

**ATTACHMENT C**  
**CONDITIONS OF APPROVAL**  
**1431 FRANKLIN STREET RESIDENTIAL PROJECT**

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**Standard Conditions of Approval –**  
**General Administrative Conditions**

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**1. Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, dated **December 15, 2022** and the approved plans, as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).

**2. Effective Date, Expiration, Extensions and Extinguishment**

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten (10) calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period a complete building permit application has been filed with the Bureau of Building and diligently pursued towards completion, or the authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this Approval, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

**3. Compliance with Other Requirements**

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City’s Bureau of Building, Fire Marshal, Department of Transportation, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

#### **4. Minor and Major Changes**

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

#### **5. Compliance with Conditions of Approval**

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City’s Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

#### **6. Signed Copy of the Approval/Conditions**

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

#### **7. Blight/Nuisances**

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within sixty (60) days of approval, unless an earlier date is specified elsewhere.

## **8. Indemnification**

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their 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 this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys’ fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

## **9. Severability**

The Approval would not have been granted but for the applicability and validity of each and every one of the specified Conditions, and if one or more of such Conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid Conditions consistent with achieving the same purpose and intent of such Approval.

## **10. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Monitoring**

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with Engineering Services and/or the Bureau of Building, if directed by the Director of Public Works, Building Official, Director of City Planning, Director of Transportation, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

## **11. Public Improvements**

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement (“p-job”) permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, Engineering Services, Department of Transportation, and other City

departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

## **12. Compliance Matrix**

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction.

## **13. Construction Management Plan**

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of Building, and other relevant City departments such as the Fire Department, Department of Transportation, and the Public Works Department as directed. The CMP shall contain measures to minimize potential construction impacts including measures to comply with all construction-related Conditions of Approval (and mitigation measures if applicable) such as dust control, construction emissions, hazardous materials, construction days/hours, construction traffic control, waste reduction and recycling, stormwater pollution prevention, noise control, complaint management, and cultural resource management (see applicable Conditions below). The CMP shall provide project-specific information including descriptive procedures, approval documentation, and drawings (such as a site logistics plan, fire safety plan, construction phasing plan, proposed truck routes, traffic control plan, complaint management plan, construction worker parking plan, and litter/debris clean-up plan) that specify how potential construction impacts will be minimized and how each construction-related requirement will be satisfied throughout construction of the project.

## **14. Standard Conditions of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP)**

- a. All mitigation measures identified in the 1431 Franklin Street Residential Project CEQA Analysis are included in the Mitigation Measures and Standard Conditions of Approval And Reporting Program (commonly known as SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Attachment C, as Conditions of Approval of the project. The Standard Conditions of Approval identified in the 1431 Franklin Street Residential Project CEQA Analysis are also included in the SCAMMRP, and are, therefore, incorporated into these Conditions by reference but are not repeated in these Conditions. To the extent that there is any inconsistency between the SCAMMRP and these Conditions, the more restrictive Conditions shall govern. In the event a Standard Condition of Approval or mitigation measure recommended in the 1431 Franklin Street Residential Project CEQA Analysis has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the 1431 Franklin Street Residential Project CEQA Analysis into the SCAMMRP by reference, and adopted as a Condition of Approval. The



project applicant and property owner shall be responsible for compliance with the requirements of any submitted and approved technical reports, all applicable mitigation measures adopted, and with all Conditions of Approval set forth herein at his/her sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or Condition of Approval, and subject to the review and approval by the City of Oakland. The SCAMMRP identifies the timeframe and responsible party for implementation and monitoring for each Standard Condition of Approval and mitigation measure. Unless otherwise specified, monitoring of compliance with the Standard Conditions of Approval and mitigation measures will be the responsibility of the Bureau of Planning, with overall authority concerning compliance residing with the Environmental Review Officer. Adoption of the SCAMMRP will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in section 21081.6 of CEQA.

- b. Prior to the issuance of the first construction-related permit, the project applicant shall pay the applicable mitigation and monitoring fee to the City in accordance with the City's Master Fee Schedule.

## **Standard Conditions of Approval – Environmental Protection Measures**

### **AESTHETICS**

#### **15. Lighting**

Requirement: Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

#### **16. Landscape Plan**

##### **a. *Landscape Plan Required***

- Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakcal/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakcal/groups/pwa/documents/form/oak025595.pdf>, respectively), and with any applicable streetscape plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. ***Landscape Installation***

Requirement: The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. ***Landscape Maintenance***

Requirement: All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**17. Trash and Blight Removal**

Requirement: The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**18. Graffiti Control**

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
  - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
  - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
  - iii. Use of paint with anti-graffiti coating.

- iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
- v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
  - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
  - ii. Covering with new paint to match the color of the surrounding surface.
  - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **AIR QUALITY**

### **19. Criteria Air Pollutant Controls - Construction Related**

Requirement: The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:

- a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).
- c. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.
- d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
- e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.

- f. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **20. Dust Controls – Construction Related**

Requirement: The project applicant shall implement all of the following applicable dust control measures during construction of the project:

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.
- f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- g. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **21. Asbestos in Structures**

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

## **22. Diesel Particulate Matter Controls-Construction Related**

### ***a. Diesel Particulate Matter Reduction Measures***

Requirement: The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions. The project applicant shall choose **one** of the following methods:

- i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors exposed to DPM from project construction emissions. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.

-or-

- ii. All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.

When Required: Prior to issuance of a construction related permit (i), during construction (ii)

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

### ***b. Construction Emissions Minimization Plan (if required by a above)***

Requirement: The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Bay Area Air Quality District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:

- i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment

identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

- ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.

When Required: Prior to issuance of a construction related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

### **23. Stationary Sources of Air Pollution (Toxic Air Contaminants)**

Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose **one** of the following methods:

- a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.

- or -

- b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:
  - i. Installation of non-diesel fueled generators, if feasible, or;
  - ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

## **24. Exposure to Air Pollution (Toxic Air Contaminants)**

### ***a. Health Risk Reduction Measures***

Requirement: The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose **one** of the following methods:

- i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.

- or -

- ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:
  - Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
  - Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).
  - Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
  - The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.
  - Sensitive receptors shall be located on the upper floors of buildings, if feasible.
  - Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwood (*Sequoia sempervirens*).
  - Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.

- Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.
- Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:
  - Installing electrical hook-ups for diesel trucks at loading docks.
  - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
  - Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.
  - Prohibiting trucks from idling for more than two minutes.
  - Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

***b. Maintenance of Health Risk Reduction Measures***

Requirement: The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **GEOLOGY AND SOILS**

### **25. Construction-Related Permit(s)**

Requirement: The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

### **26. Seismic Hazards Zone**

Requirement: The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a



registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards.

The project

applicant shall implement the recommendations contained in the approved report during project design and construction

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

## **GREENHOUSE GAS EMISSIONS / GLOBAL CLIMATE CHANGE**

### **27. ECAP Checklist Compliance.**

Requirement: The project applicant agrees to comply with the ECAP Checklist relied upon in the CEQA Checklist, as well as the transportation memorandum recommendations set forth in the CEQA and non-CEQA transportation memorandums prepared for this project by Fehr and Peers the Transportation and Parking Demand Management Plan (TDM), Transportation Impact Review (Non-CEQA).

When Required: Ongoing.

Initial Approval: Planning & Building Department

Monitoring/Inspection: Planning and Building Department

## **HAZARDS AND HAZARDOUS MATERIALS**

### **28. Hazardous Building Materials and Site Contamination**

#### ***a. Hazardous Building Materials Assessment***

Requirement: The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the

City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

When Required: Prior to approval of demolition, grading, or building permits

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**b. *Environmental Site Assessment Required***

Requirement: The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.

When Required: Prior to approval of construction-related permit.

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

**c. *Health and Safety Plan Required***

Requirement: The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**d. *Best Management Practices (BMPs) Required for Contaminated Sites***

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:

- i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.
- ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **29. Hazardous Materials Related to Construction**

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:

- a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;
- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **CULTURAL RESOURCES**

### **30. Archaeological and Paleontological Resources – Discovery During Construction**

Requirement: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **31. Human Remains – Discovery During Construction**

Requirement: The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources.

#### **Provision A: Intensive Pre-Construction Study.**

The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:

- a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.
- b. A report disseminating the results of this research.
- c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.

If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site

during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior's Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.

**Provision B: Construction ALERT Sheet.**

The project applicant shall prepare a construction "ALERT" sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project's prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.

The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City's Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.

When Required: Prior to approval of construction-related permit; during construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

## **HYDROLOGY AND WATER QUALITY**

### **32. Erosion and Sedimentation Control Plan for Construction**

#### ***a. Erosion and Sedimentation Control Plan Required***

Requirement: The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or

carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

***b. Erosion and Sedimentation Control During Construction***

Requirement: The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

**33. NPDES C.3 Stormwater Requirements for Regulated Projects**

***a. Post-Construction Stormwater Management Plan Required***

Requirement: The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:

- i. Location and size of new and replaced impervious surface;
- ii. Directional surface flow of stormwater runoff;
- iii. Location of proposed on-site storm drain lines;
- iv. Site design measures to reduce the amount of impervious surface area;
- v. Source control measures to limit stormwater pollution;
- vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and

vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

***b. Maintenance Agreement Required***

Requirement: The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:

- i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.

The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

## **NOISE**

### **34. Construction Days/Hours**

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
- c. No construction is allowed on Sunday or federal holidays.

Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency

nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **35. Construction Noise**

Requirement: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

- a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.
- b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.
- c. Applicant shall use temporary power poles instead of generators where feasible.
- d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **36. Extreme Construction Noise**

#### ***a. Construction Noise Management Plan Required***

Requirement: Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall



submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:

- i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;
- ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
- iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;
- iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and
- v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

***b. Public Notification Required***

Requirement: The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**37. Construction Noise Complaints**

Requirement: The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:

- a. Designation of an on-site construction complaint and enforcement manager for the project;
- b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;
- c. Protocols for receiving, responding to, and tracking received complaints; and

- d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

### **38. Operational Noise**

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

### **39. Exposure to Community Noise**

Requirement: The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:

- a. 45 dBA: Residential activities, civic activities, hotels
- b. 50 dBA: Administrative offices; group assembly activities
- c. 55 dBA: Commercial activities
- d. 65 dBA: Industrial activities

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

### **40. Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities**

Requirement: The project applicant shall submit a Vibrations Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located at the office building at 300 27th Street and the building closest to the project site from Westlake Middle School at 2629 Harrison Street. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

## **PUBLIC SERVICES**

### **42. Capital Improvements Impact Fee**

Requirement: The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

## **TRANSPORTATION AND CIRCULATION**

### **44. Transportation Impact Fee**

Requirement: The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

### **45. Bicycle Parking**

Requirement: The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

### **46. Plug-In Electric Vehicle (PEV) Charging Infrastructure**

#### ***a. PEV-Capable Parking Spaces***

Requirement: The applicant shall submit, for review and approval of the Building Official, plans that show the location of inaccessible conduit to supply PEV-capable parking spaces per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-capable parking spaces.

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

***b. ADA-Accessible Spaces***

Requirement: The applicant shall submit, for review and approval of the Building Official, plans that show the location of future accessible EV parking spaces as required under Title 24 Chapter 11B Table 11B-228.3.2.1, and specify plans to construct all future accessible EV parking spaces with appropriate grade, vertical clearance, and accessible path of travel to allow installation of accessible EV charging station(s).

