

ATTACHMENT C.1

CONDITIONS OF APPROVAL

Part 1: Standard Conditions of Approval - General Administrative Conditions

1. **Approved Use**

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, City Council Agenda Staff Report of (TBD) and the approved plans dated September 9, 2024, 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. This Approval shall expire **five (5) 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 up to three, one-calendar year extensions or a one, three-calendar year extension. 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. **Effective Date, Expiration, Extensions and Extinguishment for Tentative Maps**

This Tentative Map Approval shall become effective immediately. This Approval shall expire **two (2) years** from the Approval date, or from the date of the final decision in the event of an appeal, unless a Final Map is submitted to Engineering Services. The final submittal for the map shall include all common areas, pathways, and dedicated sewer and storm drain easements in a form acceptable to the City Engineer and acceptance language by the City Engineer. The applicant shall record the Final Map and a written legal description of the reconfigured parcels as part of the deed with the Alameda County Recorder’s Office and proof of such recordation shall be provided to the Planning Department prior to issuance of Building Permits. 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 up to two, one-calendar year extensions or a one, two-calendar year extension with additional extensions subject to approval by the approving body. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining a Final Map is automatically extended for the duration of the litigation.

4. **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.

5. **Minor and Major Changes**

- Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning.
- 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. Factors to consider when determining if a revision is major include, but are not limited to, the following: the permitted uses of the project, the density or intensity of uses in the project, substantial changes to unit mix, height, design, envelope, massing or size of improvements or open space areas or provisions for dedications associated with the project, or changes that will result in any of the circumstances requiring further environmental review pursuant to CEQA Guidelines section 15162 or 15163.
- A formal written administrative determination/interpretation with public notice of a ten (10) day appeal period to interested parties is required when making a determination for major or minor changes under this Condition.

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.

- 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.
- 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**

- 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.
- 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-related permit and shall submit an updated matrix upon request by the City.

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, temporary parking 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)**

All mitigation measures identified in the California College of the Arts Oakland Redevelopment Project are included in the Standard Condition of Approval / Mitigation Monitoring and Reporting Program (SCAMMRP) which is included in these Conditions of Approval and are incorporated herein by reference, as Attachment A, as Conditions of Approval of the project. The Standard Conditions of Approval identified in the California College of the Arts Oakland Redevelopment Project 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 California College of the Arts Oakland Redevelopment Project has been inadvertently omitted from the SCAMMRP, that Standard Condition of Approval or mitigation measure is adopted and incorporated from the California College of the Arts Oakland Redevelopment Project 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.

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.

Part 2: Standard Conditions of Approval– Environmental Protection Measures

GENERAL

15. Regulatory Permits and Authorizations from Other Agencies.

Requirement: The project applicant shall obtain all necessary regulatory permits and authorizations from applicable resource/regulatory agencies including, but not limited to, the Regional Water Quality Control Board, Bay Area Air Quality Management District, Bay Conservation and Development Commission, California Department of Fish and Wildlife, U. S. Fish and Wildlife Service, and Army Corps of Engineers and shall comply with all requirements and conditions of the permits/authorizations. The project applicant shall submit evidence of the approved permits/authorizations to the City, along with evidence demonstrating compliance with any regulatory permit/authorization conditions of approval.

When Required: Prior to activity requiring permit/authorization from regulatory agency

Initial Approval: Approval by applicable regulatory agency with jurisdiction; evidence of approval submitted to Bureau of Planning

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

BIOLOGICAL RESOURCES

16. Avoid and Minimize Impacts on Special-Status Roosting Bats in Buildings.

Requirement: To avoid and minimize impacts on special-status roosting bat species, the project applicant shall retain a qualified biologist, as defined by the California Department of Fish and Wildlife (CDFW), who is experienced with bat surveying techniques, behavior, and roosting habitat. CDFW defines credentials of a qualified biologist within permits or authorizations issued for a project to typically include a minimum of four years of academic training leading to a degree and a minimum of two years of experience conducting surveys for each species that may be present within the project area.

The retained biologist shall conduct a pre-construction habitat assessment of the project area (focusing on buildings to be demolished or relocated) to identify potential bat habitat and/or signs of potentially active roost sites. Should the pre-construction habitat not identify potential bat habitat or signs of potentially active roost sites, no further action is required.

Should the pre-construction habitat assessment identify potential bat habitat and/or signs of potentially active roost sites within the project area (e.g., guano, urine staining, dead bats, etc.), the project applicant shall be required to implement the following measures:

For projects starting demolition during the non-sensitive periods (August 16 – October 14, and March 2 – April 14), work shall be done under the supervision of a qualified biologist with restrictions such as.

- i. Potential bat roosting habitat or active roosts shall be disturbed only under clear weather conditions when precipitation is not forecast for three days, average wind speeds are less than 15 miles per hour, and when nighttime temperatures are at least 45 degrees Fahrenheit.
- ii. When appropriate, buildings shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening. Under no circumstances shall active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist.

-- OR --

For projects starting demolition during one of the sensitive periods (maternity season/April 15 August 15 or period of winter torpor/October 15 - March 1), the project applicant shall be required to implement the following measures:

- iii. To the extent feasible, construction activities in areas identified as potential roosting habitat during the habitat assessment shall not occur during bat maternity roosting season and period of winter torpor (April 15 to August 15, and October 15 to March 1, respectively).
 - iv. If avoidance of the bat maternity roosting season and period of winter torpor, defined above, is infeasible, the qualified biologist shall conduct pre-construction surveys of potential bat roost sites identified during the initial habitat assessment. The survey shall be submitted to the City for review and approval.
 - v. If no signs of potentially active roost sites are identified, no further action is required.
- If active bat roosts or evidence of roosting is identified during pre-construction surveys, the qualified biologist shall determine, if possible, the type of roost and species. A no-disturbance buffer shall be established around roost sites either through the seasonal avoidance windows of April 15 to August 15 and October 15 to March 1, or until the qualified biologist determines the roosts are no longer active. The size of the no-disturbance buffer would be determined by the qualified biologist and would depend on the species present, roost type, existing screening around the roost site (such as dense vegetation or a building), as well as the type of construction activity that would occur around the roost site.
 - i. Any work that must occur within established no-disturbance buffers shall be done under the supervision by a qualified biologist with restrictions such as:
 1. Potential bat roosting habitat or active roosts shall be disturbed only under clear weather conditions when precipitation is not forecast for three days and when daytime temperatures are at least 50 degrees Fahrenheit.
 2. When appropriate, buildings shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost, likely in the evening and after bats have emerged from the roost to forage. Under no circumstances shall active maternity roosts be disturbed until the roost disbands at the completion of the maternity roosting season or otherwise becomes inactive, as determined by the qualified biologist
 3. If adverse effects in response to project work within the no-disturbance buffers are observed, work within the no-disturbance buffer shall halt until the roost disbands.

When Required: Prior to construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

17. **Avoid and Minimize Impacts on Special-Status Roosting Bats in Trees.**

Requirement: To avoid and minimize impacts on special-status roosting bats in trees, the project applicant shall comply with the following requirements: A qualified biologist (as defined by California Department of Fish and Wildlife) who is experienced with bat surveying techniques (including auditory sampling methods), behavior, and roosting habitat shall conduct a pre-construction habitat assessment of the subject tree to characterize potential bat habitat and identify potentially active roost. Trees with potential bat roosting habitat or active bat roost sites shall follow a two-step removal process which shall occur outside of the bat maternity roosting season and period of winter torpor (April 15 to August 15, and October 15 to March 1).

On the first day and under supervision of the qualified biologist, tree branches and limbs not containing cavities or fissures in which bats could roost shall be cut using chainsaws or other handheld equipment. On the following day and under the supervision of the qualified biologist, the remainder of the tree may be trimmed or removed, either using chainsaws or other equipment (e.g., excavator or backhoe).

All felled trees shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats to escape, or be inspected once felled by the qualified biologist to ensure no bats remain within the tree and/or branches. The tree will be removed on or after the third day.

When Required: Prior to removal of trees

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

Part 3: Standard Conditions of Approval – Other Standard Conditions

18. **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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

19. **Neighborhood Retail Survey.**

Requirement: The project applicant shall conduct a survey of community members located within one-half mile of the project site to identify neighborhood needs and preferences for the proposed commercial space. The City strongly encourages the project applicant to seek tenants for the proposed commercial space that meet the needs and preferences of local community members. Please refer to the City's Survey Guidelines for more information (contained in a separate document and available from the Oakland Planning Bureau).

