

Todd, Amber

From: Clevenger, Ann
Sent: Friday, January 16, 2015 2:11 PM
To: Charonnat Design
Subject: RE: PLN 14268 - 6754 Aitken Dr - [NEW SFD] *Request for Status ((SECOND REQUEST)) <<<third request>>>

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 | Website: 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

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?
- 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

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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 - 5 t h A v e n u e S t e 1 - 9 O a k l a n d C a l i f 9 4 6
0 6
(510) 436-3466 FAX (877) 769-9966 [REDACTED]

Todd, Amber

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> wrote:

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

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Leal Charonnat, Architect

[REDACTED]
1 - 5 t h A v e n u e S t e 1 - 9 O a k l a n d C a l i f 9 4 6
0 6
(510) 436-3466 F A X (877) 769-9966 [REDACTED]

Todd, Amber

From: Clevenger, Ann
Sent: Monday, January 26, 2015 11:53 AM
To: [REDACTED]
Cc: Luster, Gay
Subject: 6754 Aitken Drive (PLN14268) (T1400099)

Hello, Mr. Xiao and Charronat,

I have been studying the information provided for the proposed new dwelling at 6754 Aitken Drive, and have a few concerns:

1. The Tree Protection Zone(TPZ's) as described in writing and on a map contained in the Arborist's report dated April 4, 2014, were designed to protect those remaining trees on the site that are not planned for removal. The recommendations require fencing off of these zones and prohibiting activity (parking storing of vehicles, trailers, equipment, chemicals, excavated soil, etc., as well as grading) within these areas. The site plan shows, however, that there will be stairs, retaining walls, and grading in these areas. Please provide revised plans or more detailed information as to how these TPZ's will be protected.
2. The Design Guidelines call for the pedestrian entry (entrance, entry path) to be given emphasis over the vehicular (parking, driveway). Please provide more detailed information as to how this will be achieved. At this time, the garage doors and service "man door" on the front façade of the building appears to be very dominant and the pedestrian entry and entry path is not very clear.

I am also including the preliminary comments from our Engineering Services staff for your review and consideration (see below).

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

- 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.
- The address is in the Very High Hazard Security Zone (Fire Zone) and the applicable codes for this zone will apply.
- 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.
- 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.

Thanks David

Thank you for your patience. We look forward to resolving these items and moving forward to a conclusion of the Design Review process.

Ann Clevenger, Planner III

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Todd, Amber

From: Luster, Gay
Sent: Tuesday, January 27, 2015 9:27 AM
To: Clevenger, Ann
Subject: RE: 6754 Aitken Drive (PLN14268) (T1400099)
Attachments: 6754 Aitken Dr T1400099.pdf

Hi Ann-

Attached is a copy of approved tree permit for 6754 Aitken Dr. Note that No. 19 is a condition which specifies that the property owner retain a consulting arborist for this project.

Following is contact info for this consulting arborist:

Tree Decisions
Dennis Yniguez
1428 Spruce St
Berkeley, CA 94709
510-649-9291
dennis@treedecisions.com

Gay Luster
Administrative Assistant
Tree Services Division
Bureau of Facilities & Environment
City of Oakland | Public Works Agency | APWA Accredited Agency
7101 Edgewater Dr, Bldg 4 | Oakland, CA 94621
(510) 615-5934 | (510) 615-5845 Fax
gluster@oaklandnet.com

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

From: Clevenger, Ann
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Cc: Luster, Gay
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TREE PERMIT DECISION

City of Oakland, Public Works Agency

Tree Services Unit, 7101 Edgewater Drive, Oakland, CA 94621, (510) 615-5934
Chapter 12.36, Oakland Municipal Code, Protected Trees Ordinance

Permit # T14-00099

Address: 6754 Aitken Drive

Expires: One year from date of issuance

Decision: 9-26-14*

Applicant: Leal Charonnat

Permit Type: Development

Q#	TREE LIST Species	Preservation Required	Removal Approved	Replace Tree	Pay Fee
1	Bay Laurel	---	Yes	Yes	---
3	Monterey Cypress	---	Yes	---	---
1	Big Leaf Maple	---	Yes	---	---
1	Cotoneaster	---	Yes	---	---
9	Coast Live Oak	Yes	---	---	---
5	Bay Laurel	Yes	---	---	---
4	Monterey Cypress	Yes	---	---	---
1	Monterey Pine	Yes	---	---	---
1	Photinia	Yes	---	---	---

FINDINGS

Six protected trees were approved for removal. They were located within the footprint of a proposed home, too close to the home, or would be damaged by construction. Twenty protected trees would be preserved on the property.

The property owner shall comply with the tree protection plan described in the report for 6754 Aitken Drive, prepared by Dennis Yniguez, Registered Consulting Arborist, dated April 4, 2014. Staff made one change to the tree protection fencing. The tree protection zones shall use chain link fencing per Conditions of Approval number seven below. Orange plastic fencing was unacceptable.

The property owner shall retain a Project Arborist. The Project Arborist shall implement and monitor tree preservation measures for pre-construction, construction and post-construction phases; see Conditions of Approval number 19 for more information.

