weather grading season (October 15<sup>th</sup> - April 15<sup>th</sup>). A soils report is typically required for building permits, but not for Planning permits except under special circumstances such as when there is a history of landslides or other suspected geotechnical issues.

I can give you a copy of the reduced-size architectural plans. If you are coming in, I get leave them for you. Otherwise, I can try to make a pdf and send them on by e-mail.

I'm still reviewing the documents so if some of my answers are not complete or specific enough, I can add to them later.

Thanks for your patience.

Best regards,

Ann Clevenger, Planner III

**Ann Clevenger, Planner III, AICP** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

---

**From:** Fixerloans1@yahoo.com [mailto:Fixerloans1@yahoo.com]

**Sent:** Tuesday, October 21, 2014 2:48 PM

**To:** Clevenger, Ann

**Subject:** Case file #PLN14268

Dear Ms. Clevenger,

Re: Building Permit for 6754 Aitken Dr., Oakland, CA 94611

Case file # PLN14268

I own the property next door at 6760 Aitken Dr. I have some concerns about Mr. Edward Xiao's plans to build a house next to where I live and own:

1. He is acting as his own general contractor and wishes to be an owner-builder. He is a computer person, not a builder. As far as I know, he also has no experience building a home. He is also not using a construction loan to

build. If he hired a licensed general contractor, I would at least have some protection with that contractor being experienced and bonded. If he were using a construction loan, I would at least be protected by the fact that the lender would do inspections before releasing a draw. So now without either of the above, my only protection is the inspections made by the city **after** he does work. This makes me very uncomfortable. If there are mistakes made, my home could down in value by a great deal. My foundation could be undermined. I am being asked by Mr. Xiao to just take his word for everything being OK. That is not enough.

2. The beginning of excavation must not be in the fall or winter. It must be after the rains have stopped. The ground water could de-stabilize my foundation and the huge oak on the property line with mine.

3. This huge oak tree also has a huge root system and if the root system is disturbed, it could fall down. I asked Mr. Xiao to have an arborist fence off this root system so that it would not be disturbed and he just said he already took care of that. His verbal assurances are not enough for me.

4. I would like a copy of the buildings plans with the footprint of his proposed house and also the landscape plans. Mr. Xiao did show me some 8 X 10 inch plans, but refused to allow me to make a copy of them. How do I get a copy?

5. I would like to see a soils report. Mr. Xiao did not show that to me and he said I could not have a copy.

Thank you for your time and consideration,  
Catherine Teegarden

**Todd, Amber**

---

**From:** [REDACTED]  
**Sent:** Thursday, March 12, 2015 11:12 AM  
**To:** Miller, Scott; Clevenger, Ann  
**Subject:** Envelope PLN14268  
**Attachments:** scan0.pdf

Please see attached envelope. The date I received is March 7, but I wrote it in pencil and it doesn't show up very well, but I didn't want to alter it. I showed it to Ann personally yesterday.

Thanks alot,  
Catherine Teegarden



CITY OF OAKLAND



BUREAU OF PLANNING  
ZONING DIVISION

250 FRANK H. OGAWA PLAZA, SUITE 2114  
OAKLAND, CALIFORNIA 94612-2032



U.S. POSTAGE PITNEY BOWES

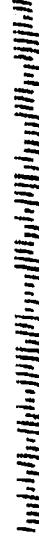


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02 1W  
0001378092 MAR 02 2015

Catherine Teegarden

*Handwritten signature*

9461131510 0022



**Todd, Amber**

---

**From:** [REDACTED]  
**Sent:** Friday, March 13, 2015 10:35 AM  
**To:** Miller, Scott; Clevenger, Ann  
**Subject:** APPEAL PLN14268  
**Attachments:** scan0.pdf

Mr. Miller and Ms. Clevenger  
Please see attached Appeal and continuation page.  
Respectfully submitted,  
Catherine Teegarden  
[REDACTED]

**Todd, Amber**

---

**From:** Edward Xiao [REDACTED]  
**Sent:** Monday, March 16, 2015 4:10 PM  
**To:** Clevenger, Ann  
**Subject:** Re: PLN 14268 - 6754 Aitken Dr - [NEW SFD] \*Request for Status ((SECOND REQUEST)) <<<third request>>>