When Required: Prior to commercial operations

Initial Approval: N/A

Monitoring/Inspection: N/A

Part 4 Site Specific Conditions of Approval

Conditions Applying to the PUD/FDP

20. **Deed Restriction for Property Security and Maintenance and On-Going Property Owner Responsibility.**

Requirement: Prior to or contemporaneous with the recordation of the Final Map, the applicant shall record a Deed Restriction with the Alameda County Recorder's Office that holds the project property owner(s)/operator(s) responsible for maintaining and managing security and deterrence of loitering. This shall apply to the outdoor areas and public areas of the project, including Carriage House and lookout point, Mackey Hall, view corridor, landscaping, bicycle and vehicle parking, pedestrian pathways, playground, plaza, emergency vehicle access, Broadway wall, pedestrian and vehicular ingress and egress, and all open space within the property. The applicant shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the City thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage. In addition, the applicant shall include measures to include daily/24-hour security guards at each building, managed and monitored security cameras in the playground, pedestrian pathways, public open space, parking garage and entrances/exits. Prior to the recordation of the Deed Restriction, the applicant shall obtain final approval of the Deed Restriction by the Office of the City Attorney.

When Required: Prior to recordation of final map and ongoing

Initial Approval: City Attorney

Monitoring/Inspection: Bureau of Building, Code Enforcement

21. **Shared Access Easement and On-Going Owner Responsibility.**

Requirement: Applicants for a shared-access facility (pedestrian pathways and emergency vehicle access road) shall submit for approval an easement or other binding agreement for the use and maintenance of the shared-access pedestrian pathways and roads. Upon City staff and City Attorney approval, the proposed agreement shall be recorded by the applicant within thirty (30) days of City Staff approval with the Alameda County Recorder's office. In addition, applicants for a shared-access facility shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the City thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage.

When Required: Prior to recordation of final map and ongoing

Initial Approval: Department of Engineering Services

Monitoring/Inspection: Bureau of Building, Code Enforcement

22. **Certification of Shared Access Facility Construction.**

Prior to construction of the shared access facility, applicants for the proposed shared-access facility shall retain a California registered professional civil engineer to certify, upon completion, that the access facility was constructed in accordance with the approved plans and construction standards. Applicants may also be required to show assurance of performance bonding for grading and other associated improvements required under this permit. In addition, prior to the installation of landscaping, applicants shall retain a landscape architect or other qualified individual to certify upon completion that the landscaping was installed in accordance with the approved landscape plan.

When Required: Prior to final map approval

Initial Approval: Department of Engineering Services

Monitoring/Inspection: Bureau of Building

23. **Interim Property Security and Maintenance Agreement.**

Requirement: Within thirty (30) days of Approval, the applicant shall submit for approval a binding security and maintenance agreement that holds the property owner(s)/operator(s) responsible for

maintaining and managing security and deterrence of loitering, and for maintenance of the existing property, pedestrian pathways, open space, landscaping, trees and buildings in at least the condition as of the date of the Approval. In addition, the agreement shall include measures to secure the property with fencing, provide security, collect trash and debris, remove graffiti, maintain vegetation, and secure buildings and shall include appropriate contact information of the responsible party. Upon City staff and City Attorney approval, the proposed agreement shall be recorded by the applicant within thirty (30) days of City Staff approval with the Alameda County Recorder's office. In addition, the applicant shall provide documentation of continuing liability insurance coverage. Documentation of insurance coverage shall include the written undertaking of each insurer to give the City thirty (30) days' prior written notice of cancellation, termination, or material change of such insurance coverage. The interim Property Security and Maintenance Agreement shall terminate upon recordation of the Deed Restriction for Property Security and Maintenance.

When Required: Ongoing until recordation of the Deed Restriction for Property Security and Maintenance

Initial Approval: City Attorney

Monitoring/Inspection: Bureau of Building, Code Enforcement

24. **Deed Restriction for Public Accessibility of Public Open Space, Plaza, Playground, and Pedestrian Pathways.**

Requirement: Prior to or contemporaneous with the recordation of the Final Map, the applicant shall record a Deed Restriction to make and maintain as publicly accessible, in perpetuity, the 41,193-square foot privately-owned public open space (POPOS), the 27,125-square foot plaza, first floor of Carriage House, playground(s), all pedestrian pathways, and the entrances and exits to the POPOS. The legal document shall include provisions for the allowed uses and/or facilities per the approved design and subdivision plans. The document shall include, but not be limited to, the hours of operation, construction, maintenance, management, agreements and liabilities of all approved structures and landscaping and the POPOS. Prior to the recordation of the Deed Restriction, the applicant shall obtain final approval of the Deed Restriction by the Office of the City Attorney.

When Required: Prior to final map or construction-related permit and ongoing

Initial Approval: City Attorney

Monitoring/Inspection: Bureau of Building, Code Enforcement

25. **Service Circulation & Submittal of Revised Plans.**

Requirement: The applicant shall submit an updated circulation plan showing circulation round the streets, emergency vehicle access, and pedestrian pathways. The plan shall make efforts to minimize views of utility service activities and manage circulation to prevent conflicts for pedestrian traffic.

When Required: Prior to the issuance of the first construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

26. **Affordable Residential Ownership Units - Agreement and Monitoring.**

Requirement #1: The proposed project shall provide either a minimum of 23 target dwelling units (5%) available at very low income levels or 45 units (10%) at low or moderate income levels from the approved 448-unit residential development.

Requirement #2: 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 an Affordability Agreement based on the City's model documents, as may be amended from time

to time, governing the target dwelling units. The Affordability Agreement shall provide that target dwelling units are offered at an affordable housing cost and that only households that (i) meet the eligibility standards for the target dwelling units, and (ii) agree to execute an equity share agreement with the City are eligible to occupy the target dwelling units.

The Affordability 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 Affordability Agreement may not be subordinated in priority to any other lien interest in the property.

Requirement #3: The restricted target dwelling units must comply with the City of Oakland Affordable Homeownership Development Program Guidelines. The applicant shall ensure that the initial occupant of all for-sale target dwelling units are Very Low-, Low, or Moderate-Income Households, as required, and that the units are offered at an Affordable Housing Cost in accordance with California Health and Safety Code Section 50052.5 and its implementing regulations.

Requirement #4: For-sale target living units require a one-time fee to determine the eligibility of the initial homebuyer. The City's fee is \$250 per unit currently per the Master Fee Schedule, which is updated annually and available from the Budget Office of the City Oakland's Finance Department: <https://www.oaklandca.gov/departments/finance-department>.

Requirement #5: The owner of a for-sale affordable unit may not rent out the unit. The unit must remain owner occupied.

Requirement #6: The applicant shall provide for initial homebuyer education to apprise buyers of the long-term affordability restrictions applicable to the targeted dwelling units, and shall submit information regarding the initial homebuyer's income, household size and other funding sources to City staff in the Housing and Community Development Division, for their review and approval. If a potential initial homebuyer does not meet the City's underwriting requirements, then the proposed homebuyer will not be allowed to purchase the home, and the applicant will be required to find qualified substitute buyer.

Requirement #7: The applicant shall submit for review and approval by the City Attorney, Bureau of Planning and any other relevant City departments as determined by the City, proof that all initial homebuyers of for-sale target dwelling units have entered into a density bonus equity share agreement, consistent with State Density Bonus Law, with the City prior to purchasing the unit or property, and the grant deed conveying title to the unit to the initial homebuyer shall reference the equity share agreement. The equity share agreement shall specify that the title to the subject property or unit may not be transferred without prior approval of the City. Following City approval, the applicant shall record the equity share agreement against the parcel containing the target dwelling unit, as well as a Deed of Trust and Request for Notice in the event of default, sale, or refinancing, with the Alameda County Recorder's Office, and shall provide a copy of the recorded equity share agreement to the City. The equity share agreement shall further provide that upon future resale of a target dwelling unit, the initial homebuyer must notify the Housing and Community Development Division of its intent to sell the unit. Upon resale, the initial homebuyer may recoup the value of its own down payment, any improvements to the target dwelling unit, and the initial homebuyer's proportionate share of appreciation. The initial homebuyer shall repay to the City the City's initial subsidy and the City's proportionate share of appreciation. The City's initial subsidy is to be equal to the difference between the fair market value of the target dwelling unit at the time of initial sale and the initial sale price to the initial homebuyer, plus the amount of down payment assistance or mortgage assistance, if any. If upon resale the fair market value of the target dwelling unit is lower than the initial fair market value, then the value at the time of the resale shall be used as the initial fair market value. The City's proportionate share of appreciation is equal to the ratio of the local government's initial subsidy to the fair market value of the target dwelling unit at the time

of the initial sale. The City will apply these repayment proceeds to the promotion of low to moderate income homeownership opportunities within five years of its receipt.

Requirement #8: 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.