TREE PERMIT APPROVAL CRITERIA – Chapter 12.36.050(A), Oakland Municipal Code

The applicant's request accomplished the following objective(s):

- ☒ 1. Insured the public health and safety as it related to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers.
- ☐ 2. Avoided an unconstitutional regulatory taking of property.
- ☐ 3. Took reasonable advantage of views, including such measures mandated by the resolution of a view claim in accordance with the view preservation ordinance (Chapter 15.52 of the Oakland Municipal Code).
- ☐ 4. Pursued accepted, professional practices of forestry or landscape design. Submission of a landscape plan acceptable to the Director of Public Works shall constitute compliance with this criterion.
- ☐ 5. Implemented the vegetation management prescriptions in the S-11 site development review zone.

☐ *None of the objectives above were accomplished by the proposed removal(s).*
☐ *No removals were requested. Trees were going to be protected during construction.*

TREE PERMIT DENIAL CRITERIA - Chapter 12.36.050(B), OMC

Any one of the following situations was grounds for permit denial, regardless of the findings in section (A) above:

- ☐ 1. Removal of a healthy tree of a protected species could be avoided by (a) reasonable redesign of the site plan, prior to construction, or (b) trimming, thinning, tree surgery or other reasonable treatment.
- ☐ 2. Adequate provisions for drainage, erosion control, land stability or windscreen were not made and problems were anticipated as a result of the removal.
- ☐ 3. The tree to be removed was a member of a group of trees in which each tree was dependent upon the others for survival.
- ☐ 4. The monetary value of the tree was greater than the cost of its preservation to the property owner, including any additional design and construction expenses.

☒ *There were no grounds to deny the permit.*

OAKLAND MUNICIPAL CODE SECTION 12.36.070(E) CEQA REVIEW

The project was exempt from CEQA review.

OAKLAND MUNICIPAL CODE SECTION 12.36.060 CONDITIONS OF APPROVAL

The following conditions were imposed:

1. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant and its contractor shall defend (with counsel acceptable to the City),

indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its respective agents, officers, employees and volunteers (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City for or on account of any damage to property or bodily injury, including death, or damage sustained or arising out of, related to or caused by in any way from the performance of work in this tree permit matter. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.

2. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its respective agents, officers, employees and volunteers (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (a) an approval by the City relating to this tree permit matter, City's CEQA approvals and determination, and/or notices in the tree permit matter; or (b) implementation of such. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
3. **Letter of Agreement.** Within ten (10) calendar days of the filing of any Action as specified in conditions 1 or 2 above, the applicant and/or its contractor shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in this Section or any other requirements or conditions of approval that may be imposed by the City.
4. **Tree Protection.** The property owner shall comply with the tree protection plan described in the report for 6754 Aitken Drive, prepared by Dennis Yniguez, Registered Consulting Arborist, dated April 4, 2014.
5. **Debris.** All debris created as a result of any tree removal work shall be removed from the property by the applicant within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.
6. **Dust.** Periodically during construction, the leaves of protected trees shall be thoroughly sprayed with water to prevent buildup of dust and other pollution that would inhibit leaf transpiration and photosynthesis.
7. **Fencing.** Tree protection fencing shall be chain link, installed on metal posts driven into the ground, and shall be a minimum of 5 feet tall.
8. **Hazards.** The removal of extremely hazardous, diseased, and/or dead trees shall be required where such trees have been identified by the City Arborist.

9. **Insurance.** Workers compensation, public liability, and property damage insurance shall be provided by any person(s) performing tree removal work authorized by a tree removal permit.
10. **Miscellaneous.** No storage or dumping of oil, gas, chemicals, or other substances that may be harmful to trees shall occur within the drip line of any protected trees, or any other location on the site from which such substances might enter the protected perimeter. No heavy construction equipment or construction materials shall be operated or stored within the drip line any protected trees. Wires, ropes, or other devices shall not be attached to any protected tree, except as needed for support of the tree. No sign, other than a tag showing the botanical classification, shall be attached to any protected tree.
11. **Nesting Birds.** To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.
12. **Permit.** Tree removal, as defined in the Protected Trees Ordinance, Section 12.36.020 of the Oakland Municipal Code, may not start unless and until the applicant has received this permit from Tree Services.
13. **Posting.** The applicant shall post a copy of the tree removal permit in plain view on site while tree removal work is underway.
14. **Pruning.** Construction personnel shall not prune trees or tree roots. Tree pruning of the crown or roots (if done) shall be performed by a licensed, insured tree work contractor that has an arborist on staff certified by the International Society of Arboriculture.
15. **Recording.** The applicant/owner(s) shall record the conditions of approval attached to this permit with the Alameda County Recorder's Office in a form prescribed by the Director of Public Works.
16. **Root Protection.** Roots shall be preserved and no activities shall affect the health and safety of existing trees. If roots are encountered, they may be cut only if they are less than two-inch diameter. Hand tools must be used to cut the roots; the use of excavators, backhoes, or similar equipment is prohibited. Roots larger than two-inch diameter may be cut only if inspected and approved in advance. All work must be done by a Certified Arborist from the International Society of Arboriculture or a Registered Consulting Arborist from the American Society of Consulting Arborists.