Hi Ann,  
I got the planning approval letter. Thanks a lot. Did any one filed challenge to the planning approval decision before 3/12/2015? If not, then I guess I can get the tree permit removal permit from planning, correct? Please let me know. Thanks in advance.  
-Edward

On Thursday, February 5, 2015 10:31 PM, Edward Xiao [REDACTED] wrote:

Thanks for the update, Ann.  
-Edward

On Thursday, February 5, 2015 5:07 PM, "Clevenger, Ann" <AClevenger@oaklandnet.com> wrote:

Good afternoon,

I am almost finished with preparing a draft decision letter, and will hand it over to the Zoning Manager for review probably tomorrow. I cannot guarantee no further issues until he looks at it; however, I have resolved to my mind the tree-related issues after reviewing all the documents and getting more info from the Tree Section. I will let you know if I have any further issues as soon as possible.

Thanks,  
Ann

Ann Clevenger, Planner III, AICP | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** Charonnat Design [REDACTED]  
**Sent:** Friday, January 16, 2015 2:22 PM  
**To:** Clevenger, Ann  
**Subject:** Re: PLN 14268 - 6754 Aitken Dr - [NEW SFD] \*Request for Status ((SECOND REQUEST)) <<<third request>>>

ok

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**  
1 - 5th Avenue Ste 1-9 Oakland Calif 94606  
(510) 436-3466 FAX (877) 769-9966 [REDACTED]

On Fri, Jan 16, 2015 at 2:10 PM, Clevenger, Ann <[AClevenger@oaklandnet.com](mailto:AClevenger@oaklandnet.com)> wrote:  
Hi, Leal,

I am just getting back to it and plan to meet with my Zoning manager next week to make sure we can support the design before issuing a decision. I will have feedback for you next week.

Thank you,

Ann

**Ann Clevenger, Planner III, AICP** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** Charonnat Design [REDACTED]  
**Sent:** Thursday, January 15, 2015 11:44 AM  
**To:** Clevenger, Ann; Miller, Scott  
**Cc:** Edward Xiao  
**Subject:** Re: PLN 14268 - 6754 Aitken Dr - [NEW SFD] \*Request for Status ((SECOND REQUEST)) <<<third request>>>

**Last Thursday (January 8, 2014) Edward Xiao [owner] stopped by the Planning offices and reported to us he was able to talk with Ann about this project.**

**We were told that she just came back from 1.5 week vacation will give an update next week since she needed to clear up some backup workload. She also said to send her an email on next Wednesday if there is no update from her."**

**This is now Thursday January 15, 2014.**

**We have not received any 'update' on this project.**

**Again, we need to emphasize that the public comment period on this project closed on October 27, 2014 - that is about 2-1/2 months ago. (At a previous meeting we were told it would be a few weeks after that for a Planning decision to be made, followed by a week or two for the Director of Planning to review. To date we have received no report.)**

**An update is anticipated and would be professionally appreciated.**

**Thank you.**

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**

**1-5th Avenue Ste 1-9 Oakland Calif 94606**

**(510) 436-3466 FAX (877) 769-9966 [REDACTED]**

On Thu, Jan 8, 2015 at 10:30 AM, Charonnat Design [REDACTED] wrote:  
Hello all - I sent the (below) last week [which was sent 2 months after public comment period closed] so this is our second request.

- WHAT IS REVIEW STATUS?

- WHO IS NOW REVIEWING PROJECT?
- WHEN WILL APPROVAL BE ISSUED?

*(As of today [Thursday January 8, 2015] we have still not received any communication regarding the status of this project. On that basis, we do not know if information that is missing, or other responses to the application for this project. Please let us know if this is not correct.)*

*Thanks!*

*[see previous email for attachments]*

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**  
**1 - 5th Avenue Ste 1-9 Oakland Calif 94606**  
**(510) 436-3466 FAX (877) 769-9966**

On Wed, Dec 31, 2014 at 1:28 PM, Charonnat Design wrote:  
 Ann - please see attached letter and documentation.

This is a request for both a status report and seeking final approval for this project vis-a-vis planning review.

To date we have received no communication on this project except for one email copy from a neighbor concerned about one tree. That issue is completely addressed and dismissed per attache letter from our arborist. Note that he references information already submitted with our initial project application - except for his letter there is no new information provided.