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

**47. Compliance with Fehr and Peers CEQA and non-CEQA Transportation Memorandum Recommendations**

Requirement: The project applicant agrees to comply the transportation memorandum recommendations set forth in the CEQA and non-CEQA transportation memoranda prepared for this project by Fehr and Peers and attached hereto at **Exhibits D and E, respectively**.

When Required: Ongoing.

Initial Approval: Planning & Building Department

Monitoring/Inspection: Planning and Building Department

## **UTILITY AND SERVICE SYSTEMS**

**48. Sanitary Sewer System**

Requirement: The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Department of Engineering and Construction

Monitoring/Inspection: N/A

**49. Storm Drain System**

Requirement: The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building  
Monitoring/Inspection: Bureau of Building

#### **50. Recycling Collection and Storage Space**

Requirement: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

#### **50. Construction and Demolition Waste Reduction and Recycling**

Requirement: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at [www.greenhalosystems.com](http://www.greenhalosystems.com) or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

#### **51. Underground Utilities**

Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

## **52. Green Building Requirements**

### ***a. Compliance with Green Building Requirements During Plan-Check***

Requirement: The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).

- i. The following information shall be submitted to the City for review and approval with the application for a building permit:
  - Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
  - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
  - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
  - Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
  - Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
  - Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
  - Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.
- ii. The set of plans in subsection (i) shall demonstrate compliance with the following:
  - CALGreen mandatory measures.
  - Green building point level/certification requirement per the appropriate checklist approved during the Planning entitlement process.
  - All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
  - The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

### ***b. Compliance with Green Building Requirements During Construction***

Requirement: The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.

The following information shall be submitted to the City for review and approval:

- i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.
- ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.
- iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

***c. Compliance with Green Building Requirements After Construction***

Requirement: Prior to the finaling the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

**53. Water Efficient Landscape Ordinance (WELO)**

Requirement: The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage.

For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.

*Prescriptive Measures:* Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance (see website below starting on page 23):

<http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf>

*Performance Measures:* Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following

***a. Project Information:***

- i. Date,
- ii. Applicant and property owner name,
- iii. Project address,
- iv. Total landscape area,
- v. Project type (new, rehabilitated, cemetery, or home owner installed),
- vi. Water supply type and water purveyor,

- vii. Checklist of documents in the package, and
  - viii. Applicant signature and date with the statement: “I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package.”
- b.* Water Efficient Landscape Worksheet
    - i. Hydrozone Information Table
    - ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use
  - c.* Soil Management Report
  - d.* Landscape Design Plan
  - e.* Irrigation Design Plan, and
  - f.* Grading Plan

Upon installation of the landscaping and irrigation systems, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.

For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below.

<http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%202023%20extract%20-%20Official%20CCR%20pages.pdf>

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

#### **54. Employee Rights**

Requirement: The project applicant and business owners in the project shall comply with all state and federal laws regarding employees’ right to organize and bargain collectively with employers and shall comply with the City of Oakland Minimum Wage Ordinance (chapter 5.92 of the Oakland Municipal Code).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

**STANDARD CONDITIONS OF APPROVAL – OTHER  
STANDARD CONDITIONS**



## **55. Affordable Residential Rental Units – Agreement and Monitoring**

**a. Requirement #1:** Pursuant to Section 17.107 of the Oakland Planning Code and the State Density Bonus Law California Government Code Section 65915 et seq. (“State Density Bonus Law”), the proposed project shall provide a minimum of 39 target dwelling units available at very low income (as **15%** of the units) for receiving a density bonus, concession and/or waiver of development standards.

**b. Requirement #2:** The approved residential affordable units that are part of this approval shall remain and continue to be affordable at the specified level in accordance with California Health and Safety Code Section 50053 and its implementing regulations for a term of not less than 55 years or a longer period of time if required by the construction or mortgage finance assistance program, mortgage insurance program, or rental subsidy program. This Condition of Approval must also be in compliance with Section 65915(c)(1) of the State Density Bonus Law specifically, as well as all other applicable provisions of the State Density Bonus Law.

**c. Requirement #3:** Prior to submittal of a construction-related permit, the applicant shall contact the Housing and Community Development Department (Housing Development Services Division) to enter into a Regulatory Agreement based on the City’s model documents, as may be amended from time to time, governing the target dwelling units. The Agreement shall contain restrictive covenants to ensure the continued affordability of the target dwelling units at the specified rent levels for a period of not less than fifty-five (55) years pursuant Section 65915 (c)(1) of the State Density Bonus Law, and restrict the occupancy of those units only to residents who satisfy the affordability requirement as approved for this project. Only households meeting the eligibility standards for the target dwelling units shall be eligible to occupy the target dwelling units.

If the property has an approved condominium map and the developer chooses to rent the affordable units at initial occupancy, the units cannot convert to ownership during the term of the Agreement, even if the market rate units in the development convert to ownership.

The Regulatory Agreement shall be recorded with the Alameda County Recorder’s Office as an encumbrance against the property, and a copy of the recorded agreement shall be provided to and retained by the City. The Regulatory Agreement may not be subordinated in priority to any other lien interest in the property.

**d. Requirement #4:** Rental target dwelling units shall be managed / operated by the developer or developer’s agent or the developer’s successor. The developer of rental target dwelling units shall submit for review and approval by the Housing and Community Development Department and any other relevant City departments, an annual report identifying which units are target dwelling units, the monthly rent, vacancy information, monthly income for tenants of each target rental dwelling unit throughout the prior year, and other information required by the City. Said agreement shall maintain the tenants’ privacy. The applicant shall pay to the Housing and Community Development Department an annual monitoring fee pursuant to the Master Fee Schedule (updated annually and available from the Budget Office of the City Oakland’s Finance Department: <https://www.oaklandca.gov/departments/finance-department>) for City monitoring of target dwelling units.

*e. Requirement #5:* The floor area, number of bedrooms, and amenities (such as fixtures, appliances, location and utilities) of the affordable units shall be substantially equal in size and quality to those of the market rate units. Further, the proportion of unit types (i.e. three-bedroom and four-bedroom, etc.) of the affordable units shall be roughly the same as the project's market rate units.

*f. Requirement #6:* Tenant households in affordable units must have equal access to the project's services and facilities as tenant households in all other units within the project.

*g. Requirement #7:* Affordable units must be evenly distributed throughout the project.

*h. Requirement #8:* Applicant shall comply with the requirements of Section 65915(c)(3)(A) of the State Density Bonus Law requiring, without limitation, replacement units in those circumstances where the parcel subject to the density bonus requests contains or contained affordable units within the last five years.

*i. Requirement #9:* Applicants shall comply with all applicable provisions of State Density Bonus Law and all provisions of the City's density bonus law that are not preempted by state law.

*j. Requirement #10:* Affordable units shall be constructed concurrent with the construction of the market rate units in each phase of the project.

*k. Requirement #11:* The City will not issue final certificates of occupancy for more than fifty percent (50%) of the market rate units in any phase of development until final certificates of occupancy are issued for all of the affordable units in that phase.

When Required: First Construction-Related Permit Application and Ongoing

Initial Approval: Housing and Community Development Department – Housing Development Services Division

Ongoing Monitoring/Inspections: Housing Development Services Division

## **56. Parking Management Plan**

Requirements: The applicant shall establish an on-site parking management plan, and submit the parking management plan to the Bureau of Planning which would allow and users of the project's leasing office space to share on-site parking spaces through the designation of six (6) tandem parking spaces for users of the leasing office space. The goal of the plan would be to accommodate project-generated parking demand on-site. The parking management plan shall include but not be limited to the following components and requirements:

- Six (6) of the tandem parking spaces used during the regular business hours will be for an office use.
- A full-time parking attendant to supervise the tandem parking arrangements.

When Required: Prior to issuance of Certificate of Occupancy

Initial Approval: Bureau of Planning

Monitoring/Inspection: Ongoing

## **58. Public Art for Private Development**

Requirement: The project is subject to the City's Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. ("Ordinance"). The public art contribution requirements are equivalent to one-half percent (0.5%) for the "residential" building development costs, and one percent (1.0%) for the "non-residential" building development costs.

The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution.

The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit. Proof of installation of artwork, or other alternative requirement, is required prior to the City's issuance of a final certificate of occupancy for the project unless a separate legally binding instrument is executed ensuring compliance within a timely manner subject to City approval.

When Required: Payment of in-lieu fees and/or plans showing fulfillment of public art requirement – Prior to Issuance of Building permit

Installation of art/cultural space – Prior to Issuance of a Certificate of Occupancy.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

#### **57. PROJECT SPECIFIC CONDITIONS OF APPROVAL Compliance with All Relevant Conditions of Approval**

Requirements: In addition to the conditions above and the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (below), the project applicant shall comply with the conditions in the attached exhibits, including:

- Exhibit A: Alternate Materials and Methods Request no. AMR2000082
- Exhibit B: Hold Harmless Agreement for no. AMR2000082

When Required: As specified in the specific condition of approval

Initial Approval: As specified in the specific condition of approval

Monitoring/Inspection: As specified in the specific condition of approval

## **ATTACHMENT C**

### **STANDARD CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM**

This Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCAMMRP) is based on the CEQA Analysis prepared for the 1431 Franklin Residential Project.

This SCAMMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.”

#### **A. Applicable Mitigation Measures**

The following applicable mitigation measures from the 1998 LUTE EIR was required of the project to ensure that any impacts to the environment are reduced to the maximum extent feasible. All other mitigations which are functionally equivalent to the City of Oakland’s Standard Conditions of Approval are discussed and addressed below in the Standard Conditions of Approval table.

**Mitigation Measure N.1:** The City shall require the project sponsors to incorporate specific design elements in the final siting and designs for the high rises that could reduce ground-level winds within the Downtown Showcase District.

In response to Mitigation Measures N.1 and consistent with the City of Oakland CEQA Thresholds of Significance Guidelines, a wind study was prepared for the project to evaluate its wind effects and is included as Attachment F to the CEQA Analysis prepared for the project. That wind study concluding that under Existing Conditions, Existing Conditions Plus Project, and Cumulative Conditions Plus Project, wind speeds would not exceed the City’s hazard wind threshold and therefore no further design changes are required to address this requirement.

#### **B. Standard Conditions of Approval**

The City of Oakland’s Uniformly Applied Development Standards adopted as Standard Conditions of Approval (Standard Conditions of Approval, or SCAs) were originally adopted by the City in 2008 (Ordinance No. 12899 C.M.S.) pursuant to Public Resources Code section 21083.3) and have been incrementally updated over time. The SCAs incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Water Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, National Pollutant Discharge Elimination System (NPDES) permit requirements, Housing Element-related mitigation measures, Green Building Ordinance, historic/Landmark status, California Building Code, and Uniform Fire Code, among others), which have been found to substantially mitigate environmental effects.

These SCAs are incorporated into projects as conditions of approval, regardless of the determination of a project’s environmental impacts. As applicable, the SCAs are adopted as requirements of an individual project when it is approved by the City, and are designed to, and will, avoid or substantially reduce a project’s environmental effects.