Requirement #9: Households in affordable units must have equal access to the project's services and facilities as households in all other units within the project.

Requirement #10: Affordable units must be evenly distributed throughout the project.

Requirement #11: Affordable units shall be constructed prior to or concurrent with the construction of the market rate units in each phase of the project.

Requirement #12: 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 and Ongoing

Ongoing Monitoring and Inspections: Housing and Community Development, Housing Development Services Division

27. Affordable Residential Rental Units – Agreement and Monitoring.

Requirement 1: The project applicant shall provide the required minimum of either 23 residential units (5%) affordable at very low income levels or 45 residential units (10%) at low or moderate income levels from the approved 448-unit residential development.

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.

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 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.

Requirement 4: Rental target dwelling units shall be managed / operated by the applicant or applicant's agent or the applicant'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.

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.

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.

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

Requirement 8: Affordable units shall be constructed concurrent with the construction of the market rate units in each phase of the project.

Requirement 9: 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

Monitoring/Inspection: Housing Development Services Division

28. **California Art Preservation Act Compliance.**

Requirement: Prior to demolition permits, the applicant shall comply with the California Art Preservation Act (California Civil Code § 987) with respect to the mural currently located on Martinez Hall or shall demonstrate to the Bureau of Planning that the murals are not "fine art" subject to the Act.

When Required: First demolition permit

Initial Approval: Bureau of Planning

Monitoring/Inspections: N/A

29. **High Quality Playground, Open Space, Pedestrian Pathways.**

Requirement: In order to ensure a safe and lively pedestrian realm, the pedestrian pathways, POPOS, and playground shall be high-quality, well-designed spaces that include excellent pedestrian-scaled lighting, extensive furnishings, interactive art and high-quality amenities for children in the playground.

When Required: First building permit and PX/PZ Permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building, Code Enforcement

30. **Reasonable Return Prior to Demolition.**

Requirement: Prior to demolition permits, the applicant must demonstrate that the project will generate a reasonable economic return in accordance with Planning Code Section 17.136.075.C.1(a)(i).

When Required: First demolition permit

Initial Approval: Bureau of Planning

Monitoring/Inspections: N/A

31. **Building Permit Prior to Demolition.**

Requirement: Given the historic resources planned for demolition, the applicant must apply for, pay for, and receive issued building permits for Buildings A and B and relocation of Carriage House, prior to approval of any demolition permits. The applicant shall also enter into, and provide to the City, an executed construction contract for the entire project prior to demolition permits. The applicant shall not permit the building permits to expire during or after demolition and shall diligently complete Buildings A and B to certificates of occupancy.

When required: Prior to first demolition permit

Initial Approval: Bureau of Planning

Monitoring/Inspections: Bureau of Building

32. **Management Entity for Commercial Activities and POPOS.**

Requirement: Prior to submittal of Building Permit, the applicant shall submit documentation of a management entity or entities, in perpetuity, for POPOS and commercial/public interior spaces. Post on site the contact information for the management entity.

When Required: Prior to building permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building, Code Enforcement

33. **Group Assembly/Personal Instruction Activities.**

Requirement: Provide a schedule of activities to occur on or within the 13,476 square feet of Group Assembly/Personal Instruction space on Macky Lawn (10,718 square feet, first floor of the Carriage House, 1,238 square feet, and the outdoor deck of the Carriage House 1,414 square feet. Provide anticipated number of attendees, time limits, frequency and duration of activities, sound system, parking, drop off and vendor areas for events in POPOS and commercial/public interior and exterior spaces. Identify temporary or event parking for delivery trucks/vendors for activities. Fund an annual monitoring report to be reviewed by an independent third-party consultant. The monitoring report shall confirm conformance with any requirements needed for these activities.

When Required: Prior to first certificate of occupancy

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building, Code Enforcement

34. **Shared Parking Agreement for Residential/Commercial.**

Requirement: Prior to Building permit submittal, submit a shared parking agreement to the Bureau of Planning for review and approval by the Oakland City Attorney, if determined to be applicable. The shared parking agreement shall identify the number of shared parking spaces, the land uses activities proposed, and demonstrate the feasibility of allowing multiple activities to use the parking approved as part of the PUD bonus request.

When Required: Prior to building permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building, Code Enforcement

35. **Parking and Deliveries.**

Requirement: Prior to Building permit submittal, a parking/deliveries plan shall be submitted to the Bureau of Planning for administrative review showing at a minimum both on-site and off- site parking and loading configuration and circulation, including temporary parking and drop off, loading for tenants and commercial activities, building interior and exterior access, access to lobbies and temporary storage for packages/deliveries. The plan shall demonstrate the functionality of the onsite vehicular drop off/ pickup

facility on the ground floor of Building B and identify temporary parking for delivery trucks and/or vendors to walk deliveries into the buildings.

When Required: Prior to building permit.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building, Code Enforcement

36. Parking Reduction/ GHG Compliance.

Requirement: Prior to Building permit application, submit a revision to onsite parking that reduces the amount of parking to be no more than the parking minimums established in Planning Code Section 17.116 or submit a revised TDM Plan that further reduces VMT for the project below the standard 20% required reduction. This condition of approval is required in addition to Standard Condition of Approval SCA Trans-4.

Transportation and Parking Demand Management When Required: Prior to building permit

Initial Approval: Bureau of Planning, Department of Transportation

Monitoring/Inspection: Department of Transportation

37. Demolition Plan.

Requirement: Prior to Building permit submittal, a demolition plan shall be submitted to the Planning Bureau for administrative review showing the phasing of demolition for the 10 buildings, reuse and related re-use and temporary storage of materials and/or site features such as Carnegie bricks and art icons.

When Required: Prior to building permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

38. Elevations.

Requirement: Prior to Building Permit submittal, a full set of schematic elevations is to be submitted to the Planning Bureau for administrative review providing verification of consistency with the PDP and FDP planning entitlement and the site-specific project Design Guidelines submitted February 15, 2023. Information provided shall be equivalent to the required Final Development Permit (FDP) submittal requirements for a vertical FDP as listed in the submittal checklist included in the Basic Application and shall provide dimensions materials, colors, signage design and placement, and a materials board sufficient to demonstrate compliance with standards for new construction including but not limited to: Guidelines 2.3. New Building Form Guidelines (2.3.5 through 2.3.24), 2.4 New Building Base (Guidelines (2.4.1 through 2.4.11), and 2.5 New Building Facade Composition (Guidelines 2.5.1 through 2.5.13). Demonstrate compliance with objective standards for modulation, step backs, height reductions, height and roofline features, building separation, and interface with the remaining historic resource buildings.

When Required: Prior to building permit submittal

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

39. Department of Transportation, Transportation Planning.

Requirement:

A. Streetscape Modifications. Implement mandatory measures identified in SCA #77 including improving transit access and safety through sidewalk/crosswalk enhancements, lighting, bus shelter improvements, and other features. The project sponsor will also implement the consultant recommendations as documented in the Appendix C of the FEIR, including:

- a. Traffic signals at the four signalized study intersections along the Broadway corridor should be interconnected to provide coordination in the southbound direction during the morning peak period and in the northbound direction during the evening peak period.
 - b. Construct a raised median on Broadway between College Avenue and Broadway Terrace. Left turns into and out of Clifton Street at the intersection of Broadway/Clifton Street would be prohibited with this installation. On-street parking on the east side of Broadway between College Avenue and Clifton Street should be removed and converted to additional queue storage for the northbound right turn pocket at the intersection of Broadway/Broadway Terrace and into the project site. Paint “KEEP CLEAR” pavement markings at the intersection of Broadway/Clifton Street in the right-turn pocket.
 - c. Increase the all red clearance interval at the intersections of Broadway/ College Avenue and Broadway/ 51st Street to provide greater time separation between opposing movements and to clear the intersection of vehicles between signal phases.
 - d. Prohibit left turns at the Broadway/ Clifton Street intersection to prevent violation of automobile right of way and broadside collisions.
 - e. Install red-light indicator lights or red-light cameras at the intersections of Broadway/ College Avenue and Broadway/ 51st Street to enhance visibility of red lights and reduce the frequency of crashes resulting from drivers disobeying traffic signals.
 - f. The final site plan should retain three driveways and designate curb space for loading for passenger loading and/or commercial vehicles along the internal loop formed by the easternmost and center project driveways. As shown on the conceptual site plan, the delineation of inbound and outbound movements from the garage versus pick-up and drop-off activity is not well defined. This area should be designed and defined to adequately segregate garage movements from pick-up and drop off activities. The westernmost driveway as shown is located approximately 85 feet west of Broadway. Queuing calculations, presented in a previous section of this report, find that this location is adequately spaced, provided that certain mitigation measures are provided (turn restrictions and signal interconnect).
 - g. Along the project frontage, curb extensions should be constructed at the intersection of Broadway/Clifton Street and Broadway/College Avenue.
 - h. Additional transit amenities are required at the bus stop located along the project frontage, including the construction of a bus boarding island, bus shelter, and concrete bus pad at the intersection of Broadway/College Avenue.
 - i. The final site plan should ensure adequate clearance and roadway widths are provided for emergency vehicles access throughout the project site.
- B. Revise the TDM Plan to include the following information:
- a. The existing Class II bike lane would remain continuous, floating between two through-lanes and one NBRT lane. Add FG300 bollard posts on either side of the bike lane between the bike lane and through lane/RT pocket to discourage weaving across bike lane and to protect this floating bike through movement.
 - b. Provide calculations for these estimates in Table 3 Proposed TDM Plan and Estimated Vehicle Trip Reduction.
 - c. Show the total number of peak trips to provide context for the 20 and 20.2% VMT reduction figures.

