

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA • SUITE 3315 • OAKLAND, CALIFORNIA 94612

Planning and Building Department
Bureau of Planning

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August 6, 2021

Hae-Sin Thomas
Education for Change
333 Hegenberger Road, Suite 600
Oakland, CA 94621

RE: Case File No. PLN20165; PLN20165-PUDF01; PLN20165-PUDF02; PLN20165-ER01; 1045 DERBY AVENUE AND 0 29TH AVENUE; APNs: 025 069300702 and 025 069300800

Dear Hae-Sin Thomas:

Your application as noted above was **APPROVED** at the City Planning Commission meeting of **August 4, 2021**. The Commission's action is indicated below.

(X) Granted with required conditions. (Vote: 5-1-1)

If you, or any interested party, seeks to challenge this decision before City Council, an appeal **must** be filed by no later than ten (10) calendar days from the date of this letter, by **4:00 pm on August 16, 2021**. An appeal shall be on a form provided by the Bureau of Planning of the Planning and Building Department, and submitted via email to: (1) Gregory Qwan, Planner III, at Gqwan@oaklandca.gov, (2) Robert Merkamp, Zoning Manager, at Rmerkamp@oaklandca.gov, and (3) Catherine Payne, Development Planning Manager, at Cpayne@oaklandca.gov. The appeal form is available online at <https://www.oaklandca.gov/documents/appeal-application-form>. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or decision-making body or wherein the decision is not supported by substantial evidence. Applicable appeal fees in the amount of **\$2,685.15** in accordance with the City of Oakland Master Fee Schedule must be paid within five (5) calendar days (**August 23, 2021**) of filing the appeal. If the fifth (5th) calendar day falls on a weekend or City holiday, appellant will have until the end of the following City business day to pay the appeal fee. Failure to timely appeal (or to timely pay all appeal fees) will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter. For further information, see the attached Interim City Administrator Emergency Order No. 3 and Interim Procedures for Appeals of City Planning Commission Decisions for Development Projects.

If the ten (10) day appeal period expires without an appeal, you are expected to contact **Gregory Qwan, Planner III** in order to receive the signed Notice of Exemption (NOE) certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of **\$50.00** made payable to the Alameda County Clerk. Please bring

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the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Bureau of Planning, to the attention of **Gregory Qwan, Planner III**. Pursuant to Section 15062(d) of the California Environmental Quality Act (CEQA) Guidelines, recordation of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA. The NOE will also be posted on the City website at <https://aca.accela.com/OAKLAND/Welcome.aspx>.

If you have any questions, please contact the case planner, **Gregory Qwan, Planner III** at (510) 238-2958 or gqwan@oaklandca.gov.

Very Truly Yours,



ROBERT D. MERKAMP
Zoning Manager

cc: Isaac Kos-Read - isaac@kosreadgroup.com
Siavash Mozaffari - siavash.mozaffari@cpuc.ca.gov
Gabbie Sefranek - gsefranek@benesch.com
Dilan Roe - dilan.roe@acgov.org
Michael Hutchinson - mike.hutchinson@ousd.org

Attachments: A: Findings
B: Conditions of Approval, including Standard Conditions of Approvals

ATTACHMENT A

This proposal meets all the required findings under the Planned Unit Development Permit and Preliminary Development Plan Criteria (17.140.080); Final Development Plan Criteria (17.140.040); and General Use Permit Criteria (17.134.050) of the Oakland Planning Code (OMC Title 17) as well as Parcel Map - waiver of requirement (16.24.020) of the Oakland Subdivision Regulations, as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

17.140.080 Planned Unit Development Permit criteria.

A. That the location, design, size, and uses are consistent with the Oakland General Plan and with any other applicable plan, development control map, design guidelines, or ordinance adopted by the City Council or Planning Commission;

The Project site is classified as Regional Commercial per the General Plan's Land Use and Transportation Element (LUTE). The intent of this land use classification is "to maintain, support and create areas of the City that serve as region-drawing centers of activity." Desired character and uses should be "a mix of commercial, office, entertainment, arts, recreation, sports, and visitor-serving activities, residential, mixed-use development and other uses of similar character or supportive of regional drawing power." The LUTE also mentions that "the Regional Commercial classification is used to enable Oakland to capitalize on potential large-scale retail and commercial development opportunities. These types of commercial operations usually require significant parking areas, and are generally located adjacent to regional transportation facilities where they benefit from good access and visibility and can attract patrons from within and outside of the City limits." The Regional Commercial land use allows for a maximum floor-area-ratio (FAR) of 4.0.