- 17. Tree Damage.** If any damage to a protected tree should occur during or as a result of work on the site, the property owner/contractor shall immediately notify the Tree Services Division of such damage. If, in the professional opinion of the City Arborist, such tree cannot be preserved in a healthy state, the Arborist shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Arborist to compensate for the loss of the tree that is removed.
- 18. Replacement Tree.** The property owner shall plant one replacement tree on the property. The replacement tree shall be excellent quality nursery stock and maintained by the applicant until established. Any replacement planting which fails to become established within one year of installation shall be replanted at the applicant's expense. The tree shall be installed prior to the issuance of a certificate of occupancy, subject to seasonal constraints. A photograph of the replacement tree, installed in the landscape of the property, shall be mailed or emailed to Tree Services within one week of the replacement tree being installed.
- A. The minimum size replacement tree shall be a twenty-four (24) inch box, except that three, fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate, if approved by the City Arborist.
 - B. Replacement tree species shall be *Sequoia sempervirens* (coast redwood), *Quercus agrifolia* (coast live oak), *Arbutus menziesii* (madrone), *Aesculus californica* (California buckeye) or *Umbellularia californica* (California bay laurel).
- 19. Project Arborist.** The property owner shall retain a consulting arborist for the project. The arborist shall be a Certified Arborist from the International Society of Arboriculture or a Registered Consulting Arborist from the American Society of Consulting Arborists. The arborist shall recommend, implement, and monitor preservation measures for pre-construction, construction and post-construction phases. Site development shall not damage protected trees directly or indirectly. Preservation measures shall include, but are not limited to: wood chip mulch, supplemental irrigation, pruning, Tree Protection Zone with chain-link fence, and hand-digging to protect roots.

M. Thomson

9-26-14

Mitch Thomson
Arboricultural Inspector

Date

Robert Zahn

Robert Zahn
Tree Supervisor II

Date

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

Certified Arborist ® WE-8102A

**This decision of the Public Works Agency, Tree Services Section may be appealed by the applicant, or the owner of any "adjoining" or "confronting" property, to the City Council within five (5) working days after the date of this decision and by 5:00 p.m. The term "adjoining" means immediately next to, and the term "confronting" means in front of or in back of. An appeal shall be on a form prescribed by and filed with the City Clerk, at One Frank H. Ogawa Plaza, second floor. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the City or wherein such decision is not supported by the evidence in the record and must include payment of \$500.00, in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal this decision and raise any and all issues in your appeal may preclude you from challenging this determination in court.*

Todd, Amber

From: Clevenger, Ann
Sent: Wednesday, January 28, 2015 11:52 AM
To: Luster, Gay
Subject: 6754 Aitken Drive
Attachments: Re: Fw: PLN14268; Fw: Fw: PLN14268

Hi, Gay,

I received these e-mails from the applicant (a while back), attempting to address the tree protection zone issue. Is this something that the Tree Inspector can look at and opine on? I'm not sure the work he is talking about is acceptable, given it is in the TPZ delineated by the arborist. My take is that nothing can be done in the TPZ. (Let me know if the attachments don't go through – I can send them separately – they are enlarged site plans of the subject area with more detail and proposed changes to address the issue).

Thanks!
Ann

Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Thursday, November 20, 2014 11:07 PM
To: Clevenger, Ann
Cc: Charonnat Design
Subject: Re: Fw: PLN14268
Attachments: 6760-AITKEN---Neighbor-Tree-with-foundation-walls-DSC09561-.jpg

Follow Up Flag: Follow up
Flag Status: Completed

Hi Ann,

My architect just did a detail calculation for the existing plan that we submitted to the city and we think our proposed modification might not be necessary. The 10 ft radius within the big oak tree is 314 sqft. The existing landing pad is 5.3x2.5 ft, total of 13 sqft which will only cover 4% of the 10ft radius of the oak tree. On the other hand, Catherine's [REDACTED] has a giant tree that is within 1 ft of her house's front and right hand side garage retaining wall foundation, please see attached picture. Her giant tree obviously recover nicely. Our arborist report also points out that oak tree's root system will recover from minor injury. The existing plan's landing pad area will be hand excavated per my architect's grading plan specification. Also, I will ask my arborist to supervise the hand excavation near the oak tree. Please take our comments into consideration for your design review decision. Thanks.

-Edward

On Wednesday, November 19, 2014 4:34 PM, Edward Xiao [REDACTED] wrote:

Hi Ann,

Here is my architect's update in response to Catherine's landing pad near Oak tree comment. Please see attached jpg file as well. The entry level is already cantilever overhang on top of garage foundation which is 10 ft away from the trunk of the Oak tree per arborist report recommendation, so no major excavation near the oak tree. Leal modified the entry landing pad so that all staircase steps and land pad area will be above grade, hence no major excavation either.

-Edward

On Wednesday, November 19, 2014 10:38 AM, Charonnat Design [REDACTED] wrote:

Hi Edward

Things can only be about 6-feet maximum above grade in the Front Setback area (5-feet in from the front property line) so i don't think that idea is possible.

Instead, i suggest a simpler approach:

Hello, Mr. Xiao,

I am forwarding the most recent e-mail comments from a neighbor to the project site. I will review for this in the arborist report you provided and need to consider this in my review.

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 | Website: www.oaklandnet.com/planning

From: Fixerloans1@yahoo.com [<mailto:Fixerloans1@yahoo.com>]

Sent: Monday, October 27, 2014 3:55 PM

To: Miller, Scott

Cc: Clevenger, Ann

Subject: PLN14268

Dear Scott and Ann,

I came down to Zoning-Planning at the city today and received the "Site Plan" for new proposed ground-up construction at 6754 Aitken Dr.