In reviewing project applications, the City of Oakland determines which SCAs apply based upon the zoning district, community plan, and the type of permits/approvals required for the project. The City of Oakland also will determine which SCAs apply to a specific project based on the specific project type and/or project site characteristics. Because these SCAs are mandatory City requirements imposed on a city-wide basis, environmental analyses assume these SCAs will be implemented by the project, and these SCAs are not imposed as mitigation measures under CEQA.

All SCAs identified in the CEQA document—which is consistent with the measures and conditions presented in the City of Oakland General Plan, Land Use and Transportation EIR (LUTE EIR, 1998) and the 2011 Central District Urban Renewal Plan Amendments EIR (2011 Renewal Plan EIR)—are included herein. To the extent that any SCA identified in the CEQA document was inadvertently omitted, it is automatically incorporated herein by reference.

- The first column identifies the SCA applicable to that topic in the CEQA document.
- The second column identifies the monitoring schedule or timing applicable to the project.
- The third column names the party responsible for monitoring the required action for the project.

In addition to the SCAs identified and discussed in the CEQA document, other SCAs that are applicable to the project are included herein.

The project sponsor is responsible for compliance with any recommendations in approved technical reports and with all SCAs set forth herein at its sole cost and expense, unless otherwise expressly provided in a specific SCA, and subject to the review and approval of the City of Oakland. Overall monitoring and compliance with the SCAs will be the responsibility of the Planning and Zoning Division. Prior to the issuance of a demolition, grading, and/or construction permit, the project sponsor shall pay the applicable mitigation and monitoring fee to the City in accordance with the City’s Master Fee Schedule.

Note that the SCAs listed below are referred to using an abbreviation for the environmental topic area and are numbered sequentially for each topic area—i.e., **SCA-AIR-1**, **SCA-AIR-2**, etc. The SCA titles are also provided—i.e., **SCA-AIR-1: Dust Controls – Construction Related (#21)**.

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<b>Aesthetics, Shadow, and Wind</b>			
<b>SCA-AES-1: <i>Lighting</i> (#19).</b> Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.	Prior to building permit final	N/A	Bureau of Building

<p><b>SCA-AES-2: Landscape Plan (#18).</b></p> <p><b>a. Landscape Plan Required</b></p> <ul style="list-style-type: none"> <li>The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines</li> </ul>	<p>Prior to approval of construction- related permit</p>	<p>Bureau of Planning</p>	<p>N/A</p>
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Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
(which can be viewed at <a href="http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf">http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf</a> and <a href="http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf">http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf</a> , respectively), and with any applicable streetscape plan.			
<p><b>b. Landscape Installation</b></p> <ul style="list-style-type: none"> <li>The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.</li> </ul>	Prior to building permit final	Bureau of Planning	Bureau of Building
<p><b>c. Landscape Maintenance</b></p> <ul style="list-style-type: none"> <li>All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.</li> </ul>	Ongoing	N/A	Bureau of Buildings
<b>SCA-AES-3: Trash and Blight Removal (#16).</b> The project applicant and his/her successors shall maintain the property free of blight, as defined in chapter 8.24 of the Oakland Municipal Code. For nonresidential and multi-family residential projects, the project applicant shall install and maintain trash receptacles near public entryways as needed to provide sufficient capacity for building users.	Ongoing	N/A	Bureau of Building
<p><b>SCA-AES-4: Graffiti Control (#17).</b></p> <p>a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:</p> <ol style="list-style-type: none"> <li>Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.</li> <li>Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.</li> <li>Use of paint with anti-graffiti coating.</li> <li>Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).</li> <li>Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.</li> </ol>	Ongoing	N/A	Bureau of Buildings

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:</p> <ul style="list-style-type: none"> <li>i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.</li> <li>ii. Covering with new paint to match the color of the surrounding surface.</li> <li>iii. Replacing with new surfacing (with City permits if required).</li> </ul>			
<p><b>SCA-AES-5: Public Art for Private Development (#92).</b> The project is subject to the City’s Public Art Requirements for Private Development, adopted by Ordinance No. 13275 C.M.S. (“Ordinance”). The public art contribution requirements are equivalent to one-half percent (0.5%) for the “residential” building development costs, and one percent (1.0%) for the “non-residential” building development costs.</p> <p>The contribution requirement can be met through: 1) the installation of freely accessible art at the site; 2) the installation of freely accessible art within one-quarter-mile of the site; or 3) satisfaction of alternative compliance methods described in the Ordinance, including, but not limited to, payment of an in-lieu fee contribution. The applicant shall provide proof of full payment of the in-lieu contribution and/or provide plans, for review and approval by the Planning Director, showing the installation or improvements required by the Ordinance prior to issuance of a building permit.</p> <p>Proof of installation of artwork, or other alternative requirement, is required prior to the City’s issuance of a final certificate of occupancy for each phase of a project unless a separate, legal binding instrument is executed ensuring compliance within a timely manner subject to City approval.</p>	<p>Payment of in-lieu fees and/or plans showing fulfillment of public art requirement – Prior to Issuance of Building permit</p>	<p>Bureau of Planning</p>	<p>Bureau of Planning</p>
<b>Air Quality</b>			
<p><b>SCA-AIR-1: Criteria Air Pollutants – Construction Related (#21).</b> The project applicant shall implement all of the following applicable basic control measure for criteria pollutants during construction of the project as applicable:</p> <ul style="list-style-type: none"> <li>a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time of two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clean signage to this effect shall be provided for construction workers at all access points.</li> <li>b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of</li> </ul>	<p>During construction</p>	<p>N/A</p>	<p>Bureau of Building</p>



Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Regulations (“California Air Resources Board Off-Road Diesel Regulations”).</p> <p>c. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.</p> <p>d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.</p> <p>e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.</p> <p>f. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.</p>			
<p><b>SCA-AIR-2: Dust Controls – Construction Related (#20).</b> The project applicant shall implement all of the following applicable dust control measures during construction of the project:</p> <p>a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.</p> <p>b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</p> <p>c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <p>d. Limit vehicle speeds on unpaved roads to 15 miles per hour.</p> <p>e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.</p> <p>f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.</p> <p>g. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel.</p> <p>h. Apply and maintain vegetative ground cover (e.g., hydroseed) or non-toxic soil stabilizers to disturbed areas of soil that will be inactive for more than one month. Enclose, cover, water twice</p>	During construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).</p> <p>i. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.</p> <p>j. When working at a site, install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of the site, to minimize wind-blown dust. Windbreaks must have a maximum 50 percent air porosity.</p> <p>k. Post a publicly visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City's Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.</p> <p>l. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</p>			
<p><b>SCA-AIR-3: Asbestos in Structures (#26).</b> The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations, Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.</p>	Prior to approval of construction- related permit	Applicable regulatory agency with jurisdiction	Applicable regulatory agency with jurisdiction
<p><b>SCA-AIR-4: Diesel Particulate Matter Controls – Construction Related (#22).</b></p> <p><b>a. Diesel Particulate Matter Reduction Measures</b></p> <p>The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) from construction emissions. The project applicant shall choose <b>one</b> of the following methods:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment to determine the health risk to sensitive receptors exposed to DPM from project construction emissions. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then DPM reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, DPM reduction measures shall be identified to reduce the health risk to acceptable levels as set forth under subsection b</p>	Prior to approval of construction- related permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>below. Identified DPM reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM reduction measures shall be implemented during construction.</p> <p>-or-</p> <p>ii. All off-road diesel equipment shall be equipped with the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by CARB. The equipment shall be properly maintained and tuned in accordance with manufacturer specifications. This shall be verified through an equipment inventory submittal and Certification Statement that the Contractor agrees to compliance and acknowledges that a significant violation of this requirement shall constitute a material breach of contract.</p>			
<p><b>b. Construction Emissions Minimization Plan (if required by a above)</b></p> <p>The project applicant shall prepare a Construction Emissions Minimization Plan (Emissions Plan) for all identified DPM reduction measures (if any). The Emissions Plan shall be submitted to the City (and the Bay Area Air Quality District if specifically requested) for review and approval prior to the issuance of building permits. The Emissions Plan shall include the following:</p> <p>i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.</p> <p>ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.</p>	Prior to approval of construction- related permit	Bureau of Planning	Bureau of Building
<p><b>SCA-AIR-5: Stationary Sources of Air Pollution (Toxic Air Contaminants) (#24).</b> The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose <b>one</b> of the following methods:</p> <p>a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If</p>	Prior to approval of construction- related permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City.</p> <p>- or -</p> <p>b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> <li>i. Installation of non-diesel fueled generators, if feasible, or;</li> <li>ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible.</li> </ul>			
<b>Geology, Soils, and Geohazards</b>			
<p><b>SCA-GEO-1: Construction-Related Permit(s) (#36).</b> The project applicant shall obtain all required construction-related permits/ approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.</p>	Prior to approval of construction- related permit	Bureau of Building	Bureau of Building
<p><b>SCA-GEO-2: Soils Report (#37).</b> The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.</p>	Prior to approval of construction- related permit	Bureau of Building	Bureau of Building
<b>Greenhouse Gas and Climate Change</b>			
<p><b>SCA-GHG-1: GHG Reduction Plan (#41).</b></p> <p><b>a. Greenhouse Gas (GHG) Reduction Plan Required</b></p> <p>The project applicant shall retain a qualified air quality consultant to develop a Greenhouse Gas (GHG) Reduction Plan for City review and approval and shall implement the approved GHG Reduction Plan.</p> <p>The goal of the GHG Reduction Plan shall be to increase energy efficiency and reduce GHG emissions to below <u>at least one</u> of the Bay Area Quality Management District's (BAAQMD's) CEQA Thresholds of Significance (1,100 metric tons of CO<sub>2</sub>e per year or 4.6 metric tons of CO<sub>2</sub>e per year per service population) The GHG Reduction Plan shall include, at a minimum, (a) a detailed GHG emissions inventory for the project under a "business-as-usual" scenario with no consideration of project design features, or other energy efficiencies, (b) an "adjusted" baseline GHG emissions inventory for the project, taking into consideration energy</p>	Prior to approval of construction- related permit	Bureau of Planning	N/A