A separate sheet is provided that notes some of the technological features of this project.

This project conforms to the basic requirements for the zoning. Indeed, the side setbacks are more than required.

This project conforms to the basic guidelines for single family dwellings. This project protects the views and privacy of adjacent neighbors.

This project preserves every tree on the property excluding those the arborist recommended for removal (2) not within the building footprint.

This project requires a minimum amount of excavation - particularly when compared to neighboring properties (which if copied would require more than 2000 CY of excavation.

This project exceeds the platinum level of the Green Rating sheet.

This project design is specifically driven to be a zero-carbon project with both EV and hydro solar panels.

All in all, we are looking forward to having this project approved - as is.

Thank you.

*(NOTE - SOME DOCUMENTS ARE LARGER THAN LETTER SIZE)*

**Leal Charonnat, Architect**

**1-5th Avenue Ste 1-9 Oakland Calif 94606**

**(510) 436-3466 FAX (877) 769-9966**

**Todd, Amber**

---

**From:** Edward Xiao [REDACTED]  
**Sent:** Thursday, March 19, 2015 12:04 PM  
**To:** Clevenger, Ann  
**Subject:** Re: PLN 14268 - 6754 Aitken Dr - [NEW SFD] \*Request for Status ((SECOND REQUEST))  
<<<third request>>>

Hi Ann,

Thanks for the neighbor's appeal update from Scott and you today. Can you email me pdf scan file of the neighbor's appeal? I like to see that she filed the appeal before the deadline 3/12/2015 before I spending extra money to bring in my Arborist and Architect for next week Thursday's face to face conference. Thanks in advance.

-Edward

On Monday, March 16, 2015 4:10 PM, Edward Xiao [REDACTED] wrote:

Hi Ann,

I got the planning approval letter. Thanks a lot. Did any one filed challege to the planning approval decision before 3/12/2015? If not, then I guess I can get the tree permit removal permit from planning, correct? Please let me know. Thanks in advance.

-Edward

On Thursday, February 5, 2015 10:31 PM, Edward Xiao [REDACTED] wrote:

Thanks for the update, Ann.

-Edward

On Thursday, February 5, 2015 5:07 PM, "Clevenger, Ann" <AClevenger@oaklandnet.com> wrote:

Good afternoon,

I am almost finished with preparing a draft decision letter, and will hand it over to the Zoning Manager for review probably tomorrow. I cannot guarantee no further issues until he looks at it; however, I have resolved to my mind the tree-related issues after reviewing all the documents and getting more info from the Tree Section. I will let you know if I/we have any further issues as soon as possible.

Thanks,  
Ann

**Ann Clevenger, Planner III, AICP** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** Charonnat Design [mailto:charonnatdesign@gmail.com]  
**Sent:** Friday, January 16, 2015 2:22 PM  
**To:** Clevenger, Ann  
**Subject:** Re: PLN 14268 - 6754 Aitken Dr - [NEW SFD] \*Request for Status ((SECOND REQUEST)) <<<third request>>>

ok

**Leal Charonnat, Architect**

**CHARONNAT - ARCHITECT+ENGINEERING**  
1 - 5th Avenue Ste 1-9 Oakland Calif 94606  
(510) 436-3466 FAX (877) 769-9966 [REDACTED]

On Fri, Jan 16, 2015 at 2:10 PM, Clevenger, Ann <AClevenger@oaklandnet.com> wrote:  
Hi, Leal,

I am just getting back to it and plan to meet with my Zoning manager next week to make sure we can support the design before issuing a decision. I will have feedback for you next week.

Thank you,

Ann

Ann Clevenger, Planner III, AICP | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** Charonnat Design [REDACTED]  
**Sent:** Thursday, January 15, 2015 11:44 AM  
**To:** Clevenger, Ann; Miller, Scott  
**Cc:** Edward Xiao  
**Subject:** Re: PLN 14268 - 6754 Aitken Dr - [NEW SFD] \*Request for Status ((SECOND REQUEST)) <<<third request>>>

**Last Thursday (January 8, 2014) Edward Xiao [owner] stopped by the Planning offices and reported to us he was able to talk with Ann about this project.**