I have sent 2 letters and this is an amendment:

I now see that the stairs going up to Mr. Xiao's front door and his front porch are far within the circle of the canopy and thus the root system of a very large oak tree near the property line with mine. The footprint of the house is even within this circle. That means that the root system will be disturbed and this huge beautiful oak tree could fall due to this problem. It is a steep hillside so it is already leaning, but is held in place by the root system. It looks like this tragedy will be very likely. Mr. Xiao's front porch is only 3 and a half feet from the tree trunk! This is unacceptable.

I protest these plans.

thank you,

Catherine Teegarden



Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Wednesday, November 19, 2014 4:34 PM
To: Clevenger, Ann
Cc: Charonnat Design
Subject: Fw: Fw: PLN14268
Attachments: 6754 AITKEN 5_83 v4ca 07_2 ENTRY LEVEL PLAN (ENTRY MODS).jpg

Hi Ann,

Here is my architect's update in response to Catherine's landing pad near Oak tree comment. Please see attached jpg file as well. The entry level is already cantilever overhang on top of garage foundation which is 10 ft away from the trunk of the Oak tree per arborist report recommendation, so no major excavation near the oak tree. Leal modified the entry landing pad so that all staircase steps and land pad area will be above grade, hence no major excavation either.

-Edward

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Hi Edward

Things can only be about 6-feet maximum above grade in the Front Setback area (5-feet in from the front property line) so i don't think that idea is possible.

Instead, i suggest a simpler approach:

- eliminate the small portion of front entrance landing to the left (uphill) of front door.
- make the entrance landing more square
- shift the front door to the front (street) slightly to center on landing
- shift second (upper) flight of outside entrance steps to accommodate change in front landing.

This is easily doable. All outside steps, etc will be above grade in the tree zone.

Note that the grading plan specifically calls out that work in the entrance area is to be done by "hand" - not machine - in order to be careful working within the tree zone.

The steps and landing in the tree zone are above grade.

Cc: Clevenger, Ann
Subject: PLN14268

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I have sent 2 letters and this is an amendment:

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I protest these plans.

thank you,

Catherine Teegarden



SHIFT STEPS TO LEFT SIDE 1-FOOT TO MAKE PORCH LANDING DEEPER (SQUARE SHAPER)