	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p><b>Standard Conditions of Approval</b></p> <p>efficiencies included as part of the project (including the City’s Standard Conditions of Approval, proposed mitigation measures, project design features, and other City requirements), and additional GHG reduction measures available to further reduce GHG emissions, and (c) requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. If the project is to be constructed in phases, the GHG Reduction Plan shall provide GHG emission scenarios by phase.</p> <p>Potential GHG reduction measures to be considered include, but are not be limited to, measures recommended in BAAQMD’s latest CEQA Air Quality Guidelines, the California Air Resources Board Scoping Plan (December 2008, as may be revised), the California Air Pollution Control Officers Association (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures (August 2010, as may be revised), the California Attorney General’s website, and Reference Guides on Leadership in Energy and Environmental Design (LEED) published by the U.S. Green Building Council.</p> <p>The types of allowable GHG reduction measures include the following (listed in order of City preference): (1) physical design features; (2) operational features; and (3) the payment of fees to fund GHG-reducing programs (i.e., the purchase of “carbon credits”) as explained below.</p> <p>The allowable locations of the GHG reduction measures include the following (listed in order of City preference): (1) the project site; (2) off-site within the City of Oakland; (3) off-site within the San Francisco Bay Area Air Basin; (4) off-site within the State of California; then (5) elsewhere in the United States.</p> <p>As with preferred locations for the implementation of all GHG reductions measures, the preference for carbon credit purchases include those that can be achieved as follows (listed in order of City preference): (1) within the City of Oakland; (2) within the San Francisco Bay Area Air Basin; (3) within the State of California; then (4) elsewhere in the United States. The cost of carbon credit purchases shall be based on current market value at the time purchased and shall be based on the project’s operational emissions estimated in the GHG Reduction Plan or subsequent approved emissions inventory, which may result in emissions that are higher or lower than those estimated in the GHG Reduction Plan.</p> <p>For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits.</p>			
<p><b>b. GHG Reduction Plan Implementation During Construction</b></p> <p>The project applicant shall implement the GHG Reduction Plan during construction of the project. For physical GHG reduction measures to be incorporated into the design of the project, the measures shall be implemented during construction. For physical GHG reduction measures to be incorporated into off-site projects, the project applicant shall obtain all necessary permits/approvals and the measures shall be included on drawings and submitted to the City Planning Director or his/her designee for review and approval.</p>	During Construction	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>These off-site improvements shall be installed prior to completion of the subject project (or prior to completion of the project phase for phased projects). For GHG reduction measures involving the purchase of carbon credits, evidence of the payment/purchase shall be submitted to the City for review and approval prior to completion of the project (or prior to completion of the project phase, for phased projects).</p>			
<p><b>c. GHG Reduction Plan Implementation After Construction</b></p> <p>The project applicant shall implement the GHG Reduction Plan after construction of the project (or at the completion of the project phase for phased projects). For operational GHG reduction measures to be incorporated into the project or off-site projects, the measures shall be implemented on an indefinite and ongoing basis.</p> <p>The project applicant shall satisfy the following requirements for ongoing monitoring and reporting to demonstrate that the additional GHG reduction measures are being implemented. The GHG Reduction Plan requires regular periodic evaluation over the life of the project (generally estimated to be at least 40 years) to determine how the Plan is achieving required GHG emissions reductions over time, as well as the efficacy of the specific additional GHG reduction measures identified in the Plan.</p> <p><b>Annual Report.</b> Implementation of the GHG reduction measures and related requirements shall be ensured through compliance with Conditions of Approval adopted for the project. Generally, starting two years after the City issues the first Certificate of Occupancy for the project, the project applicant shall prepare each year of the useful life of the project an Annual GHG Emissions Reduction Report (“Annual Report”), for review and approval by the City Planning Director or his/her designee. The Annual Report shall be submitted to an independent reviewer of the City’s choosing, to be paid for by the project applicant.</p> <p>The Annual Report shall summarize the project’s implementation of GHG reduction measures over the preceding year, intended upcoming changes, compliance with the conditions of the Plan, and include a brief summary of the previous year’s Annual Report results (starting the second year). The Annual Report shall include a comparison of annual project emissions to the baseline emissions reported in the GHG Plan.</p> <p>The GHG Reduction Plan shall be considered fully attained when project emissions are less than either applicable numeric BAAQMD CEQA Thresholds AND GHG emissions are 36 percent below the project’s 2005 “business-as-usual” baseline GHG emissions, as confirmed by the City through an established monitoring program. Monitoring and reporting activities will continue at the City’s discretion, as discussed below.</p> <p><b>Corrective Procedure.</b> If the third Annual Report, or any report thereafter, indicates that, in spite of the implementation of the GHG Reduction Plan, the project is not achieving the GHG reduction goal, the project applicant shall prepare a report for City review and approval, which proposes additional or revised GHG measures to</p>	Ongoing	Bureau of Planning	Bureau of Planning

	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p><b>Standard Conditions of Approval</b></p> <p>better achieve the GHG emissions reduction goals, including without limitation, a discussion on the feasibility and effectiveness of the menu of other additional measures (“Corrective GHG Action Plan”). The project applicant shall then implement the approved Corrective GHG Action Plan.</p> <p>If, one year after the Corrective GHG Action Plan is implemented, the required GHG emissions reduction target is still not being achieved, or if the project applicant fails to submit a report at the times described above, or if the reports do not meet City requirements outlined above, the City may, in addition to its other remedies, (a) assess the project applicant a financial penalty based upon actual percentage reduction in GHG emissions as compared to the percent reduction in GHG emissions established in the GHG Reduction Plan; or (b) refer the matter to the City Planning Commission for scheduling of a compliance hearing to determine whether the project’s approvals should be revoked, altered or additional conditions of approval imposed.</p> <p>The penalty as described in (a) above shall be determined by the City Planning Director or his/her designee and be commensurate with the percentage GHG emissions reduction not achieved (compared to the applicable numeric significance thresholds) or required percentage reduction from the “adjusted” baseline.</p> <p>In determining whether a financial penalty or other remedy is appropriate, the City shall not impose a penalty if the project applicant has made a good faith effort to comply with the GHG Reduction Plan.</p> <p>The City would only have the ability to impose a monetary penalty after a reasonable cure period and in accordance with the enforcement process outlined in Planning Code Chapter 17.152. If a financial penalty is imposed, such penalty sums shall be used by the City solely toward the implementation of the GHG Reduction Plan.</p> <p><b>Timeline Discretion and Summary.</b> The City shall have the discretion to reasonably modify the timing of reporting, with reasonable notice and opportunity to comment by the applicant, to coincide with other related monitoring and reporting required for the project.</p>			
<b>Hazards and Hazardous Materials</b>			
<p><b>SCA-HAZ-1: Hazardous Building Materials and Site Contamination (#43).</b></p> <p><b>a. Hazardous Building Materials Assessment</b></p> <p>The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos- containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by</p>	<p>Prior to approval of demolition, grading, or building permits</p>	<p>Bureau of Building</p>	<p>Bureau of Building</p>

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.			
<b>b. Environmental Site Assessment Required</b> The project applicant shall submit a Phase I Environmental Site Assessment report, and Phase II Environmental Site Assessment report if warranted by the Phase I report, for the project site for review and approval by the City. The report(s) shall be prepared by a qualified environmental assessment professional and include recommendations for remedial action, as appropriate, for hazardous materials. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.	Prior to approval of construction- related permit.	Applicable regulatory agency with jurisdiction	Applicable regulatory agency with jurisdiction
<b>c. Health and Safety Plan Required</b> The project applicant shall submit a Health and Safety Plan for the review and approval by the City in order to protect project construction workers from risks associated with hazardous materials. The project applicant shall implement the approved Plan.	Prior to approval of construction- related permit	Bureau of Building	Bureau of Building
<b>d. Best Management Practices (BMPs) Required for Contaminated Sites</b> The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential soil and groundwater hazards. These shall include the following:  i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.  ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building.	During construction	N/A	Bureau of Building
<b>SCA-HAZ-2: Hazardous Materials Related to Construction (#42).</b> The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:	During construction	N/A	Bureau of Building



Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>a. Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction;</p> <p>b. Avoid overtopping construction equipment fuel gas tanks;</p> <p>c. During routine maintenance of construction equipment, properly contain and remove grease and oils;</p> <p>d. Properly dispose of discarded containers of fuels and other chemicals;</p> <p>e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and</p> <p>f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City’s Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.</p>			
<b>Historical Resources</b>			
<p><b>SCA-HIST-1: Archaeological and Paleontological Resources – Discovery During Construction (#32).</b> Pursuant to CEQA Guidelines Section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.</p> <p>In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for</p>	During construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.</p> <p>In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.</p>			
<p><b>SCA-HIST-2: Human Remains – Discovery During Construction (#34).</b> The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources.</p> <p><b>Provision A: Intensive Pre-Construction Study</b></p> <p>The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:</p> <ol style="list-style-type: none"> <li>Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.</li> <li>A report disseminating the results of this research.</li> <li>Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.</li> </ol> <p>If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be</p>	<p>Prior to approval of construction-related permit; during construction</p>	<p>Bureau of Building</p>	<p>Bureau of Building</p>

	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p><b>Standard Conditions of Approval</b></p> <p>found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior’s Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.</p> <p><b>Provision B: Construction ALERT Sheet</b></p> <p>The project applicant shall prepare a construction “ALERT” sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project’s prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.</p> <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City’s Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits, privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.</p>			
<b>Hydrology and Water Quality</b>			
<p><b>SCA-HYD-1: Erosion and Sedimentation Control Measures for Construction (#48).</b> The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City’s storm drain system and creeks.</p>	During construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p><b>SCA-HYD-2: NPDES C.3 Stormwater Requirements for Regulated Projects (#53).</b></p> <p><b>a. Post-Construction Stormwater Management Plan Required</b></p> <p>The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements and shall implement the approved Plan during construction. The Post- Construction Stormwater Management Plan shall include and identify the following:</p> <ul style="list-style-type: none"> <li>i. Location and size of new and replaced impervious surface;</li> <li>ii. Directional surface flow of stormwater runoff;</li> <li>iii. Location of proposed on-site storm drain lines;</li> <li>iv. Site design measures to reduce the amount of impervious surface area;</li> <li>v. Source control measures to limit stormwater pollution;</li> <li>vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and</li> <li>vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.</li> </ul>	Prior to approval of construction- related permit	Bureau of Planning; Bureau of Building	Bureau of Building
<p><b>b. Maintenance Agreement Required</b></p> <p>The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <ul style="list-style-type: none"> <li>i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</li> <li>ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.</li> </ul> <p>The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.</p>	Prior to building permit final	Bureau of Building	Bureau of Building
<b>Noise</b>			
<p><b>SCA-NOI-1: Construction Days/Hours (#61).</b> The project applicant shall comply with the following restrictions concerning construction days and hours:</p>	During construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.</p> <p>b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.</p> <p>c. No construction is allowed on Sunday or federal holidays.</p> <p>Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.</p>			
<p><b>SCA-NOI-2: Construction Noise (#62).</b> The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p> <p>a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.</p> <p>b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than</p>	During construction	N/A	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>impact equipment, whenever such procedures are available and consistent with construction procedures.</p> <p>c. Applicant shall use temporary power poles instead of generators where feasible.</p> <p>d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.</p> <p>e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</p>			
<p><b>SCA-NOI-3: Extreme Construction Noise (#63).</b></p> <p><b>a. Construction Noise Management Plan Required</b></p> <p>Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:</p> <p>a. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</p> <p>b. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;</p> <p>c. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</p> <p>d. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and</p> <p>e. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</p>	Prior to approval of construction- related permit	Bureau of Building	Bureau of Building
<p><b>b. Public Notification Required</b></p> <p>The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and</p>	During construction	Bureau of Building	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.			
<p><b>SCA-NOI-4: Construction Noise Complaints (#65).</b> The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <ol style="list-style-type: none"> <li>Designation of an on-site construction complaint and enforcement manager for the project;</li> <li>A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;</li> <li>Protocols for receiving, responding to, and tracking received complaints; and</li> <li>Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.</li> </ol>	Prior to approval of construction- related permit	Bureau of Building	Bureau of Building
<p><b>SCA-NOI-5: Operational Noise (#67).</b> Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.</p>	Ongoing	N/A	Bureau of Building
<p><b>SCA-NOI-6: Exposure to Community Noise (#66).</b> The project applicant shall submit a Noise Reduction Plan prepared by a qualified acoustical engineer for City review and approval that contains noise reduction measures (e.g., sound-rated window, wall, and door assemblies) to achieve an acceptable interior noise level in accordance with the land use compatibility guidelines of the Noise Element of the Oakland General Plan. The applicant shall implement the approved Plan during construction. To the maximum extent practicable, interior noise levels shall not exceed the following:</p> <ol style="list-style-type: none"> <li>45 dBA: Residential activities, civic activities, hotels</li> <li>50 dBA: Administrative offices; group assembly activities</li> <li>55 dBA: Commercial activities</li> <li>65 dBA: Industrial activities</li> </ol>	Prior to approval of construction- related permit	Bureau of Planning	Bureau of Building
<p><b>SCA-NOI-7: Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities (#69).</b> The project applicant shall submit a Vibrations Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located at the office building at 300 27<sup>th</sup> Street and the building closest to the project site from Westlake Middle School at 2629 Harrison Street. The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The</p>	Prior to approval of construction- related permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
applicant shall implement the recommendations during construction.			
<b>Population and Housing</b>			
<b>SCA-PH-1: Jobs/Housing Impact Fee (#70).</b> The project applicant shall comply with the requirements of the City of Oakland Jobs/Housing Impact Fee Ordinance (chapter 15.68 of the Oakland Municipal Code).	Prior to issuance of building permit; subsequent milestones pursuant to ordinance	Bureau of Building	N/A
<b>Public Services, Parks, and Recreation Facilities</b>			
<b>SCA-PS-1: Capital Improvements Impact Fee (#72).</b> The project applicant shall comply with the requirements of the City of Oakland Capital Improvements Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).	Prior to issuance of building permit	Bureau of Building	N/A
<b>Utilities and Service Systems</b>			
<b>SCA-UTIL-1: Sanitary Sewer System (#86).</b> The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City's Master Fee Schedule for funding improvements to the sanitary sewer system.	Prior to approval of construction- related permit	Public Works Department, Department of Engineering and Construction	N/A
<b>SCA-UTIL-2: Storm Drain System (#87).</b> The project storm drainage system shall be designed in accordance with the City of Oakland's Storm Drainage Design Guidelines. To the maximum extent practicable, peak stormwater runoff from the project site shall be reduced by at least 25 percent compared to the pre-project condition.	Prior to approval of construction- related permit	Bureau of Building	Bureau of Building
<b>SCA-UTIL-3: Recycling Collection and Storage Space (#83).</b> The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects, at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.	Prior to approval of construction- related permit	Bureau of Planning	Bureau of Building
<b>SCA-UTIL-4: Construction and Demolition Waste Reduction and Recycling (#81).</b> The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these	Prior to approval of construction- related permit	Public Works Department, Environmental Services Division	Public Works Department, Environmental Services Division



Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R- 3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at <a href="http://www.greenhalosystems.com">www.greenhalosystems.com</a> or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.</p>			
<p><b>SCA-UTIL-5: <i>Underground Utilities</i> (#82).</b> The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&amp;E, shall be placed underground if feasible. All utilities shall be installed in accordance with standard specifications of the serving utilities.</p>	During construction	N/A	Bureau of Building
<p><b>SCA-UTIL-6: <i>Green Building Requirements</i> (#84).</b></p> <p><b>a. <i>Compliance with Green Building Requirements During Plan-Check</i></b></p> <p>The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).</p> <p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> <li>• Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.</li> <li>• Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.</li> <li>• Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.</li> <li>• Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.</li> <li>• Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.</li> <li>• Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.</li> </ul>	Prior to approval of construction- related permit	Bureau of Building	N/A

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<ul style="list-style-type: none"> <li>• Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</li> </ul> <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> <li>• CALGreen mandatory measures.</li> <li>• LEED Silver per the appropriate checklist approved during the Planning entitlement process.</li> <li>• All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.</li> <li>• The required green building point minimums in the appropriate credit categories.</li> </ul>			
<p><b>b. Compliance with Green Building Requirements During Construction</b></p> <p>The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project.</p> <p>The following information shall be submitted to the City for review and approval:</p> <ol style="list-style-type: none"> <li>i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.</li> <li>ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.</li> <li>iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</li> </ol>	During construction	N/A	Bureau of Building
<p><b>c. Compliance with Green Building Requirements After Construction</b></p> <p>Prior to the finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.</p>	Prior to Final Approval	Bureau of Planning	Bureau of Building
<p>SCA-UTIL-7: <i>Water Efficient Landscape Ordinance (WELO) (#89)</i>. The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less. The project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California's Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.</p>	Prior to approval of construction- related permit	Bureau of Planning	Bureau of Building

Standard Conditions of Approval	Implementation/Monitoring		
	When Required	Initial Approval	Monitoring/ Inspection
<p>Prescriptive Measures: Prior to construction, the project applicant shall submit documentation showing compliance with Appendix D of California’s Model Water Efficient Landscape Ordinance (see website below starting on page 23):</p> <p><a href="http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf">http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf</a></p> <p>Performance Measures: Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following:</p> <p>a. Project</p> <ol style="list-style-type: none"> <li>i. Date,</li> <li>ii. Applicant and property owner name,</li> <li>iii. Project address,</li> <li>iv. Total landscape area,</li> <li>v. Project type (new, rehabilitated, cemetery, or homeowner installed),</li> <li>vi. Water supply type and water purveyor,</li> <li>vii. Checklist of documents in the package, and,</li> <li>viii. Applicant signature and date with the statement: “I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package.”</li> </ol> <p>b. Water Efficient Landscape Worksheet</p> <ol style="list-style-type: none"> <li>i. Hydrozone Information Table</li> <li>ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use</li> </ol> <p>c. Soil Management Report</p> <p>d. Landscape Design Plan</p> <p>e. Irrigation Design Plan, and</p> <p>f. Grading Plan</p> <p>Upon installation of the landscaping and irrigation systems, the Project applicant shall submit a Certificate of Completion and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Compliance shall also be submitted to the local water purveyor and property owner or his or her designee.</p> <p>For the specific requirements within the Water Efficient Landscape Worksheet, Soil Management Report, Landscape Design Plan, Irrigation Design Plan and Grading Plan, see the link below.</p> <p><a href="http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf">http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%2023%20extract%20-%20Official%20CCR%20pages.pdf</a></p>			

Provided below is the table for SCA-TRANS-1: Transportation and Parking Demand Management (#77), section a. Transportation and Parking Demand Management (TDM) Plan Required, subsection iv.

<b>Improvement</b>	<b>Required by code or when...</b>
<b>Bus boarding bulbs or islands</b>	<ul style="list-style-type: none"> <li>• A bus boarding bulb or island does not already exist, and a bus stop is located along the project frontage; and/or</li> <li>• A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb</li> </ul>
<b>Bus shelter</b>	<ul style="list-style-type: none"> <li>• A stop with no shelter is located within the project frontage, or</li> <li>• The project is located within 0.10 miles of a flag stop with 25 or more boardings per day</li> </ul>
<b>Concrete bus pad</b>	<ul style="list-style-type: none"> <li>• A bus stop is located along the project frontage and a concrete bus pad does not already exist</li> </ul>
<b>Curb extensions or bulb-outs</b>	<ul style="list-style-type: none"> <li>• Identified as an improvement within site analysis</li> </ul>
<b>Implementation of a corridor-level bikeway improvement</b>	<ul style="list-style-type: none"> <li>• A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and</li> <li>• The project would generate 500 or more daily bicycle trips</li> </ul>
<b>Implementation of a corridor-level transit capital improvement</b>	<ul style="list-style-type: none"> <li>• A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and</li> <li>• The project would generate 400 or more peak period transit trips</li> </ul>
<b>Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.</b>	<ul style="list-style-type: none"> <li>• Always required</li> </ul>
<b>Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)</b>	<ul style="list-style-type: none"> <li>• When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection</li> </ul>
<b>In-street bicycle corral</b>	<ul style="list-style-type: none"> <li>• A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages.</li> </ul>
<b>Intersection improvements<sup>1</sup></b>	<ul style="list-style-type: none"> <li>• Identified as an improvement within site analysis</li> </ul>
<b>New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards</b>	<ul style="list-style-type: none"> <li>• Always required</li> </ul>
<b>No monthly permits and establish minimum price floor for public parking<sup>2</sup></b>	<ul style="list-style-type: none"> <li>• If proposed parking ratio exceeds 1:1000 sf. (commercial)</li> </ul>
<b>Parking garage is designed with retrofit capability</b>	<ul style="list-style-type: none"> <li>• Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial)</li> </ul>
<b>Parking space reserved for car share</b>	<ul style="list-style-type: none"> <li>• If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per 200 units.</li> </ul>
<b>Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section</b>	<ul style="list-style-type: none"> <li>• Typically required</li> </ul>
<b>Pedestrian crossing improvements</b>	<ul style="list-style-type: none"> <li>• Identified as an improvement within site analysis</li> </ul>

<sup>1</sup> Including but not limited to visibility improvements, shortening corner radii, pedestrian safety islands, accounting for pedestrian desire lines.

<sup>2</sup> May also provide a cash incentive or transit pass alternative to a free parking space in commercial properties.

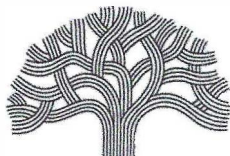
<b>Improvement</b>	<b>Required by code or when...</b>
<b>Pedestrian-supportive signal changes<sup>3</sup></b>	<ul style="list-style-type: none"> <li>Identified as an improvement within operations analysis</li> </ul>
<b>Real-time transit information system</b>	<ul style="list-style-type: none"> <li>A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better</li> </ul>
<b>Relocating bus stops to far side</b>	<ul style="list-style-type: none"> <li>A project is located within 0.10 mile of any active bus stop that is currently near side</li> </ul>
<b>Signal upgrades<sup>4</sup></b>	<ul style="list-style-type: none"> <li>Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and</li> <li>Project frontage abuts an intersection with signal infrastructure older than 15 years</li> </ul>
<b>Transit queue jumps</b>	<ul style="list-style-type: none"> <li>Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better</li> </ul>
<b>Trenching and placement of conduit for providing traffic signal interconnect</b>	<ul style="list-style-type: none"> <li>Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and</li> <li>Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and</li> <li>A major transit improvement is identified within operations analysis requiring traffic signal interconnect</li> </ul>
<b>Unbundled parking</b>	<ul style="list-style-type: none"> <li>If proposed parking ratio exceeds 1:1.25 (residential)</li> </ul>

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<sup>3</sup> Including but not limited to reducing signal cycle lengths to less than 90 seconds to avoid pedestrian crossings against the signal, providing a leading pedestrian interval, provide a “scramble” signal phase where appropriate.

<sup>4</sup> Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals.

# EXHIBIT A



CITY OF OAKLAND  
**PLANNING AND BUILDING DEPARTMENT**  
250 FRANK H. OGAWA PLAZA, SECOND FLOOR, OAKLAND CA, 94612

Alternate Method of Construction

California Building Code  
2019 Edition

ADDRESS	<u>1431 Franklin St</u>	CBC SECTION	<u>1028.1 &amp; 1028.5</u>
PARCEL	<u>008 0621 008 07</u>	PERMIT	<u>Pre-application</u>
AMR	<u>AMR2000082</u>		
APPLICANT	<u>The Fire Consultants, Inc</u>	PLAN CHECKER	<u>A. Placido</u>

**APPROVED**                       **DENIED**

**Code Requirement:**

CBC Section 1028.1 requires exits to discharge directly to the exterior of the building, and the exit discharge shall be at grade or shall provide a direct path of egress travel to grade. This section prohibits the exit discharge from re-entering a building. CBC Section 1028.5 requires the exit discharge to provide a direct and unobstructed access to a public way. The code's intent is to provide a safe egress discharge path from the building exit discharge to the public way.