When Required: Prior to the issuance of building permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Bureau of Building, Code Enforcement

40. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Services - PX Permit.**

Requirement:

- Prior to recording the Parcel Map, or beginning any work in the City right-of-way, the applicant shall submit to DOT Engineering Services a PX-Permit application and enter into a P-Job Agreement.
- The PX-plans shall be prepared by a Registered Civil Engineer. Additional and separate utility excavation permit(s) for joint trench work are required. Separate obstruction permits and traffic control plans shall be obtained prior to beginning any work in the right-of-way.

When Required: Prior recording of Parcel Map

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

41. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Services - Street Paving and Striping.**

Requirement:

Conditions may apply at time of construction permit application.

- Street and roadway area(s) fronting the development must be resurfaced up to one traffic lane in width 13 ft. or to the centerline of the street, after completion of construction and as required by the Inspector.
- Evaluation of the street's Pavement Condition Index at time plans are submitted for permit review shall determine any restoration requirements.
- Existing striping fronting the property and up to 1 block length shall be restored to the satisfaction of the Inspector. Thermoplastic shall be required unless specified otherwise in the plans approved for construction.
- "Moratorium Streets" are resurfaced or newly constructed streets within the past 5-year period. No trenching or excavation is permitted on any Moratorium Street without the written authorization of the Public Works Director.
- Development is within proximity to a school zone and may require crosswalks fronting the development to be upgraded to current City standards with respect to school zones.
- Driveway serving proposed Loading to Building A on Clifton St shall be designed with sufficient on-site clearance that a parked truck shall not obstruct the adjacent sidewalk.

When Required: Prior to Construction Permits

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

42. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Services - Curb Ramps.**

Requirement: Curb ramps fronting development as well as across shall be updated to comply with current City and ADA standards for accessibility.

When Required: Prior to Construction Permit

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

43. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Services - Street Geometry and Striping Design.**

Requirement:

- New striping, curb painting, bulb-outs, changes to existing dimensions, impact to traffic resulting from development, traffic pattern, circulation, signals, traffic count, street/lane change shall be reviewed and approved by the City's Traffic Engineer.
- Any alteration to geometry of roadway/sidewalk, markings, traffic control signs and devices shall be reviewed and approved by the City's Traffic Engineer.
- Traffic and parking sign posts shall be coated with anti--graffiti coating.
- Traffic Control Plans (TCP) for temporary traffic control measures shall be submitted separately for review and approval by City's Traffic Engineer prior to permit issuance and when the TCP is adjusted and updated during construction.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

44. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Services - Sanitary Sewer.**

Requirement:

- Sanitary sewer impact analysis is required when new development results in a net increase of volume of wastewater flow to the City's sanitary sewer system. Sewer flow calculations prepared by developer's engineer must include existing and proposed flows. Developer shall submit analysis with completed application for review,
- Mitigation. fees shall be paid prior to issuance of a Building or PX permit whichever occurs first.
- A "PSL" certificate, Sewer Lateral Permit, and EBMUD Inspection are required for all projects where construction costs are one-hundred thousand dollars (\$100K +) or more.
- A Sewer Lateral permit (SL) is required for any new sewer lateral or rehabilitation of existing lateral. Abandonment of a sewer lateral requires a separate permit.
- Sewer profiles shall be included on the plans approved for construction. If existing utilities are within twelve inches (12") of proposed sewer, engineer shall have existing utility potholed and resolve conflict before approval of plans.

If development results in a wastewater increase of 6,000 gallons per day or more a sanitary sewer capacity study and report is to be submitted to Public Works for approval as part of the PX-permit application process.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

45. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Services - Storm Drains.**

Requirement:

- Connection of storm drain to sewer line is prohibited.
- Any unauthorized connection shall be separated from the sanitary sewer.
- Drainage plans shall be submitted for review and approval. Plans shall follow City standard details and design standards. Blind connections or tap connections are prohibited for storm drains.
- All utilities proposed on-site are privately owned and maintained between the two Lots
- Hydrology and Hydraulic Calculations shall meet City's Storm Drainage Design Standards.
- Reduction in Peak Flow by 25% is required.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services
Monitoring/Inspection: DOT Engineering Services

46. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering - Stormwater Treatment.**

Requirement:

- Requirements for permanent and temporary storm water pollution prevention, Alameda County Clean Water Program (C.3), shall be included in the building improvement plans for on-site work. Any approved storm drain from on-site development shall be tied to an inlet structure at the back of curb designating public and private ownership.
- Permanent storm water treatment (BMP's) to service the development shall be privately maintained and included in the O&M Agreement for the project.
- Roof runoff must be directed through an approved treatment device prior to entering the City's storm drainage system.
- Right-of-way shall not be used for storm water treatment features.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: Building Bureau

47. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering - Street Trees and Landscaping (Private).**

Requirement:

- Trees and irrigation for the proposed development shall be owned and maintained by the property owner(s).
- Landscape and irrigation plans shall be submitted with the civil plans for work (PX permit) for review and approval by the City's Arborist.
- Landscape, irrigation plans and tree species shall meet City standards for Street Tree Planting.
- Tree shall be spaced twenty feet (20') on center and shall not obstruct streetlights. Tree wells shall be 3 ft. x 3ft. or 4 ft. x 4 ft. (minimum) for mature tree height of 25 to 40 feet.
- Tree Grates, Root Barrier and Staking Details for new trees shall be included in the approved plans. Tree Grates must be ADA compliant.

When Required: At Construction Permit Application

Initial Approval: Public Works Tree Division

Monitoring/Inspection: DOT Engineering Services

48. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Easements and Encroachments.**

Requirement:

- Existing historic wall on Broadway encroaches into the right-of-way. If remaining as an encroachment, wall shall be indentured via an encroachment permit application with DOT Engineering Services prior to recording the Parcel Map or beginning work in the City right-of-way.
- Any other newly privately maintained encroachment encroaching into the right-of-way shall also be indentured via an encroachment permit application with DOT Engineering Services.
- Doors, regardless of how seldomly they are used, shall not swing across property lines and into the right-of-way. In addition, structural elements associated with on-site ramps shall not encroach into the right-of-way including handrails and sloped ramp surfaces.

- The proposed 10' minimum. utility easement on map serving lots shall be identified strictly as a private utility easement.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: Building Bureau

49. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering - Site Plan.**

Requirement: A Site Plan shall be provided with permit plan set and include: north arrow, scale, property boundaries, topography, vegetation, proposed/existing structures,

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: Building Bureau

50. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering - Street Lights and Utilities (PW Electrical).**

Requirement:

- A photometric plan and analysis of existing and proposed streetlights is required for all projects requiring a PX permit and as determined by the City Engineer. Design shall meet City Outdoor Lighting Standards. <http://www2.oaklandnet.com/oakcal/groups/pwa/documents/policy/oak026007.pdf>.
- Upon review and approval of the photometrics analysis, the project sponsor shall design and include additional streetlights as required by the City and shall also provide 10% spare streetlight fixtures for City's Electrical Maintenance Operations.
- Pedestrian signal and push buttons for intersection crossings shall be included in the plans for construction when required by the Traffic Engineer.
- Utility undergrounding shall be clearly identified on all construction permitted plans as approved by the Project Planner, Oakland Fire Department, Public Works Department and Dept. of Transportation.
- Pull boxes shall be locking.
- Existing, reinstalled and new Streetlights
- Development shall submit photometric plan and analysis as it relates to off-site improvements during a PX-permit application.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

51. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering - Special Zones.**

Requirement: Confirm that the site is located in Liquefaction Severity zone VL and FEMA Zone X, area of minimal flood hazard.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: N/A

52. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering - Tentative Map, Parcel Map, Tract Map.**

Requirement:

- Fire Access, Emergency Vehicle Access, Shared Access (Agreement or CC&R's), Utility Easements shall be clearly shown and identified on Maps.
- Setbacks from the property lines, buffer areas, easements, buildings and separation required between structures and buildings shall be identified on Tentative Map.
- After approval by Planning and Zoning of a Tentative Map a separate application to Engineering Services is required for review and approval of the Parcel or Tract Map by the City Surveyor and City Engineer.
- Tract Map and Subdivision Improvement Agreement (SIA) requires City Council Approval.
- Survey Monuments Protection, Surety/Bond may be required prior to approval of Parcel or Final Map.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: N/A

53. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering – Construction.**

Requirement:

- All work within the City's right-of-way or easement requires a valid permit.
- Shoring Plans, Retaining Walls, Streetlight and Traffic Signal Pole Foundations and other structures require a separate Building Permit from the Building Department.
- An Obstruction Permit (OB) may be required prior to issuance of a Grading, Building, PX, CGS or another related permit. OB permits are required for temporary or permanent removal of metered and non-metered parking spaces, sidewalk closure(s), staging of materials, construction dewatering equipment, blocking, placement of storage units, equipment within the right-of-way.
- An approved Traffic Control Plan (TCP) may be required prior to issuance of an OB permit, PX permit or any work requiring Traffic Control Measures within the City's right- of-way
- Existing on-street accessible parking space located on Clifton Street fronting development. Applicant at time of construction permit application shall modify/replace accessible parking space to comply with current City and ADA Standards for accessibility.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

54. **Department of Public Works, Watershed and Stormwater Division – General Requirements.**

Requirement:

- Completion of the demolition permit acknowledgment form is required. This form lists what is required before permit issuance including: PCBs (Polychlorinated biphenyl) screening assessment
- Prior to issuance of the PX Permit and the Building Permit the project applicant shall document that the project will reduce peak stormwater runoff from the project site by 25% compared to pre-project conditions.
- Calculate the peak flow reduction using a hydrograph method for retention/detention basins (bio-retention) in sections 3.5 and 3.6. of the City's Storm Drainage Design Standards manual. <https://www.oaklandca.gov/resources/storm-drainage-design-standards>.

- Use of the project's bioretention areas to detain the 10-yr storm event is allowed if the design meets the following criteria: 1) uses the detention storage available above the soil media, uses the standard C.3 overflow orifice size as the only outlet and does not cause surface flooding beyond the bioretention. The City does not allow using the void in the soil media to detain the 10-yr storm event flow. A calculation demonstrating that only the storage above the soil media is used to detain/retain and reduce the project's post-project 10-yr storm peak flow rate to the pre-development condition is required.
- Calculations and modeling software showing on how you are reducing the post-project's peak flow rate to pre-project condition must include the entire project site. Refer to the ACPWA updated H&H Manual for the latest design parameters and approach: <https://acffloodcontrol.org/the-work-we-do/the-work-we-do-hydrology-manual/>. The ACPWA manual provides additional details that the City's manual may not have.
- Prior to issuance of the PX Permit and the Building Permit the project applicant shall demonstrate compliance with Provision C.10.a.ii(b) of the City's stormwater permit, known as the Municipal Regional Stormwater Permit ([Stormwater \(ca.gov\)](http://Stormwater.ca.gov)), by installing approved full trash capture devices.
- The project applicant shall equip their proposed onsite storm drainage inlets that are not within bioretention facilities with approved full trash capture systems and shall design the bioretention facilities to qualify as approved full trash capture devices.
- A full trash capture device or system is required as defined in the [Trash Amendments](#)) or a low-impact development control that traps all particles that are 5 mm or greater, and has a design treatment capacity that is either: a) of not less than the peak flow rate, Q, resulting from a one-year, one-hour storm in the subdrainage area, or b) appropriately sized to, and designed to carry at least the same flows as, the corresponding storm drain. The device(s) must also have a trash reservoir large enough to contain a reasonable amount of trash safely without overflowing trash into the overflow outlet between maintenance events.
- Types of systems certified by the State Water Resources Control Board are deemed full trash capture systems. A stormwater treatment facility, such as a bioretention facility, implemented in accordance with Provision C.3 is also deemed a full trash capture system if the facility, including its maintenance, prevents the discharge of trash to the downstream City of Oakland storm drainage system and receiving waters and discharge points from the facility, including overflows, are appropriately screened or otherwise configured to meet the full trash capture screening specification for storm flows up to the full trash capture one-year, one-hour storm hydraulic specification. Since this is a C.3 Regulated Project, the project may design bioretention facilities to comply with both Provision C.3 and Provision C.10.a.ii(b) of the Municipal Regional Stormwater Permit (MRP 3.0) as follows:
 - Determine if the combination of the bioretention facility's sizing factor and surface reservoir depth address peak flows equal to the one-year, one-hour storm depth (i.e., full capture design storm) in a specific location (see Figure 4 in attached memo prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program).
 - If the sizing factor and surface reservoir depth address the full capture design storm, the bioretention facility is adequately sized and should be considered a multi-benefit full trash capture system. If the facility doesn't address the full capture design storm, it should not be considered a full capture system.
 - In addition to the design, the system should be maintained consistent with operation and maintenance requirements described in provision C.10 of the MRP 3.0 for full capture systems. This operation and maintenance could be conducted by a private property owner or a Permittee.

When Required: Prior to PX and Building Permits

Initial Approval: Public Works Wastewater Division

Monitoring/Inspection: Building Bureau

55. Department of Public Works, Parks and Tree Services Division - Tree Requirements.

Requirement: The Tree Permit Application shall include the following information:

- Plans that show all trees within 30' of construction. Need a number, species, Diameter at Breast Height (DBH.)
- Plans that show all trees within 10' of construction labeled with A, B, C,
- Plans that show how the proposed new construction and landscaping relate to the trees.
- Provide an explanation describing why each tree is being removed For example, the tree is in the footprint, 50% of root zone is being removed, crane set up to construct wall, what is the poor structure of the tree, what is the poor health of the tree. A typical notation is to read as follows: Tree 85 – 40" DBH redwood being removed 50% dead and having 30% roots cut for new foundation of Building #2 (listed on the plans as 85, on the application as 85 and posted on site as 85.)
- Provide an explanation as to why some significant trees listed in the arborists report are proposed for removal - do they have to be removed? Provide more than an all-encompassing statement.
- Removal (posting) tags can be the number on the plans. (Tree inventory tag # can be used as an identifier.)
- The Application, Tags and Plans all need to match and use the same notation for each tree.
- If a native tree is being removed need plans that show where replacement trees are being planted or is there in lieu fees (Rough count 19 Coast live oaks and redwoods are being proposed remove)
- Unprotected trees being removed or are within 10' of construction do not need to be on the application or posted on site.
- Summery notices: 4 to 5 notices are required posted at different entrances.
- A tree can be removed from the proposed list of trees being removed, and the timeline and permit will not change. If trees are added for removal the posting time will have to start over.
- The submitted report is from 2018 (6 years out of date.) An updated Arborist report is required. The updated report shall address tree growth, identify trees of protected size and conditions, and provide a description of tree health. An on-site arborist is required.
- Call or email to schedule a preapplication onsite meeting.

When Required: Prior to PX and Building Permits

Initial Approval: Public Works Tree Division

Monitoring/Inspection: Building Bureau

56. Fire Department - Emergency Access.

Requirement:

- At least one 8'x30' turnout is required on dead end roads per CFC APP D per Oakland amendments. The turnout bay is required at every 300 feet of the dead-end roads. The current dead-end road does not provide any turnout bay.
- The minimum road clear width is 26' due to buildings being more than 30' or served by hydrants. There is 20' road width in some locations that need to be revised. Clifton Street has a clear road width less than 20 feet. PX Permit should address road width on Clifton Street, which may include removing the existing parking lane on the south side of Clifton.
- Obtain or verify the turning radius of 20'.

- The utility and power lines shall not obstruct aerial fire apparatus access between the roadway and the proposed buildings per CFC D105.4. Undergrounding of utilities and power lines is an acceptable means to meet this condition. Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm) per CFC 503.2.1.
- 26ft clear width for 20ft on each side of hydrants per CFC App D Fig D103.1. Hydrant at the dead end shall be 150' max per CFC table C102.1.