TREE IS AT ELEV 1100.3

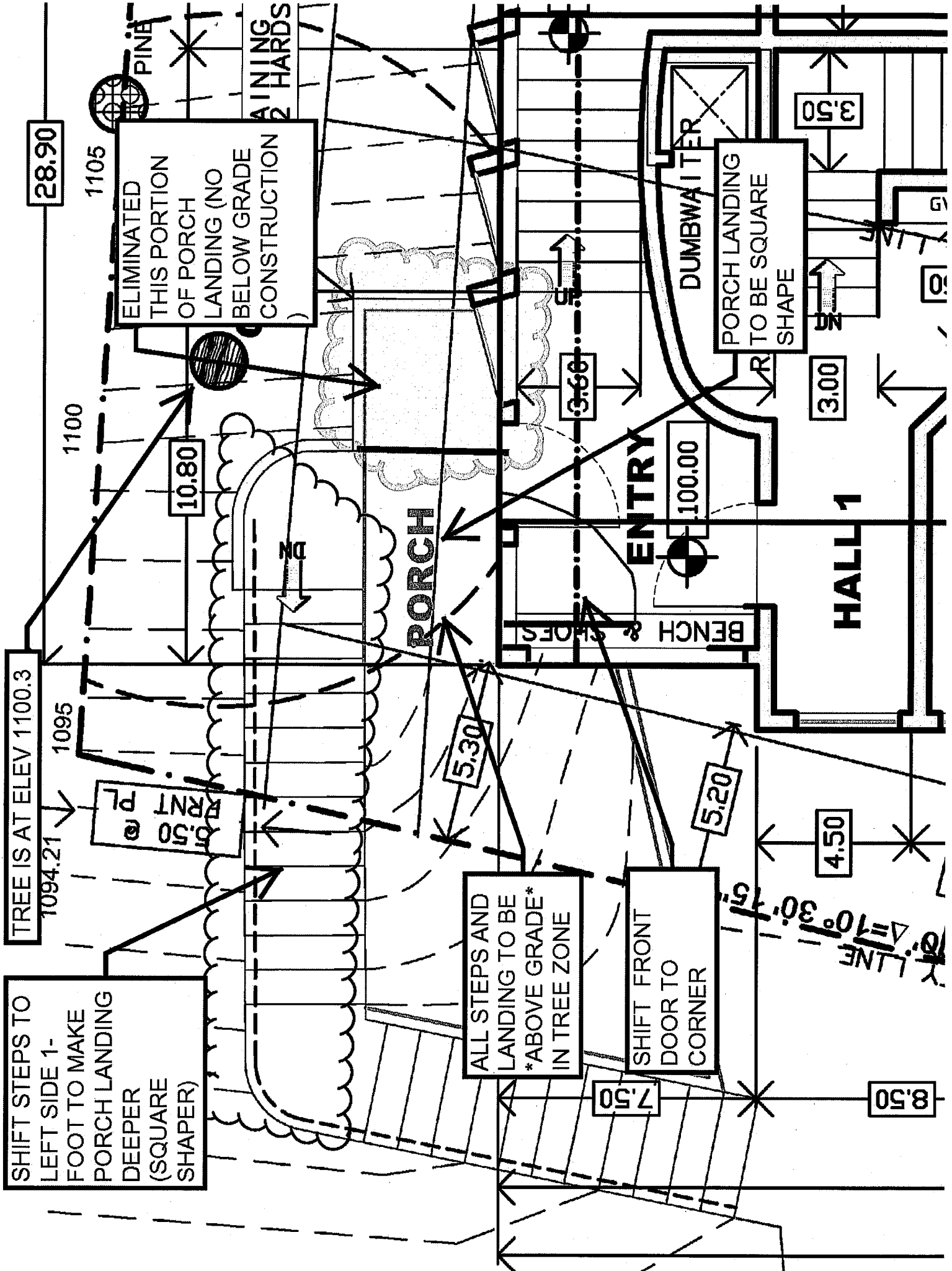
FRNT PL
@ 5.50

ELIMINATED THIS PORTION OF PORCH LANDING (NO BELOW GRADE CONSTRUCTION)

ALL STEPS AND LANDING TO BE ABOVE GRADE* IN TREE ZONE

SHIFT FRONT DOOR TO CORNER

LINE
Δ=10° 30' 15"



Todd, Amber

From: Clevenger, Ann
Sent: Wednesday, January 28, 2015 1:39 PM
To: [REDACTED]; Charonnat Design [REDACTED]
Subject: Aitken Drive

Good afternoon,

As a follow-up to my previous message, I am in contact with the Tree Division, to get their opinion on whether your proposed specifications regarding the entry and stairs improvements will be sufficient to satisfy the Tree Protection Zone recommendations in the arborist's report, which were reinforced through conditions of the Tree Permit approval.

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 | Website: www.oaklandnet.com/planning

Todd, Amber

From: Luster, Gay
Sent: Wednesday, January 28, 2015 3:17 PM
To: Clevenger, Ann
Cc: Thomson, Mitchell
Subject: RE: 6754 Aitken Drive

Hi Ann-

I spoke to Mitch about this and he said it would not be up to him to inspect. The consulting arborist that was listed should be managing any issues with the tree protection zone and making sure that any changes or monitoring of such are consistent with the Protected Tree Ordinance.

Gay

From: Clevenger, Ann
Sent: Wednesday, January 28, 2015 11:52 AM
To: Luster, Gay
Subject: 6754 Aitken Drive

Hi, Gay,

I received these e-mails from the applicant (a while back), attempting to address the tree protection zone issue. Is this something that the Tree Inspector can look at and opine on? I'm not sure the work he is talking about is acceptable, given it is in the TPZ delineated by the arborist. My take is that nothing can be done in the TPZ. (Let me know if the attachments don't go through – I can send them separately – they are enlarged site plans of the subject area with more detail and proposed changes to address the issue).

Thanks!
Ann

Todd, Amber

From: Charonnat Design [REDACTED]
Sent: Wednesday, January 28, 2015 3:24 PM
To: Clevenger, Ann
Cc: Edward Xiao
Subject: Re: Aitken Drive
Attachments: LEFT PATIO DETAIL 6754 AITKEN 5_83 v4ca 05_0 GRADING PLAN.pdf; PATIO DETAIL from 6754 AITKEN 5_83 v4ca 04_2 HARDSCAPE PLAN=LTR.pdf; RIGHT PATIO DETAIL 6754 AITKEN 5_83 v4ca 05_0 GRADING PLAN.pdf

Please let us know if you have any further issues or is this it? At this time we are aware of only two issues previously mentioned. We are preparing a more formal response to your two previous comments (including further update by the arborist) but wish to be complete.

Also - Please provide other city reviewers with complete documentation or be sure they are aware that such documentation is included. (For whatever reason, the city engineer did not know a soil report existed - an error we now have to correct for the record.)

Specifically regarding your email to the Tree Division for further review:

- **Please include all the original arborist's reports + Dec 19, 2014 letter** (the complete including supporting documents the arborist provided) for review by the Tree Divisions. The Tree Division will be at a distinct disadvantage should they be reviewing the project without the complete information we have provided. Also, please note included in the original arborist's report is the section "Discoloration and Decay in Severed Tree Roots" - which the arborist also cited in the letter dated December 18, 2014.
- **Tree Protection Zones** - Please note the the 'Tree Protection Zones' are **for the construction period only** - during which time heavy equipment will be traversing the property for drilling foundation piers, excavation, etc. The Tree Protection Zones are specifically to keep all such equipment a distance away from the trees. **See Page 6** of the arborist's 'Evaluation of Construction Effects on Protected Trees' : "*The five small oak would be protected by an orange polypropylene mesh fence.....and would remain during construction....*" In short - the protection zones are to protect the oak trees from harm coming from general construction activities.
- **Hand excavation** - the two issues you have broached regarding work near the oak trees are for hand excavation work. This has been clearly noted on the submittal drawings. In case you have missed that, details of the submittal drawings are attached. These detail drawings should be forward to the Tree Division so they are away of the constraints and care that is being taken regarding the oak trees.

- **East (right hand) Patio outline** - In case you missed it, the Hardscape drawing specifically notes that the actual outline of the patio is to be done under the guidance of the arborist. Details with markup of those notes are attached to this email.

ATTACHED - DETAILS OF NOTES ON HARDSCAPE AND GRADING PLANS REGARDING HAND-EXCAVATION AND ARBORIST REVIEW OF PATIO OUTLINE IN AREAS NEAR OAK TREES.