**We were told that she just came back from 1.5 week vacation will give an update next week since she needed to clear up some backup workload. She also said to send her an email on next Wednesday if there is no update from her."**

**This is now Thursday January 15, 2014.**

**We have not received any 'update' on this project.**

**Again, we need to emphasize that the public comment period on this project closed on October 27, 2014 - that is about 2-1/2 months ago. (At a previous meeting we were told it would be a few weeks after that for a Planning decision to be made, followed by a week or two for the Director of Planning to review. To date we have received no report.)**

**An update is anticipated and would be professionally appreciated.**

**Thank you.**



**Leal Charonnat, Architect**

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On Thu, Jan 8, 2015 at 10:30 AM, Charonnat Design wrote:

Hello all - I sent the (below) last week [which was sent 2 months after public comment period closed] so this is our second request.

- WHAT IS REVIEW STATUS?
- WHO IS NOW REVIEWING PROJECT?
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*(As of today [Thursday January 8, 2015] we have still not received any communication regarding the status of this project. On that basis, we do not know if information that is missing, or other responses to the application for this project. Please let us know if this is not correct.)*

*Thanks!*

*[see previous email for attachments]*

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On Wed, Dec 31, 2014 at 1:28 PM, Charonnat Design wrote:

Ann - please see attached letter and documentation.

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To date we have received no communication on this project except for one email copy from a neighbor concerned about one tree. That issue is completely addressed and dismissed per attache letter from our arborist. Note that he references information already submitted with our initial project application - except for his letter there is no new information provided.

A separate sheet is provided that notes some of the technological features of this project.

This project conforms to the basic requirements for the zoning. Indeed, the side setbacks are more than required.

This project conforms to the basic guidelines for single family dwellings. This project protects the views and privacy of adjacent neighbors.

This project preserves every tree on the property excluding those the arborist recommended for removal (2) not within the building footprint.

This project requires a minimum amount of excavation - particularly when compared to neighboring properties (which if copied would require more than 2000 CY of excavation.

This project exceeds the platinum level of the Green Rating sheet.

This project design is specifically driven to be a zero-carbon project with both EV and hydro solar panels.

All in all, we are looking forward to having this project approved - as is.

Thank you.

*(NOTE - SOME DOCUMENTS ARE LARGER THAN LETTER SIZE)*

**Leal Charonnat, Architect**

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**Todd, Amber**

---

**From:** Clevenger, Ann  
**Sent:** Thursday, March 19, 2015 5:11 PM  
**To:** Edward Xiao  
**Cc:** Miller, Scott  
**Subject:** RE: PLN 14268 - 6754 Aitken Dr - [NEW SFD] \*Request for Status ((SECOND REQUEST)) <<<third request>>>  
**Attachments:** Aitken Drive, 6754, Appeal Doc 031215.pdf

Hello, Edward,

Attached is a pdf of the appeal document, per your request.

Regards,  
Ann

**Ann Clevenger, Planner III, AICP** | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

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**From:** Edward Xiao [REDACTED]  
**Sent:** Thursday, March 19, 2015 12:04 PM  
**To:** Clevenger, Ann  
**Subject:** Re: PLN 14268 - 6754 Aitken Dr - [NEW SFD] \*Request for Status ((SECOND REQUEST)) <<<third request>>>

Hi Ann,

Thanks for the neighbor's appeal update from Scott and you today. Can you email me pdf scan file of the neighbor's appeal? I like to see that she filed the appeal before the deadline 3/12/2015 before I spending extra money to bring in my Arborist and Architect for next week Thursday's face to face conference. Thanks in adance.

-Edward

On Monday, March 16, 2015 4:10 PM, Edward Xiao [REDACTED] wrote:

Hi Ann,

I got the planning approval letter. Thanks a lot. Did any one filed challege to the planning approval decision before 3/12/2015? If not, then I guess I can get the tree permit removal permit from planning, correct? Please let me know. Thanks in advance.

-Edward

On Thursday, February 5, 2015 10:31 PM, Edward Xiao [REDACTED] wrote:

Thanks for the update, Ann.