**Code Request:**

Provide a new 3-hour fire-resistance-rated exit passageway and a new 3-hour fire-resistance-rated exit stair enclosure in the new building to serve as a portion of exit discharge for the four existing buildings through the new building. Allow for two existing buildings, 425 15th St and 1440 Broadway, to egress through the 3-hour rated exit passageway on the ground floor of the new building to the exterior, and allow the 3-hour rated exit passageway to serve as exit discharge for one stair in 1431 Franklin. The other two existing buildings, 420 14th St and 1411 Franklin St, will egress through a dedicated 3-hour rated exit stair enclosure discharging to Franklin St in the southeast portion of the new building.

**Background:**

The existing parcel at 1431 Franklin Street is currently used as a parking lot, which is used for egress under easements for four existing buildings: 425 15th St, 1440 Broadway, 420 14th St, and 1411 Franklin St. The



new building at 1431 Franklin St will occupy the entire parcel and the applicant submits that it is not practical to provide egress courts through the parcel to serve the four existing buildings, due to the limited parcel size. The new building at 1431 Franklin Street will be a high-rise Type I-A building including either Group B office or Group R-2 residential occupancy and parking.

As shown in Exhibit C, the existing buildings at 425 15<sup>th</sup> St and 1440 Broadway egress to the exterior at the north side of the parcel at 1431 Franklin St. These two buildings currently egress through the existing parking lot to Franklin St. A new, 3-hour rated exit passageway will be provided on the ground level of the new building at 1431 Franklin St to provide a protected egress path from these two existing buildings to the exterior at Franklin St. The exit passageway will only protect the space that is underneath the new building; this results in a condition where the existing buildings egress into an open-to-sky egress court, prior to entering the 3-hour passageway.

The rear stair of the new building at 1431 Franklin St will also discharge into this 3-hour exit passageway. The exit passageway will be self-supporting concrete or gypsum walls to meet the 3-hour rating. The exit passageway will have no openings or penetrations to the 1431 building or its neighbors, other than for fire sprinkler, fire alarm, and electrical systems to serve the exit passageway, and for openings into the exit passageway from the rear stair of the 1431 building and for access from existing buildings at 1440 Broadway and 425 15<sup>th</sup> St. The passageway will be designed as a tunnel, with door openings only as needed for entry and exit from the tunnel.

The building at 1440 Broadway is a 10-story office building with ground floor retail, and the estimated occupant load of the most populated floor is approximately 140 occupants, based on floor plans from June 2018. Approximately half of the occupants egress to the front of the building on Broadway, and half egress to the rear via the existing easement. The ground floor retail tenants have a front exit to Broadway and a rear exit to the easement, and one of the two stairs serving the upper floors discharges to the rear easement. The estimated occupant load egressing through this easement is approximately 70 occupants. The building at 425 15<sup>th</sup> Street is a two-story office building, and the estimated occupant load of the highest populated floor is 46 occupants, based on tenant improvement drawings from October 2019. The estimated occupant load egressing through this easement is 23 occupants. The new, 3-hour rated tunnel will be 44 inches wide to allow for an exit capacity of 220 occupants at 0.20 inches per person, or 293 occupants at 0.15 inches per person for a fully sprinkler protected building with an emergency voice/evacuation system. This provides adequate egress capacity for these two buildings as well as the new building at 1431 Franklin. As these are separate buildings, exit capacity for the tunnel is considered to serve each building individually. The occupants are provided with a direct path via the shortest practical travel distance from their buildings into the 3-hour rated exit passageway.

The third floor in the existing buildings at 420 14<sup>th</sup> St and 1411 Franklin St egress via an existing exterior egress balcony at an upper floor level which discharges to grade via an existing fire escape on the southeast portion of the parcel at 1431 Franklin St. The fire escape will be removed, as this is located on the 1431 Franklin St parcel, and the exterior egress balcony will be provided with access to a 3-hour rated exit stair enclosure in the new building. This exit stair will discharge to the exterior at grade on Franklin St. Hose valves will be provided on the existing exterior egress balcony and in the new 3-hour rated exit stair enclosure per Exhibit D.

The third floor in the existing buildings at 420 14<sup>th</sup> St and 1411 Franklin St egress via an existing exterior egress balcony at an upper floor level which discharges to grade via an existing fire escape on the southeast portion of the parcel at 1431 Franklin St. The fire escape will be removed, as this is located on the 1431 Franklin St parcel, and the exterior egress balcony will be provided with access to a 3-hour rated exit stair enclosure in the new building. This exit stair will discharge to the exterior at grade on Franklin St.

The third floor tenant space at 420 14<sup>th</sup> St which has access to this easement has an estimated occupant load of 500 occupants, and has access to three exits: a 5 to 6 foot wide stair which serves as the main entry/exit and accommodates half the occupant load, a fire escape on 14<sup>th</sup> Street, and the rear exit leading to the easement. The third floor tenant space at 1411 Franklin St which is served by this easement also has an estimated occupant load of 500 occupants, and is served by three exits: a 5 to 6 foot wide stair which serves as the main entry/exit and accommodates half the occupant load, an interior stairwell, and the rear exit leading to the easement. With the egress arrangement of these tenant spaces, the egress through the easement is estimated to account for approximately one-fourth the occupant load of the space. The estimated occupant load of either building using the 3-hour rated exit stair is anticipated to be approximately 125 occupants. This occupant load is accommodated by the proposed 44-inch wide stair (44 inches / 0.3 inches/person = 146 occupants). This exceeds the width of the existing fire escape serving the egress easement, and is an improvement of the existing condition. Because 420 14<sup>th</sup> St and 1411 Franklin St are separate buildings, it is reasonable to assume that each building is independent of the other, therefore the exit capacity of the egress easement considers egress from one building at a time. This stair width will exceed that of the existing fire escape it is replacing. Hose valves will be provided in the new exit stair enclosure and on the existing egress balcony per Exhibit D.

The egress easements between all parties concerned will be updated to reflect the proposed egress conditions.

#### **Analysis:**

Applicant submits that the proposed arrangement maintains an equivalent level of life safety and protection for the exit discharge from the new building at 1431 Franklin and four existing buildings. This also provides an improvement for the egress serving the two buildings at 420 14<sup>th</sup> St and 1411 Franklin St, because the occupants will be provided with a 3-hour rated exit stair enclosure instead of a fire escape. Applicant suggests that this approach provides an equivalent level of safety for the building occupants and firefighters.

#### **Attachments & References:**

- Exhibit A – application form
- Exhibit B – letter of request and analysis
- Exhibit C – egress diagrams
- Exhibit D – hose valve location diagram

### **Alternate Method of Construction**

- APPROVED.** This Alternate Materials and Methods Request may be granted with respect to the 2019 Code Section provided the listed Standard and Special Conditions are adhered to:

#### **Standard Conditions of Approval**

1. This Alternate Method of Construction (A.M.R.) shall apply solely to this application and shall not be construed as establishing an expressed or implied precedent, policy, guideline, or standard. The Building Official, at his or her sole discretion, may amend or terminate this A.M.R. by written determination.



2. Any design or construction deviation from the requirements specified herein or failure to obtain a final inspection approval of the installation or failure subsequently to maintain and preserve the installation shall void this A.M.R.
3. The property owner and its successors, heirs, or assigns, affiliated companies or corporations, parent companies or corporations, or partners shall indemnify, defend and hold the City of Oakland and its officers, officials, employees, representatives, agents and volunteers harmless against all claims, injuries, damages, losses and suits, including attorney fees and expert witness fees, arising out of or in connection with this A.M.R. This indemnification shall survive the termination of this A.M.R.
4. Design and installation of fire detection, fire extinguishing, and smoke control systems and associated components, including water and power supply, sprinklers, hydrants, fire department connections, and stand pipes, shall conform with the regulations of the Building, Plumbing, Mechanical, Electrical, and Fire Codes, with NFPA standards, and with the requirements of the Building Official and Fire Marshal.

**Special Conditions of Approval**

1. The "tunnel" serving 1440 Broadway and 625 15<sup>th</sup> Street shall be constructed as an exit passageway with a fire-resistance-rating of not less than 3 hours.
2. The egress path from 1440 Broadway to the "tunnel" shall be a direct path with shortest practical travel distance.
3. The exit stair enclosure serving 1411 Franklin Street and 420 14<sup>th</sup> Street shall be provided with a fire-resistance-rating of not less than 3 hours.
4. Hose valves shall be provided in the new 3-hour rated exit stair enclosure and on the existing exterior egress balcony serving 420 14<sup>th</sup> Street, per Exhibit D.
5. All egress components within the easements shall be sized for required capacity based on the occupant loads served.
6. The egress easements between all parties concerned shall be updated to reflect the proposed egress conditions.

**DENIED.** This Alternate Materials and Methods Request may NOT be granted with respect to the 2019 California Building Code based on the following:

**Basis of Denial**

1. NA

**Fire Department**



Philip Basada  
Fire Protection Engineer

Date 02.23.2021

**Building Department**

Plan Checker or Inspection Supervisor



A. Placido

Date 2/23/21

Fire Marshal



O. Arriola

Date 02.23.2021

Acting Building Official



T. Low

Date 2/24/2021



AMR2000082  
Exhibit A (1 of 1)

ALTERNATE MATERIALS  
AND METHODS REQUEST

Planning and Building Department  
250 Frank H. Ogawa Plaza  
2nd Floor, Suite 2114  
Oakland, CA 94612

- Request for Alternate Materials and Methods of Construction (OBC Sec. 104.11)
- Request for Grant of Modification (OBC Sec. 104.10)

REFERRED BY: \_\_\_\_\_  
(Plan Reviewer, Process Coordinator, or Inspector)

- \$ 699.98\* GRADE II (Request during Plan Check/Field Inspection)
- \$ 1,113.08\* GRADE III (Design stage, Pre-Permit Application)
- \$ 651.78\* GRADE I (Minimum Code deviations, Limited Staff Time – Specified by Staff Only)

Note: Please submit this form and one set of applicable exhibits, folded to not exceed 8.5 x 14 inches, to referring staff person along with the appropriate fees.

Application or Permit #: PLN20124 and PLN20125  
 Project Address/APN: 1431 Franklin Street  
 Scope of work New high-rise building (office or residential)

1. State and describe specific code section and /or code table for which an alternate material, alternate design or method of construction is requested:

Section No. 2019 CBC 1028.1, 1028.5 Table No. N/A  
CBC Section 1028.1 requires exits to discharge directly to the exterior of the building, and the exit discharge shall be at grade or shall provide a direct path of egress travel to grade. This section prohibits the exit discharge from re-entering a building. CBC Section 1028.5 requires the exit discharge to provide a direct and unobstructed access to a public way.