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 Wed, Jan 28, 2015 at 1:39 PM, Clevenger, Ann <AClevenger@oaklandnet.com> wrote:

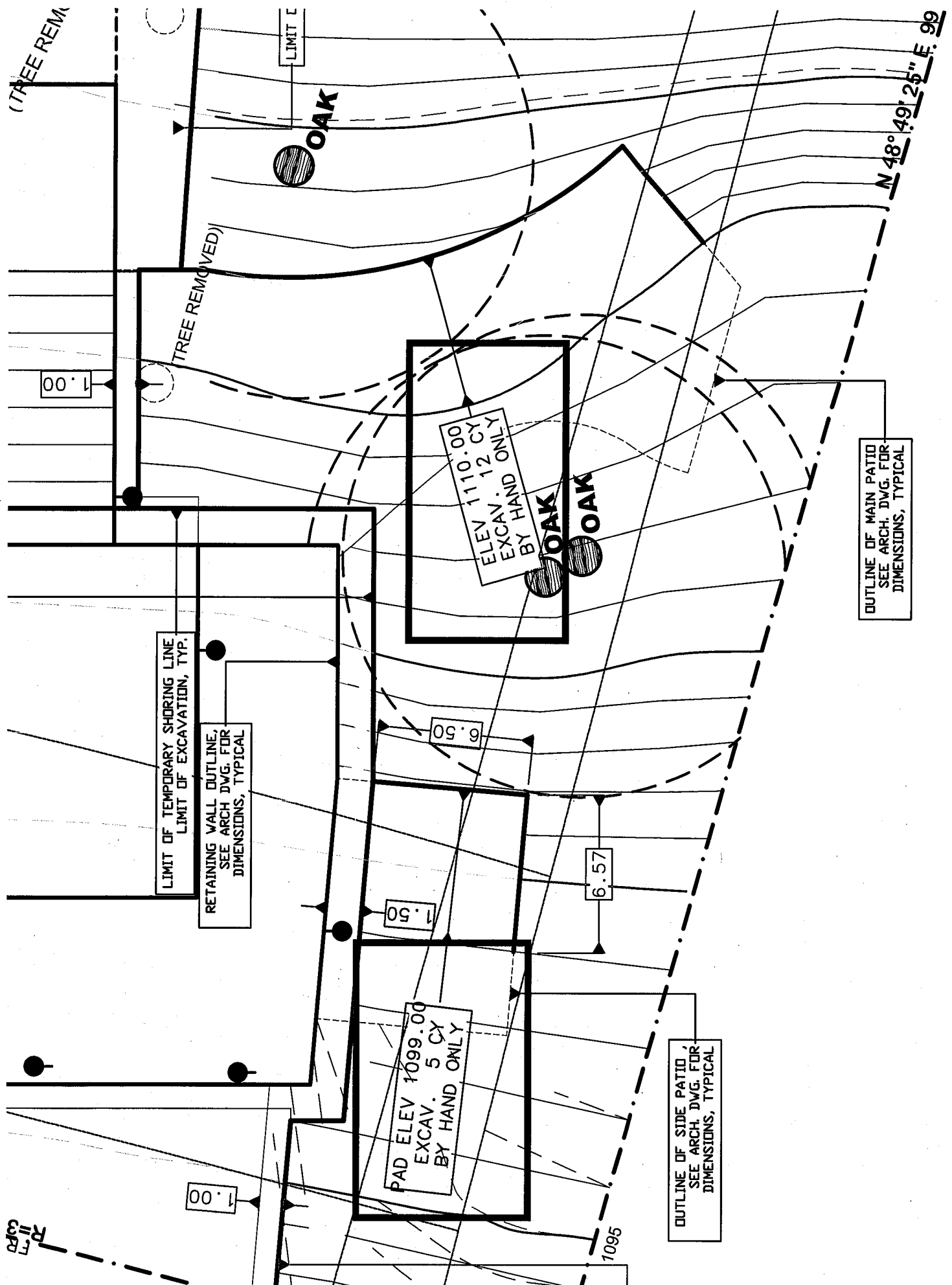
Good afternoon,