When Required: Prior to PX and Building Permits

Initial Approval: Fire Department

Monitoring/Inspection: Building Bureau

Conditions Applying to the Tentative Map

57. Department of Transportation, Office of the City Surveyor Tentative Parcel Map.

Requirement 1: Prior to Building permit submittal, revise Vesting Tentative Parcel Map (VTPM) 11130, a Two Lot Subdivision, as follows:

- VTPM to be signed by a Licensed Land Surveyor (Land Division proposed requires PLS responsible charge per §8725.1 PLS ACT.
- Revise Title of Vesting Tentative Map 11130 A Two Lot Subdivision to define condominiums.
- Clarify Commercial allotment shown on VTPM 11130. A 229 Residential Unit and 2() Commercial Unit Condominium Project is shown as to Lot 1 and a 219 Residential Unit and 2 Commercial Units is shown as to Lot 2.
- Define and resolve the lack of delineation for required easements:
 - Private Access Easements (Reciprocal or otherwise)
 - Private Storm Drain Easements
 - Private San Sew Easements
 - Public Utility Easements
 - Private Utility Easements
 - A 26' EVAE shall extend to the east line of Lot 2, including pavement width. (Incomplete alignment shown).
- Clarify surveyed Boundary determination
- Clarify Easements of Record
- Seismic Hazard Statement required, subject property lies within a Liquefaction area

Requirement 2: Applicant will replace the Bench Mark at the SE corner of Clifton and Broadway

Requirement 3: Applicant to provide CCR's for final review if condominiums are proposed.

Requirement 4: Pavement in Access Road area to be a minimum of 26 feet.

Requirement 5: Cul-de-sac or hammer head or dedicated turnaround required at the property line between Lot 1 and Lot 2 to provide access to Lot 2 at the end of the access easement.

When Required: Prior to building permit

Initial Approval: City Surveyor

Monitoring/Inspection: N/A

58. Department of Transportation, Office of the City Surveyor - General Requirements, Final Parcel Map/Tract Map.

Requirement:

- Applicant shall monument all corners of the newly described parcels AND existing parcels.

- The final parcel map shall clearly show the process and development of the location of the boundary lines from adjoining streets and boundaries. This includes how the depth of the lot was confirmed.
- All newly created lots shall have public street frontage either by frontage or demonstrated easement frontage (OMC 16.24.040)
- Depending upon this process, and at discretion of the City Surveyor, a standard city monument(s) or private monument, meeting City specifications may be required to be installed at an approved location.
- It is the responsibility of the applicant, landowner, or monumentation as needed by the public. Such conditions are dutifully cited in Government Code 8771. A Standard City Benchmark may be required where there is an absence of benchmarks along nearest block intersections per Oakland Municipal Code Section 16.24.060. The appropriate field notes shall be attached to the Parcel/Tract Map submittal, and the surveyor shall arrange to pick up a bronze disk from the Office of the City Surveyor to be used as a marker.
- If utilizing street splits, the applicant may be required to set block corners when resolving the subject block.
- The applicant must investigate and confirm, in writing, that no portion of the project lies with a Seismic Hazard area as shown upon the State Geologist maps (reference is made to PRC Division 2, Chapter 7.8 section 2696). If the project does lie within such an area, the appropriate certificate shall be added to the final map. A copy of this certificate is available from the City.
- Once the Parcel or Tract map is filed, it may be rejected due to the following:
 - Non-adherence to Dedications and Statements.
 - Non-adherence to technical review
 - Conditions of Approval not satisfied.
- Pursuant to the provisions of City Ordinance 5.02.150, any Permit/ [Map Application] granted, for which no activity has occurred within six (6) months, [Map Application one year], from the time of issuance of such permit, shall expire by limitation. All associated fees required for the review are non-refundable.

When Required: Prior to building permit

Initial Approval: City Surveyor

Monitoring/Inspection: N/A

59. Department of Transportation, Office of the City Surveyor - General Requirements, Tentative

Map.

Requirement:

- Elevations: Are required based upon the City of Oakland Datum and must cite the City Benchmark used to establish the elevations. Note: Curb return elevations/invert elevations are not acceptable UNLESS there is not a City of Oakland certified benchmark within 0.5' miles of the subject lot locations.
- If using RTK for Basis of Bearings, the following must be included: RTK Network used; 2) epoch date; 3) ground to grid factor; 4) State Plane Coordinate Zone (Zone 3); 5) North American Datum (NAD83); 6) Local reference locust e.g., RTCM Ref.3215 Leica, should be included; and 7) if included vertical reference to NAVD88, (Geoid 18) state the Geoid used.
- Horizontal Basis of Bearings should be shown and stated on the map and referenced to existing monuments. 9)Vertical Reference shown on map should be based on City of Oakland Vertical datum with vertical difference observed from NAVD88, Geoid 18 observation.

- All proposed easements/quitclaimed easements must be shown on the tentative map. All existing easements must include corresponding instrument numbers.
- The tentative map is to be filed in conformance with Subdivision Map Act §66452 and Title 16 requirements (16.24.100 and 16.24.070)
- Surveyor's Statement on the map is to be written in accordance with Section 15.04.2.223 of the Oakland Municipal Code.
- The topographic survey shall have been performed (or recertified) not more than three (3) years prior to the date of the permit application. The surveys shall be drawn to a scale of not less than 1-inch equals 10 feet (15.04.2.223 Section 107.2.5 of CBC Chapter 1 amended)

When Required: Prior to final map

Initial Approval: City Surveyor

Monitoring/Inspection: N/A

60. Department of Transportation, Office of the City Surveyor – Condominiums.

Requirement:

- In any common interest developments, the Homeowners' Association (HOA) may be required to address the utilities, vehicular access, common areas, and parking to each unit in the Covenants, Conditions, Rules and Restrictions (CC&Rs) for this project.
- Requirements for CC&Rs must be approved by Planning prior to occupancy.
- The recordation of the final map must be completed prior to the issuance of a certificate of occupancy.
- The Parcel/Tract Map submittal shall not exceed the number of condominium units approved on the tentative map as authorized by the Planning/Zoning Department in accordance with the Subdivision Map Act §66427. Per Oakland Municipal Code, Chapter 16.08, Section B.13 the City has authority to require the number of condominiums approved by Planning to be shown on the tentative map. If less condominium fee units are anticipated at the time of filing, the applicant shall request a letter of conformity from the Planning Department to be routed the Office of the City Surveyor with the Parcel/Tract Map application submitted.

When Required: Prior to final map

Initial Approval: City Surveyor

Monitoring/Inspection: N/A

61. Department of Transportation, Office of the City Surveyor – Encroachments.

Requirement:

- No portion of any new structure shall extend beyond the boundary lines without the appropriate easement. Portions which will extend beyond the ROW line must be approved by the Right of Way Engineer. For minor encroachment permit, the Indenture Agreement must be fully executed prior to parcel map recordation.
- Neighboring fence encroachments $\geq 0.50'$ must be resolved by one of the following, in order of decreasing precedence:
 - a. Removal
 - b. Relocation
 - c. Agreement/Easement with neighbor
 - d. Showing the final fence lines on parcel map/tract map
 - e. Submittal
- Building encroachments $\geq 0.30'$ must be resolved by the following:
 - a. Removal

- b. Relocation
- c. Easement
- d. Written agreement or contract with neighbor (less desirable)
- e. Neighboring encroachments including but not limited to, awnings, building/shed overhangs, greater than $\geq 0.30'$ shall be resolved by one of the following:
 - i. Removal or relocation (if possible)
 - ii. Easement
 - iii. Constructive notice on the final Parcel Map

When Required: Prior to final map

Initial Approval: City Surveyor

Monitoring/Inspection: N/A

62. Department of Transportation, Office of the City Surveyor - General Requirements, Easements/Abandonments.

Requirement:

- Storm drain, and sanitary sewer easement abandonments shall comply with the relinquishment protocols required by Engineering Services, Oakland Public Works and the Office of the City Surveyor. Said approved abandonment shall be reflected on the Parcel Map or Final Map through written notation of each abandonment listed with reference to the recording data that created the easement. Note: Easement abandonment is subject to approval from all departments and the City Engineer
- Any easements created between two parties (owners of the abutting properties) may be created by this map. Any easements created by document, if quit claimed must be quit claimed by document. Easements to other parties must be created by document outside this map and shown on the subject map along with recording information.
- For parcel maps, the length of a private access easement shall not exceed three hundred (300) feet per OMC 16.24.040 and/or 16.32.060. Any alternation is subject to approval from the Planning Department.
- A Private Access Easement (PAE) shall be appurtenant to 4 lots or less per OMC 16.32.010.
- Planning Code requires any easement for access purposes to a new lot to be a minimum 12 feet in width, except within the S-12 Residential Parking Combining Zone, where the provisions of Section 17.94.080 shall apply, and for shared access facilities, where the provisions of Section 17.102.090 shall apply, an onsite driveway serving any required off-street parking area shall have a minimum pavement width of nine (9) feet.