2. Describe alternate materials, alternate design of method of construction proposed:

Four existing buildings currently egress through the existing parking lot at 1431 Franklin St. When the new building is constructed at 1431 Franklin St, these buildings will egress through a 2-hour rated passageway and 2-hour rated dedicated stair discharging to Franklin St.

3. State evidence or proof that the alternate material, alternate design or method of construction proposed is at least the equivalent of that required in the current codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

425 15th St and 1440 Broadway will egress through a 2-hour rated self-supporting passageway discharging at Franklin St, with no openings except those necessary for access from these two buildings and from the rear stair discharge of 1431 Franklin. 420 14th St and 1411 Franklin St will egress through a dedicated 2-hour rated stair discharging at Franklin St. See attached.

I understand review of such requests is on a case by case basis and results of prior similar requests will not be used as a basis for approval or denial. ***Should this request be granted, I agree to file a Hold Harmless Agreement with the Alameda County Recorder and understand approval will not be effective until filed.***

I understand that, if the Building Official denies this request, I may appeal this item to the Local Governing Body, as described in CBC 1.8.7, by making proper application and paying appropriate fees to the City of Oakland.

Respectfully submitted by:  DATE 2/10/2021  
 Name: Krystyna E. Gavin, P.E. Title: Consulting Engineer  
 Address: 1777 N California Blvd, Suite 200 City/State: Walnut Creek, CA 94596  
 Phone: 925-464-2022







## ALTERNATE METHOD AND MATERIALS REQUEST

### EGRESS EASEMENTS

**1431 FRANKLIN ST  
OAKLAND, CALIFORNIA**

- Code Section:** 2019 California Building Code (CBC) Sections 1028.1 and 1028.5.
- Requirement:** CBC Section 1028.1 requires exits to discharge directly to the exterior of the building, and the exit discharge shall be at grade or shall provide a direct path of egress travel to grade. This section prohibits the exit discharge from re-entering a building. CBC 1028.5 requires the exit discharge to provide a direct and unobstructed access to a public way. The new building at 1431 Franklin St will occupy an existing parking lot that is currently used as a portion of exit discharge from four existing buildings.
- Code Intent:** To provide a safe egress discharge path from the building exit discharge to the public way.
- Code Request:** Provide a new 3-hour fire resistance rated exit passageway and a new 3-hour rated exit stair enclosure in the new building to serve as a portion of exit discharge for the four existing buildings through the new building. Allow the exit discharge of these neighboring buildings to re-enter this 3 hour passageway, and allow this passageway to serve as exit discharge for one stair in 1431 Franklin. Two existing buildings, 425 15<sup>th</sup> St and 1440 Broadway, will egress through a 3-hour rated exit passageway on the ground floor of the new building to the exterior. The other two existing buildings, 420 14<sup>th</sup> St and 1411 Franklin St, will egress through a dedicated 3-hour rated stair discharging to Franklin St in the southeast portion of the new building.
- Justification:** The existing parcel at 1431 Franklin Street is currently used as a parking lot, which is used for egress under easements for four existing buildings: 425 15<sup>th</sup> St, 1440 Broadway, 420 14<sup>th</sup> St, and 1411 Franklin St. The new building at 1431 Franklin Street will occupy the entire parcel and it is not practical to provide egress courts through the parcel to serve the four existing buildings, due to the limited parcel size. The new building at 1431 Franklin Street will be a high-rise Type I-A building including either Group B office or Group R-2 residential occupancy and parking.

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As shown in the attached sketches, the existing buildings at 425 15<sup>th</sup> St and 1440 Broadway egress to the exterior at the north side of the parcel at 1431 Franklin St. These two buildings currently egress through the existing parking lot to Franklin St. A new, 3-hour rated exit passageway will be provided on the ground level of the new building at 1431 Franklin St to provide a protected egress path from these two existing buildings to the exterior at Franklin St. The passageway will only protect the space that is underneath the new building; this results in a condition where the existing buildings egress into an open-to-sky egress court, prior to entering the 3-hour passageway.

The rear stair of the new building at 1431 Franklin St will also discharge into this 3-hour passageway. The passageway will be self-supporting concrete or gypsum walls to meet the 3-hour rating. The passageway will have no openings to the 1431 building or its neighbors, other than for sprinkler, electrical and fire alarm to serve the passageway, and for openings into the passageway from the rear stair of the 1431 building and for access from existing buildings at 1440 Broadway and 425 15<sup>th</sup> St. The passageway will be designed as a tunnel, with door openings only as needed for entry and exit from the tunnel.

The building at 1440 Broadway is a 10-story office building with ground floor retail, and the estimated occupant load of the most populated floor is approximately 140 occupants, based on floor plans from June 2018. Approximately half of the occupants egress to the front of the building on Broadway, and half egress to the rear via the existing easement. The ground floor retail tenants have a front exit to Broadway and a rear exit to the easement, and one of the two stairs serving the upper floors discharges to the rear easement. The estimated occupant load egressing through this easement is approximately 70 occupants. The building at 425 15<sup>th</sup> Street is a two-story office building, and the estimated occupant load of the highest populated floor is 46 occupants, based on tenant improvement drawings from October 2019. The estimated occupant load egressing through this easement is 23 occupants. The new, 3-hour rated tunnel will be 44 inches wide to allow for an exit capacity of 220 occupants at 0.20 inches per person, or 293 occupants at 0.15 inches per person for a fully sprinkler protected building with an emergency voice/evacuation system. This provides adequate egress capacity for these two buildings as well as the new building at 1431 Franklin. As these are separate buildings, exit capacity for the tunnel is considered to serve each building individually. The occupants are provided with a direct path via the shortest practical travel distance from their buildings into the 3-hour rated exit passageway.

The third floor in the existing buildings at 420 14<sup>th</sup> St and 1411 Franklin St egress via an existing exterior egress balcony at an upper floor level which discharges to grade via an existing fire escape on the southeast portion of the parcel at 1431 Franklin St. The fire escape will be removed, as this is located on the 1431 Franklin St parcel, and the exterior egress balcony will be provided with access to a 3-hour rated exit stair enclosure in the new



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building. This exit stair will discharge to the exterior at grade on Franklin St. This is described in a notarized agreement from 1961.

The third floor tenant space at 420 14<sup>th</sup> St which has access to this easement has an estimated occupant load of 500 occupants, and has access to three exits: a 5 to 6 foot wide stair which serves as the main entry/exit and accommodates half the occupant load, a fire escape on 14<sup>th</sup> street, and the rear exit leading to the easement. The third floor tenant space at 1411 Franklin St which is served by this easement also has an estimated occupant load of 500 occupants, and is served by three exits: a 5 to 6 foot wide stair which serves as the main entry/exit and accommodates half the occupant load, an interior stairwell, and the rear exit leading to the easement. With the egress arrangement of these tenant spaces, the egress through the easement is estimated to account for approximately one-fourth the occupant load of the space. The estimated occupant load of either building using the 3-hour rated exit stair is anticipated to be approximately 125 occupants. This occupant load is accommodated by the proposed 44-inch wide stair (44 inches / 0.3 inches/person = 146 occupants). This exceeds the width of the existing fire escape serving the egress easement, and is an improvement of the existing condition. Because 420 14<sup>th</sup> St and 1411 Franklin St are separate buildings, it is reasonable to assume that each building is independent of the other, therefore the exit capacity of the egress easement considers egress from one building at a time. This stair width will exceed that of the existing fire escape it is replacing.

Hose valves will be provided in the new stair and on the existing balcony per the attached sketch. The egress easements between all parties concerned will be updated to reflect the proposed egress conditions.

Conclusion:

The proposed arrangement maintains an equivalent level of life safety and protection for the exit discharge from the new building at 1431 Franklin and four existing buildings. This also provides an improvement for the egress serving the two buildings at 420 14<sup>th</sup> St and 1411 Franklin St, because the occupants will be provided with a 3-hour rated exit stair enclosure instead of a fire escape. We suggest that this approach provides an equivalent level of safety for the building occupants and firefighters.

Prepared by:

THE FIRE CONSULTANTS, INC



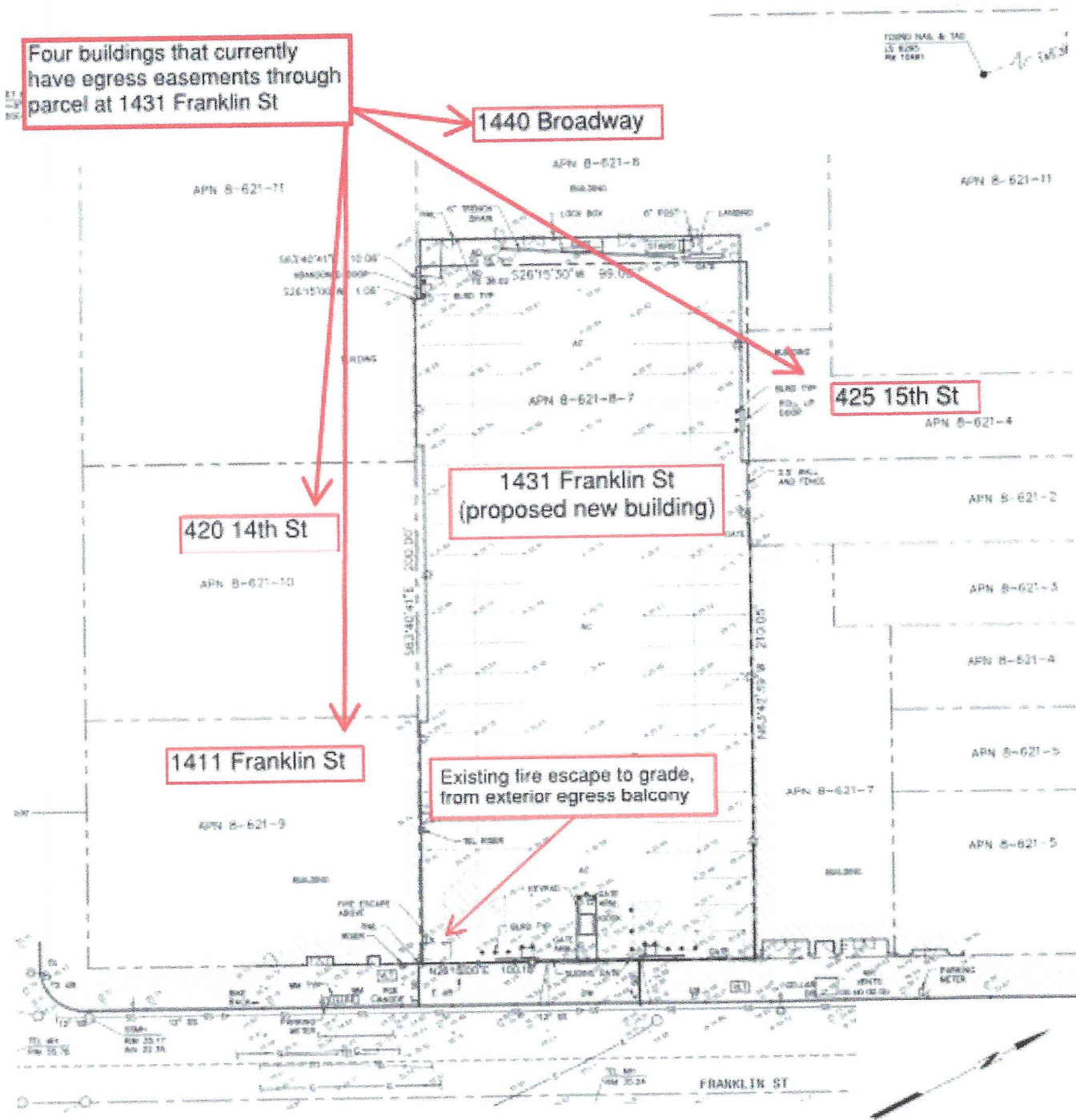
Krystyna E. Gavin, P.E.