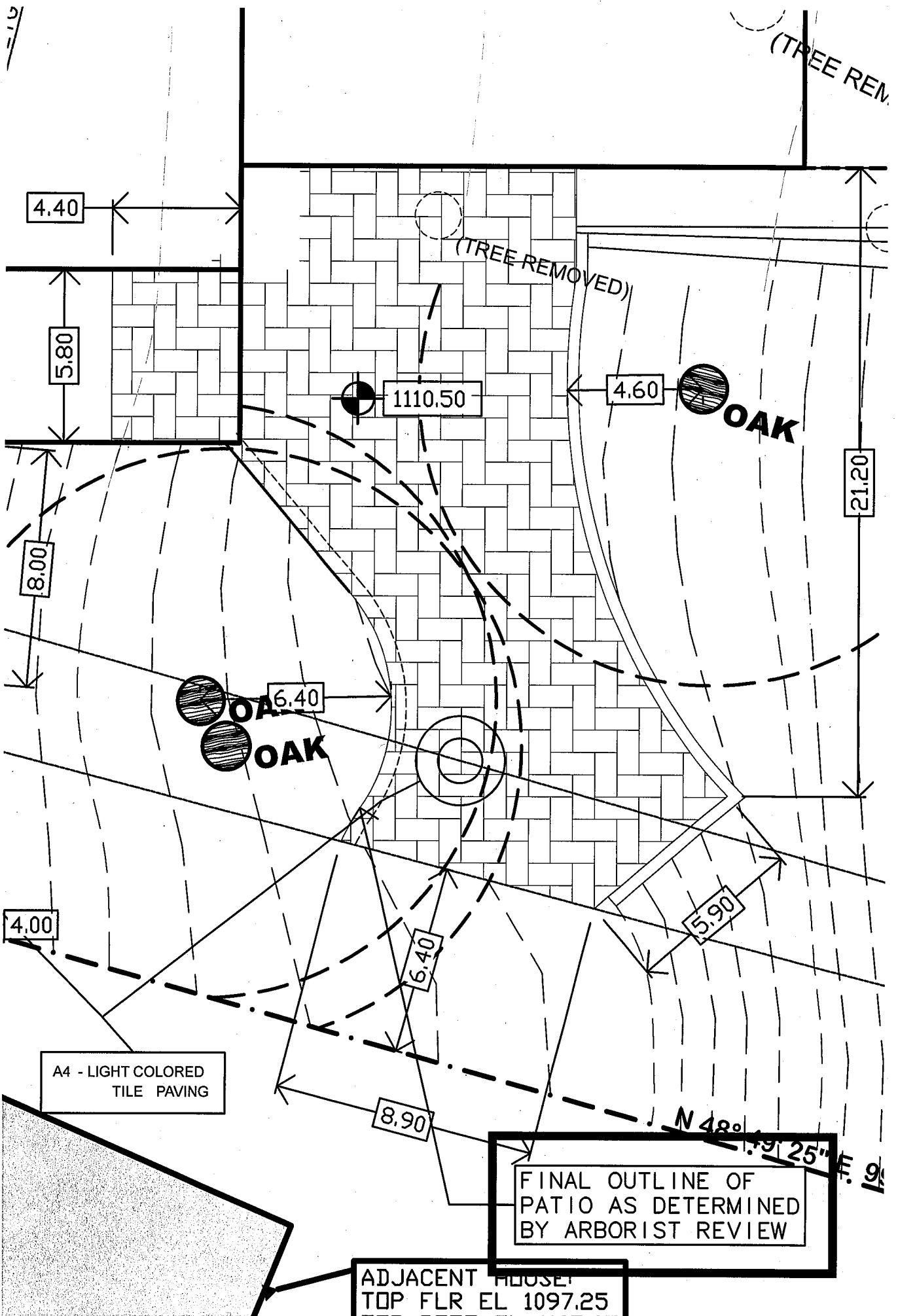
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Thank you.

Ann

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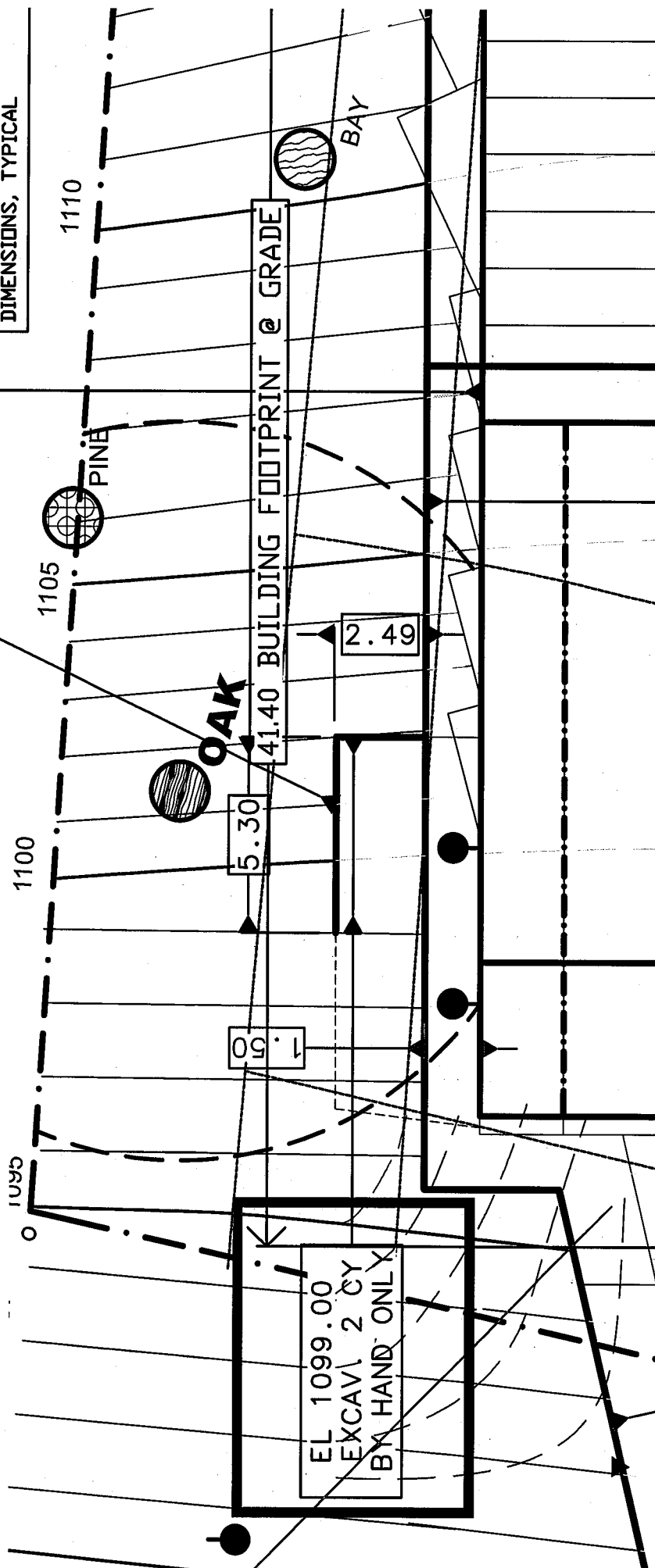