When Required: Prior to final map

Initial Approval: City Surveyor

Monitoring/Inspection: N/A

63. Department of Transportation, Office of the City Surveyor - General Requirements, Fire Code.

Requirement:

- Any alterations of approved plans are subject to Fire Department approval.
- Driveways shall be an all-weather surface and shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches.
- Driveway turnouts shall be an all-weather surface of at least 10 feet wide and 30 feet long. Driveway turnouts shall be located as required by the code official. ORD 13401: Buildings 30' or higher, the roadway clearance must be 26.' Buildings, less than 30' the roadway clearance must minimum 20.'

- All Emergency Access Easements (EAE)/ Emergency Vehicle Access Easements (EVAE) must be reviewed and approved by the Oakland Fire Department.
- Written documentation must be provided/forwarded from OFD prior recordation.

When Required: Prior to building permit

Initial Approval: City Surveyor

Monitoring/Inspection: N/A

64. Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Services - PX Permit.

Requirement:

- Prior to recording the Parcel Map, or beginning any work in the City right-of-way, the applicant shall submit to DOT Engineering Services a PX-Permit application and enter into a P-Job Agreement.
- The PX-plans shall be prepared by a Registered Civil Engineer. Additional and separate utility excavation permit(s) for joint trench work are required. Separate obstruction permits and traffic control plans shall be obtained prior to beginning any work in the right-of-way.

When Required: Prior recording of Parcel Map

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

65. Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Services - Street Paving and Striping.

Requirement:

Conditions may apply at time of construction permit application.

- Street and roadway area(s) fronting the development must be resurfaced up to one traffic lane in width 13 ft. or to the centerline of the street, after completion of construction and as required by the Inspector.
- Evaluation of the street's Pavement Condition Index at time plans are submitted for permit review shall determine any restoration requirements.
- Existing striping fronting the property and up to 1 block length shall be restored to the satisfaction of the Inspector. Thermoplastic shall be required unless specified otherwise in the plans approved for construction.
- "Moratorium Streets" are resurfaced or newly constructed streets within the past 5-year period. No trenching or excavation is permitted on any Moratorium Street without the written authorization of the Public Works Director.
- Development is within proximity to a school zone and may require crosswalks fronting the development to be upgraded to current City standards with respect to school zones.
- Driveway serving proposed Loading to Building A on Clifton St shall be designed with sufficient on-site clearance that a parked truck shall not obstruct the adjacent sidewalk.

When Required: Prior to Construction Permits

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

66. Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Services - Curb Ramps.

Requirement: Curb ramps fronting development as well as across shall be updated to comply with current City and ADA standards for accessibility.

When Required: Prior to Construction Permit

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

67. Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Services - Street Geometry and Striping Design.

Requirement:

- New striping, curb painting, bulb-outs, changes to existing dimensions, impact to traffic resulting from development, traffic pattern, circulation, signals, traffic count, street/lane change shall be reviewed and approved by the City's Traffic Engineer.
- Any alteration to geometry of roadway/sidewalk, markings, traffic control signs and devices shall be reviewed and approved by the City's Traffic Engineer.
- Traffic and parking sign posts shall be coated with anti-graffiti coating.
- Traffic Control Plans (TCP) for temporary traffic control measures shall be submitted separately for review and approval by City's Traffic Engineer prior to permit issuance and when the TCP is adjusted and updated during construction.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

68. Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Services - Sanitary Sewer.

Requirement:

- Sanitary sewer impact analysis is required when new development results in a net increase of volume of wastewater flow to the City's sanitary sewer system. Sewer flow calculations prepared by developer's engineer must include existing and proposed flows. Developer shall submit analysis with completed application for review,
- Mitigation. fees shall be paid prior to issuance of a Building or PX permit whichever occurs first.
- A "PSL" certificate, Sewer Lateral Permit, and EBMUD Inspection are required for all projects where construction costs are one-hundred thousand dollars (\$100K +) or more.
- A Sewer Lateral permit (SL) is required for any new sewer lateral or rehabilitation of existing lateral. Abandonment of a sewer lateral requires a separate permit.
- Sewer profiles shall be included on the plans approved for construction. If existing utilities are within twelve inches (12") of proposed sewer, engineer shall have existing utility potholed and resolve conflict before approval of plans.

If development results in a wastewater increase of 6,000 gallons per day or more a sanitary sewer capacity study and report is to be submitted to Public Works for approval as part of the PX-permit application process.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

69. Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Services - Storm Drains.

Requirement:

- Connection of storm drain to sewer line is prohibited.
- Any unauthorized connection shall be separated from the sanitary sewer.

- Drainage plans shall be submitted for review and approval. Plans shall follow City standard details and design standards. Blind connections or tap connections are prohibited for storm drains.
- All utilities proposed on-site are privately owned and maintained between the two Lots
- Hydrology and Hydraulic Calculations shall meet City's Storm Drainage Design Standards.
- Reduction in Peak Flow by 25% is required.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

70. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering - Stormwater Treatment.**

Requirement:

- Requirements for permanent and temporary storm water pollution prevention, Alameda County Clean Water Program (C.3), shall be included in the building improvement plans for on-site work. Any approved storm drain from on-site development shall be tied to an inlet structure at the back of curb designating public and private ownership.
- Permanent storm water treatment (BMP's) to service the development shall be privately maintained and included in the O&M Agreement for the project.
- Roof runoff must be directed through an approved treatment device prior to entering the City's storm drainage system.
- Right-of-way shall not be used for storm water treatment features.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: Building Bureau

71. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering - Street Trees and Landscaping (Private).**

Requirement:

- Trees and irrigation for the proposed development shall be owned and maintained by the property owner(s).
- Landscape and irrigation plans shall be submitted with the civil plans for work (PX permit) for review and approval by the City's Arborist.
- Landscape, irrigation plans and tree species shall meet City standards for Street Tree Planting.
- Tree shall be spaced twenty feet (20') on center and shall not obstruct streetlights. Tree wells shall be 3 ft. x 3ft. or 4 ft. x 4 ft. (minimum) for mature tree height of 25 to 40 feet.
- Tree Grates, Root Barrier and Staking Details for new trees shall be included in the approved plans. Tree Grates must be ADA compliant.

When Required: At Construction Permit Application

Initial Approval: Public Works Tree Division

Monitoring/Inspection: DOT Engineering Services

72. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering Easements and Encroachments.**

Requirement:

- Existing historic wall on Broadway encroaches into the right-of-way. If remaining as an encroachment, wall shall be indentured via an encroachment permit application with DOT

Engineering Services prior to recording the Parcel Map or beginning work in the City right-of-way.

- Any other newly privately maintained encroachment encroaching into the right-of-way shall also be indentured via an encroachment permit application with DOT Engineering Services.
- Doors, regardless of how seldomly they are used, shall not swing across property lines and into the right-of-way. In addition, structural elements associated with on-site ramps shall not encroach into the right-of-way including handrails and sloped ramp surfaces.
- The proposed 10' minimum utility easement on map serving lots shall be identified strictly as a private utility easement.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: Building Bureau

73. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering - Site Plan.**

Requirement: A Site Plan shall be provided with permit plan set and include: north arrow, scale, property boundaries, topography, vegetation, proposed/existing structures,

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: Building Bureau

74. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering - Street Lights and Utilities (PW Electrical).**

Requirement:

- A photometric plan and analysis of existing and proposed streetlights is required for all projects requiring a PX permit and as determined by the City Engineer. Design shall meet City Outdoor Lighting Standards. <http://www2.oaklandnet.com/oakcal/groups/pwa/documents/policy/oak026007.pdf>.
- Upon review and approval of the photometrics analysis, the project sponsor shall design and include additional streetlights as required by the City and shall also provide 10% spare streetlight fixtures for City's Electrical Maintenance Operations.
- Pedestrian signal and push buttons for intersection crossings shall be included in the plans for construction when required by the Traffic Engineer.
- Utility undergrounding shall be clearly identified on all construction permitted plans as approved by the Project Planner, Oakland Fire Department, Public Works Department and Dept. of Transportation.
- Pull boxes shall be locking.
- Existing, reinstalled and new Streetlights
- Development shall submit photometric plan and analysis as it relates to off-site improvements during a PX-permit application.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

75. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering - Special Zones.**

Requirement: Confirm that the site is located in Liquefaction Severity zone VL and FEMA Zone X, area of minimal flood hazard.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: N/A

76. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering - Tentative Map, Parcel Map, Tract Map.**

Requirement:

- Fire Access, Emergency Vehicle Access, Shared Access (Agreement or CC&R's), Utility Easements shall be clearly shown and identified on Maps.
- Setbacks from the property lines, buffer areas, easements, buildings and separation required between structures and buildings shall be identified on Tentative Map.
- After approval by Planning and Zoning of a Tentative Map a separate application to Engineering Services is required for review and approval of the Parcel or Tract Map by the City Surveyor and City Engineer.
- Tract Map and Subdivision Improvement Agreement (SIA) requires City Council Approval.
- Survey Monuments Protection, Surety/Bond may be required prior to approval of Parcel or Final Map.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: N/A

77. **Department of Transportation, Transportation and Right-of-Way Management Division, Engineering – Construction.**

Requirement:

- All work within the City's right-of-way or easement requires a valid permit.
- Shoring Plans, Retaining Walls, Streetlight and Traffic Signal Pole Foundations and other structures require a separate Building Permit from the Building Department.
- An Obstruction Permit (OB) may be required prior to issuance of a Grading, Building, PX, CGS or another related permit. OB permits are required for temporary or permanent removal of metered and non-metered parking spaces, sidewalk closure(s), staging of materials, construction dewatering equipment, blocking, placement of storage units, equipment within the right-of-way.
- An approved Traffic Control Plan (TCP) may be required prior to issuance of an OB permit, PX permit or any work requiring Traffic Control Measures within the City's right-of-way
- Existing on-street accessible parking space located on Clifton Street fronting development. Applicant at time of construction permit application shall modify/replace accessible parking space to comply with current City and ADA Standards for accessibility.

When Required: At Construction Permit Application

Initial Approval: DOT Engineering Services

Monitoring/Inspection: DOT Engineering Services

78. **Department of Public Works, Watershed and Stormwater Division – General Requirements.**

Requirement:

- Completion of the demolition permit acknowledgment form is required. This form lists what is required before permit issuance including: PCBs (Polychlorinated biphenyl) screening assessment

- Prior to issuance of the PX Permit and the Building Permit the project applicant shall document that the project will reduce peak stormwater runoff from the project site by 25% compared to pre-project conditions.
- Calculate the peak flow reduction using a hydrograph method for retention/detention basins (bioretention) in sections 3.5 and 3.6. of the City's Storm Drainage Design Standards manual. <https://www.oaklandca.gov/resources/storm-drainage-design-standards>.
- Use of the project's bioretention areas to detain the 10-yr storm event is allowed if the design meets the following criteria: 1) uses the detention storage available above the soil media, uses the standard C.3 overflow orifice size as the only outlet and does not cause surface flooding beyond the bioretention. The City does not allow using the void in the soil media to detain the 10-yr storm event flow. A calculation demonstrating that only the storage above the soil media is used to detain/retain and reduce the project's post-project 10-yr storm peak flow rate to the pre-development condition is required.
- Calculations and modeling software showing on how you are reducing the post-project's peak flow rate to pre-project condition must include the entire project site. Refer to the ACPWA updated H&H Manual for the latest design parameters and approach: <https://acfloodcontrol.org/the-work-we-do/the-work-we-do-hydrology-manual/>. The ACPWA manual provides additional details that the City's manual may not have.
- Prior to issuance of the PX Permit and the Building Permit the project applicant shall demonstrate compliance with Provision C.10.a.ii(b) of the City's stormwater permit, known as the Municipal Regional Stormwater Permit ([Stormwater \(ca.gov\)](http://Stormwater.ca.gov)), by installing approved full trash capture devices.
- The project applicant shall equip their proposed onsite storm drainage inlets that are not within bioretention facilities with approved full trash capture systems and shall design the bioretention facilities to qualify as approved full trash capture devices.
- A full trash capture device or system is required as defined in the [Trash Amendments](#)) or a low-impact development control that traps all particles that are 5 mm or greater, and has a design treatment capacity that is either: a) of not less than the peak flow rate, Q, resulting from a one-year, one-hour storm in the subdrainage area, or b) appropriately sized to, and designed to carry at least the same flows as, the corresponding storm drain. The device(s) must also have a trash reservoir large enough to contain a reasonable amount of trash safely without overflowing trash into the overflow outlet between maintenance events.
- Types of systems certified by the State Water Resources Control Board are deemed full trash capture systems. A stormwater treatment facility, such as a bioretention facility, implemented in accordance with Provision C.3 is also deemed a full trash capture system if the facility, including its maintenance, prevents the discharge of trash to the downstream City of Oakland storm drainage system and receiving waters and discharge points from the facility, including overflows, are appropriately screened or otherwise configured to meet the full trash capture screening specification for storm flows up to the full trash capture one-year, one-hour storm hydraulic specification. Since this is a C.3 Regulated Project, the project may design bioretention facilities to comply with both Provision C.3 and Provision C.10.a.ii(b) of the Municipal Regional Stormwater Permit (MRP 3.0) as follows:
 - Determine if the combination of the bioretention facility's sizing factor and surface reservoir depth address peak flows equal to the one-year, one-hour storm depth (i.e., full capture design storm) in a specific location (see Figure 4 in attached memo prepared by the Santa Clara Valley Urban Runoff Pollution Prevention Program).

- If the sizing factor and surface reservoir depth address the full capture design storm, the bioretention facility is adequately sized and should be considered a multi-benefit full trash capture system. If the facility doesn't address the full capture design storm, it should not be considered a full capture system.
- In addition to the design, the system should be maintained consistent with operation and maintenance requirements described in provision C.10 of the MRP 3.0 for full capture systems. This operation and maintenance could be conducted by a private property owner or a Permittee.

When Required: Prior to PX and Building Permits

Initial Approval: Public Works Wastewater Division

Monitoring/Inspection: Building Bureau

79. **Department of Public Works, Parks and Tree Services Division - Tree Requirements.**

Requirement: The Tree Permit Application shall include the following information:

- Plans that show all trees within 30' of construction. Need a number, species, Diameter at Breast Height (DBH.)
- Plans that show all trees within 10' of construction labeled with A, B, C,
- Plans that show how the proposed new construction and landscaping relate to the trees.
- Provide an explanation describing why each tree is being removed For example, the tree is in the footprint, 50% of root zone is being removed, crane set up to construct wall, what is the poor structure of the tree, what is the poor health of the tree. A typical notation is to read as follows: Tree 85 – 40" DBH redwood being removed 50% dead and having 30% roots cut for new foundation of Building #2 (listed on the plans as 85, on the application as 85 and posted on site as 85.)
- Provide an explanation as to why some significant trees listed in the arborists report are proposed for removal - do they have to be removed? Provide more than an all-encompassing statement.
- Removal (posting) tags can be the number on the plans. (Tree inventory tag # can be used as an identifier.)
- The Application, Tags and Plans all need to match and use the same notation for each tree.
- If a native tree is being removed need plans that show where replacement trees are being planted or is there in lieu fees (Rough count 19 Coast live oaks and redwoods are being proposed remove)
- Unprotected trees being removed or are within 10' of construction do not need to be on the application or posted on site.
- Summery notices: 4 to 5 notices are required posted at different entrances.
- A tree can be removed from the proposed list of trees being removed, and the timeline and permit will not change. If trees are added for removal the posting time will have to start over.
- The submitted report is from 2018 (6 years out of date.) An updated Arborist report is required. The updated report shall address tree growth, identify trees of protected size and conditions, and provide a description of tree health. An on-site arborist is required.
- Call or email to schedule a preapplication onsite meeting.

When Required: Prior to PX and Building Permits

Initial Approval: Public Works Tree Division

Monitoring/Inspection: Building Bureau

80. **Fire Department - Emergency Access.**

Requirement:

- At least one 8'x30' turnout is required on dead end roads per CFC APP D per Oakland amendments. The turnout bay is required at every 300 feet of the dead-end roads. The current dead-end road does not provide any turnout bay.
- The minimum road clear width is 26' due to buildings being more than 30' or served by hydrants. There is 20' road width in some locations that need to be revised. Clifton Street has a clear road width less than 20 feet. PX Permit should address road width on Clifton Street, which may include removing the existing parking lane on the south side of Clifton.
- Obtain or verify the turning radius of 20'.
- The utility and power lines shall not obstruct aerial fire apparatus access between the roadway and the proposed buildings per CFC D105.4. Undergrounding of utilities and power lines is an acceptable means to meet this condition. Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm) per CFC 503.2.1.
- 26ft clear width for 20ft on each side of hydrants per CFC App D Fig D103.1. Hydrant at the dead end shall be 150' max per CFC table C102.1.

When Required: Prior to PX and Building Permits

Initial Approval: Fire Department

Monitoring/Inspection: Building Bureau

Applicant Statement

I have read and accept responsibility for the Conditions of Approval. I agree to abide by and conform to the Conditions of Approval, as well as to all provisions of the Oakland Planning Code and Oakland Municipal Code pertaining to the project.

Name of Project Applicant

Signature of Project Applicant

Date