-Edward

On Thursday, February 5, 2015 5:07 PM, "Clevenger, Ann" <[AClevenger@oaklandnet.com](mailto:AClevenger@oaklandnet.com)> wrote:

Good afternoon,

I am almost finished with preparing a draft decision letter, and will hand it over to the Zoning Manager for review probably tomorrow. I cannot guarantee no further issues until he looks at it; however, I have resolved to my mind the tree-related issues after reviewing all the documents and getting more info from the Tree Section. I will let you know if I/we have any further issues as soon as possible.

Thanks,  
Ann

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**From:** Charonnat Design [REDACTED]  
**Sent:** Friday, January 16, 2015 2:22 PM  
**To:** Clevenger, Ann  
**Subject:** Re: PLN 14268 - 6754 Aitken Dr - [NEW SFD] \*Request for Status ((SECOND REQUEST)) <<<third request>>>

ok

**Leal Charonnat, Architect**

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**Todd, Amber**

---

**From:** Edward Xiao [REDACTED]  
**Sent:** Thursday, March 19, 2015 9:08 PM  
**To:** Clevenger, Ann; Miller, Scott  
**Subject:** Fw: Neighbor to File Challenge for 6754 Aitken Dr Project Planning Approval

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Ann and Scott, I just confirmed schedule for next week Thursday 4PM from my Arborist and Architect. Please confirm schedule from your side and with the neighbor.

-Edward

On Thursday, March 19, 2015 7:01 PM, Dennis Yniguez <[dennis@treedecisions.com](mailto:dennis@treedecisions.com)> wrote:

Hi Edward,

I just entered your conference meeting on next week's calendar, and will be at the site at 4:00 p.m. on Thursday, March 26th. Would you please respond with an email confirming this date and time so that I'll know whether to keep it available? Thanks!

Best regards,

Dennis Yniguez  
Registered Consulting Arborist  
TREE DECISIONS  
1428 Spruce Street, Berkeley, California 94709  
TEL 510.649.9291; CELL [REDACTED]  
[dennis@treedecisions.com](mailto:dennis@treedecisions.com)

---

**From:** Edward Xiao [REDACTED]  
**To:** Dennis Yniguez <[dennis@treedecisions.com](mailto:dennis@treedecisions.com)>; Charonnat Design [REDACTED]  
**Sent:** Thursday, March 19, 2015 10:31 AM  
**Subject:** Neighbor to File Challenge for 6754 Aitken Dr Project Planning Approval

Hi Dennis and Leal,  
Scott Miller and Ann Clevenger from City of Oakland Planning Department called me this morning. They said the neighbor filed paper work to appeal the planning department's approval decision.

The neighbor is still not convinced that the big oak tree will survive the construction activity. The city suggest that they will bring in City of Oakland's tree department expert and act as mediator between the neighbor and us to convince the neighbor to drop the appeal. We plan to held the face to face conference meeting at next week Thursday around 4 to 5 PM. Can you both make it to the conference? If not, we will have to reschedule.

-Edward

**Todd, Amber**

---

**From:** Charonnat Design [REDACTED]  
**Sent:** Thursday, March 19, 2015 9:58 PM  
**To:** Clevenger, Ann  
**Subject:** 6754 AITKEN DR - \* Request for copy of appeal (by email or fax)

Hello Ann -

I understand there is an appeal to the approval and a meeting is requested next Thursday (both the arborist and myself plan to attend - location of meeting to be verified)

Please forward any written copy of the appeal either by

- **email** to **charonnatdesign@gmail.com**, or
- **fax** hard copy [if email no available] to **(877) 769-9966**

**Thanks!**

**Leal Charonnat, Architect**

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(510) 436-3466 FAX (877) 769-9966 [REDACTED]



**Todd, Amber**

---

**From:** [REDACTED]  
**Sent:** Friday, March 20, 2015 9:10 AM  
**To:** Miller, Scott; Clevenger, Ann  
**Subject:** PLN14268

Good Morning Scott and Ann,  
When is the meeting scheduled for Mr. Xiao and me to occur?  
I am curious, why was there no public hearing prior to the Approval of Plan Review?  
I could have hired my own arborist to inspect the Tree A and look at the Site Plan to give me an opinion as to whether or not this leaning oak tree could survive excavation within the 10 foot radius of the dripline. How can the approved plans be put into effect (requiring a 10 foot fence around the dripline ) when the house footprint and thus excavation are WITHIN this circle?  
thank you for your time and consideration,  
Catherine Teegarden  
[REDACTED]