2/10/2021

Date

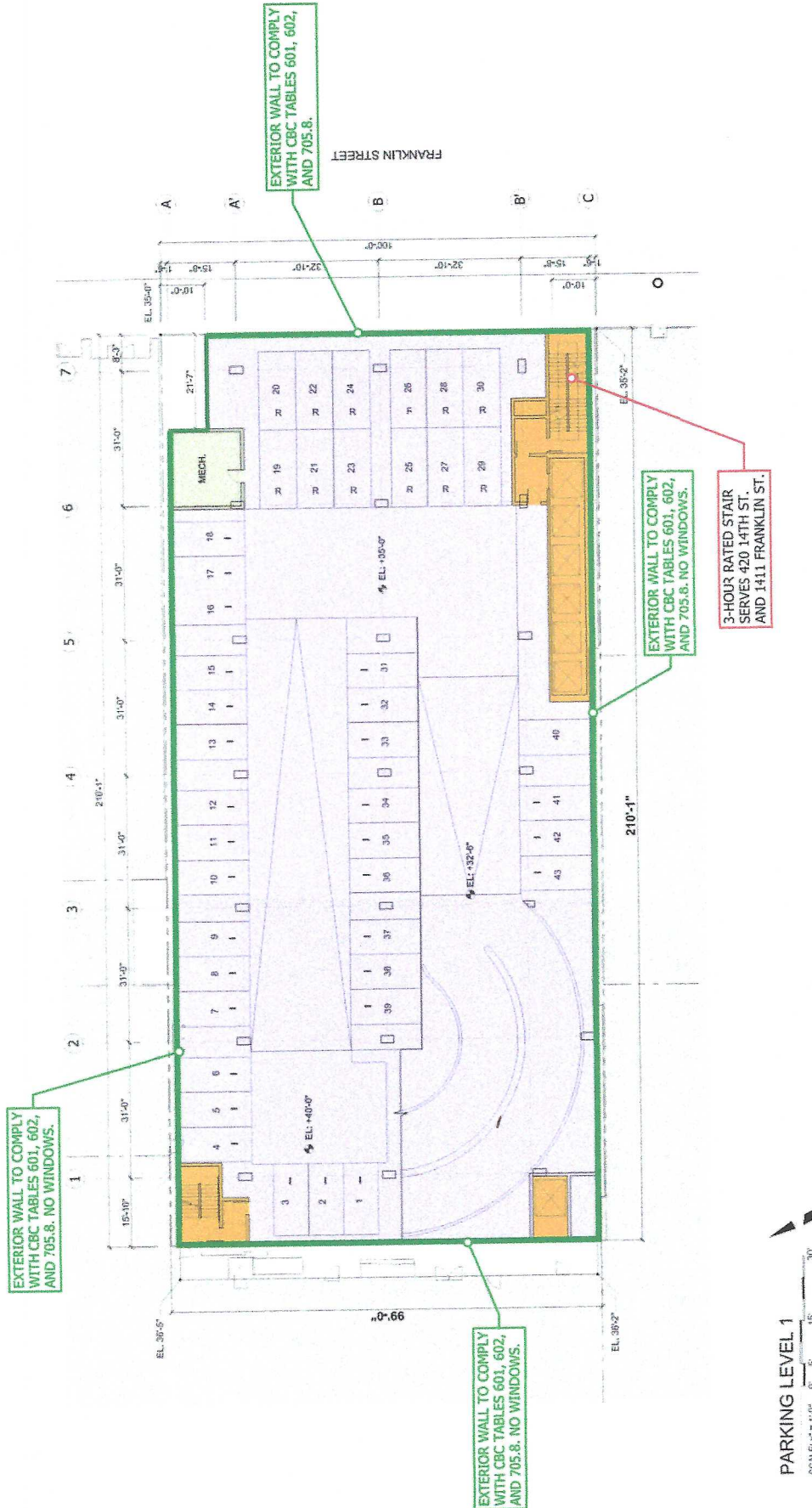
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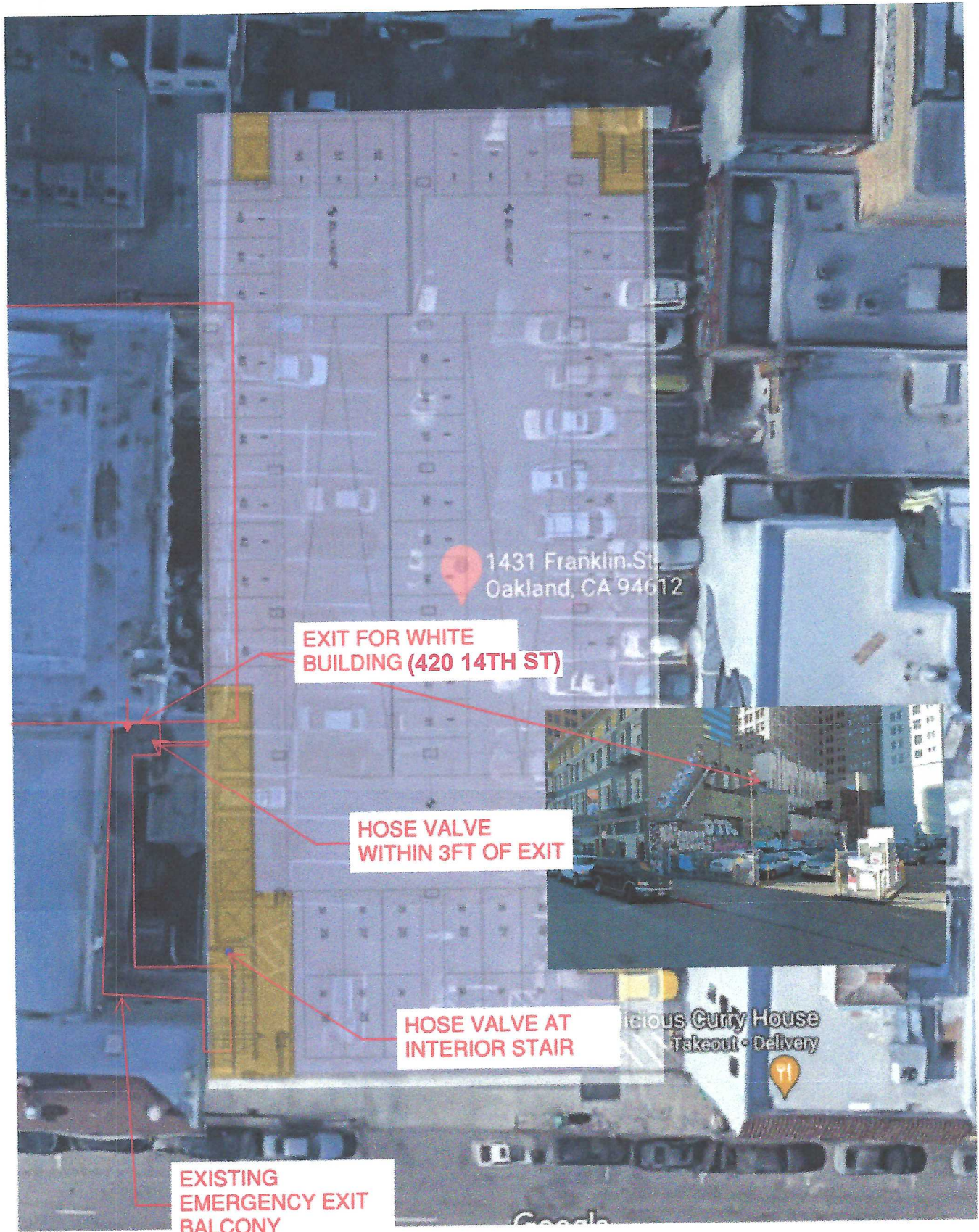




**ALTERNATE METHODS AND MATERIALS  
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**RECORDING REQUIRED BY:**

**City of Oakland  
Planning and Building Department**

2790003134

**WHEN RECORDED MAIL TO:**

**City of Oakland  
Planning and Building Department  
250 Frank H. Ogawa Plaza, 2nd Floor  
Oakland, CA 94612**

2022088127

05/04/2022 09:25 AM

2 PGS

OFFICIAL RECORDS OF ALAMEDA COUNTY  
MELISSA WILK, CLERK-RECORDER  
RECORDING FEES: \$92.00



**ELECTRONICALLY RECORDED**

**Permit No:** PLN20124 **AMR2000082**  
**Property Owner:** TC II 1431 FRANKLIN LLC  
**Property Address:** 1431 FRANKLIN ST  
**APN:** 008 062100807  
**Subject:** AMMR (Alternate Materials and Methods Request)  
**Approved Date:** 02/26/2021

**ACCOMMODATION**

**HOLD HARMLESS AGREEMENT  
(Release of Claim)**

WHEREAS, the owner has requested the approval of AMMR for 1431 FRANKLIN ST which is the property referenced above; and,

WHEREAS, the owner has requested the approval of AMMR for providing a 3-hour fire resistance rated exit passageway and a 3-hour fire rated exit stair enclosure to satisfy CBC Section 1028.1 which requires exits to discharge directly to the exterior of the building which serve as egress paths of neighboring properties with existing egress easements through the parcel; and,

NOW, THEREFORE, in consideration of the granting of a permit by the City of Oakland for 1431 FRANKLIN ST on said property and other valuable consideration hereby admitted to have been received, the undersigned remise, release, and forever discharge the City of Oakland, its officers, agents and employees, and each of them, from any obligation to maintain, repair or reconstruct said building and related improvements and from any actions, causes of action, claims and demands, or whatsoever kind or thing in connection with the above described building permit with AMMR. The undersigned further agrees to indemnify and save harmless the City of Oakland, its officers, agents and employees, and each of them, from any suits, or actions brought by any person or persons, corporations, or other entities for or on account of any bodily injury, disease, or illness, including death, damage to property, real or personal, or damages of any nature, however caused and regardless of responsibility for negligence, arising in any manner due to said building permit or the approval of the AMMR.

This agreement shall run with the land and shall be binding only on the property owner, heirs, successors, and assigns existing at the time any action arises hereunder.

IN WITNESS THEREOF, I have hereunto set signature this day of

**Applicant:** TC II 1431 FRANKLIN LLC

**By:** *[Signature]* **Date:** 5/2/22  
*Craig M Young AKA CRAIG MACKAY YOUNG*  
**Property owner:** *managing member*

**By:** *[Signature]* **Date:** 5/2/22  
*Craig M Young AKA CRAIG MACKAY YOUNG*  
**TC II 1431 FRANKLIN LLC** *managing member*



# Mold Harmless Agreement

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Francisco)

On 5/2/2022 before me, Michael Francis Finn, a notary public  
(insert name and title of the officer)

personally appeared Craig Mackay Young,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