ST. 1/2	10.00	21.00	31.9
9.81	3.50	3.50	31.9
11.68	3.00	8.62	72.4

OUTLINE OF ENTRANCE PAD

OUTLINE OF NEW STRUCTURE,
SEE ARCH. DWG. FOR
DIMENSIONS, TYPICAL



Todd, Amber

From: Clevenger, Ann
Sent: Thursday, February 05, 2015 5:05 PM
To: Charonnat Design; [REDACTED]
Subject: RE: PLN 14268 - 6754 Aitken Dr - [NEW SFD] *Request for Status ((SECOND REQUEST)) <<<third request>>>

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

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

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

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

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?
- 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
[REDACTED] 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

[REDACTED]
1 - 5 t h A v e n u e S t e 1 - 9 O a k l a n d C a l i f 9 4 6
0 6

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

Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Thursday, February 05, 2015 10:32 PM
To: Clevenger, Ann; Charonnat Design
Subject: Re: PLN 14268 - 6754 Aitken Dr - [NEW SFD] *Request for Status ((SECOND REQUEST)) <<<third request>>>

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.

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Sent: Friday, January 16, 2015 2:22 PM
To: Clevenger, Ann
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Leal Charonnat, Architect
CHARONNAT - ARCHITECT+ENGINEERING
1-5th Avenue Ste 1-9 Oakland Calif 94606
(510) 436-3466 FAX (877) 769-9966 [REDACTED]

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[see previous email for attachments]

Leal Charonnat, Architect

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Leal Charonnat, Architect

[REDACTED]
1 - 5 t h A v e n u e S t e 1 - 9 O a k l a n d C a l i f 9 4 6
0 6
(510) 436-3466 FAX (877) 769-9966 [REDACTED]

Todd, Amber

From: Clevenger, Ann
Sent: Friday, February 06, 2015 9:22 AM
To: Luster, Gay
Subject: 6754 Aitken Drive
Attachments: Aitken Drive, 6754 Arborist Supplemental Report 121814.pdf

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 | Website: www.oaklandnet.com/planning

Dennis Yniguez

Registered Consulting Arborist
Dennis@TreeDecisions.com

TREE DECISIONS



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

December 18, 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, who informed me that the City of Oakland would like an arborist opinion evaluating the potential effect of proposed construction on the health of a specific coast live oak at 6754 Aiken Drive.

I prepared an arborist report dated April 4, 2014, that has already been submitted by Mr. Xiao as part of this permit application process. I think that it would help the reader to conceptualize the entire project if the reader could briefly review that report before reviewing this supplementary letter.

The oak tree that is the subject of this letter has been identified as "Tree A" in the arborist report. It is a coast live oak (*Quercus agrifolia*) that is about 18" in diameter (at 4.5 feet above grade) and is located near the southwestern corner of the lot, about 9 feet to the left of the footprint of the proposed residence.

The oak is in very good health, as evidenced by the density, color, and distribution of foliage. It is located on a slope with good drainage, and it exhibits no obvious signs of imminent structural failure in whole or in part. There is no reason to believe that the tree is significantly infected with any root pathogen that could render it unstable.

Two articles in the appendix of the submitted arborist report address the ability of oaks to successfully compartmentalize (limit) decay that may begin at the sites of moderate root severance. One article describes the ability of coast live oaks to survive and thrive after moderate root severance, and without any noticeable decline in appearance or health.

Construction of the garage for this residence would require the limited severance of oak roots at a distance of more than 8 feet from the trunk. Root severance at this distance would not significantly affect the integrity or holding capacity of the "root plate", an area of thicker roots within 1.5 to 2 meters from the trunk that is most important for tree stability. There would be no significant detriment to the health or stability of the oak.


The site plans also indicate that a small concrete landing pad would be constructed adjacent to the garage and as close as five feet from the trunk of Tree A. The pad measures 5.3' X 2.5' (13.25 square feet). This area is less than 5% of the area within a ten-foot radius of the trunk.

A pad of this size would have no significant detrimental effect on soil oxygen diffusion or water and mineral availability. The area around the pad would remain enclosed by fencing established as Tree Protection Zone 1 as indicated in the April 4, 2014 arborist report.

The area to be excavated into the hillside for the concrete pad would be a triangular wedge that would vary from zero to two feet deep and would be excavated entirely by hand to minimize root disruption. If any small roots are encountered, they would be cut cleanly with a sharp tool to maximize the speed and effectiveness of wound closure and compartmentalization.

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. Please feel welcome to contact me if you have any questions or concerns.

Respectfully submitted,



Dennis Yniguez
Registered Consulting Arborist