The Project site is located in the San Antonio, Fruitvale, and Lower Hills Improvement Strategy Area. The area between 29th Avenue, International Boulevard, High Street and the Estuary is identified in the LUTE as a key "Growth and Change" location for targeted community and economic development. It is identified as "the focus of concentrated, ethnically diverse businesses with a mixed-use transit village at the Fruitvale BART station. Major opportunities for revitalization exist, and the Action Program for this area focuses on transportation and circulation improvements, accommodating live/work activities, commercial business assistance and facade improvements, code enforcement, and a coordinated transit village development at the BART station." There is community interest in bringing vacant and underutilized properties back into productive use to increase employment opportunities and improve economic vitality. Given the population increase in the Fruitvale district, there is concern about the ability of public services to keep pace with growth. Of particular concern is school overcrowding, the need for more and better recreation facilities, and demand for transit, police and library services. The Project represents a targeted community development activity within an area specifically identified for "Growth and Change" and that will include certain transportation and transit improvements, façade improvements, and current-day code compliant buildings.

The Project is consistent with the following LUTE policies:

Industrial/Commercial Policy 2.1, Pursuing Environmental Cleanup. The environmental cleanup of contaminated industrial properties should be actively pursued to attract new users in targeted industrial and commercial areas.

Industrial/Commercial Policy 2.2, Reusing Abandoned Buildings: The reuse of abandoned industrial buildings by non-traditional activities should be encouraged where the uses are consistent with, and will assist in the attainment of, the goals and objectives of all elements of the Plan.

Neighborhood Objective N2, Encourage adequate civic, Institutional, and educational facilities located within Oakland, appropriately designed and sited to serve the community.

Neighborhood Policy N2.1, Designing and Maintaining Institutions: As Institutional uses are among the most visible activities in the City and can be sources of community pride, high-quality design and upkeep/maintenance should be encouraged. The facilities should be designed and operated in a manner that is sensitive to surrounding residential and other uses.

Neighborhood Policy N2.2, Providing Distributed Services: Provision of government and institutional services should be distributed and coordinated to meet the needs of City residents.

Neighborhood Policy N2.5, Balancing City and Local Benefits of Institutions: When reviewing land use permit applications for the establishment or expansion of institutional uses, the decision-making body should take into account the institution's overall benefit to the entire Oakland community, as well as its effects upon the immediately surrounding area.

Neighborhood Policy N2.7, Designing Community facilities: Site design, architecture and operating practices of community facilities should be compatible with the area's desired character, and should include public art where possible.

The Project site is located in a relatively small Regional Commercial area that contains a mix of land use types, with no individual land use type predominant. This mix of uses includes commercial/industrial properties, retail commercial uses along roadway corridors, newer light industrial/"maker" spaces (e.g., brewery, coffee roaster and artist studios), and self-storage units. The Project is likely to draw students from across the city due to its location near transit access and the Fruitvale BART station and would reuse existing buildings and provide a school use with playing fields. At buildout of Phase 2, the Project would have a FAR within the 4.0 FAR maximum in the Regional Commercial classification. The project is not subject to design review. Therefore, no design guidelines are applicable. The Project is consistent with all zoning regulations.

B. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding uses, that the location and design will adequately reduce the impact of the development;

The site planning results in a Project well-integrated into its setting. The Project will convert existing and underutilized industrial buildings into a new use. The parking is located on the south side of the site with the new playing fields and multi-purpose building to the north side which provides a buffer to these activities from the UPRR noise and diesel emissions.

As discussed in the staff report, the Project site is in an area that contains a broad mix of land use types, with no individual land use type predominant. However, the area between the UPRR and East 12th and the BART tracks is largely commercial/industrial with auto body shops, warehouses, custom and light manufacturing, artist studios and self-storage units. As such, a school civic use would be a departure from the immediate area. However, with implementation of Condition of Approval #57 which requires acknowledgement of the surrounding industrial land uses and possibly future ones as part of a welcome package to new students and parents, Condition of Approval #21 which requires that the building be mitigated for air quality issues, as well as Condition of Approval #36 which prohibits outside learning and outdoor eating and only non-curriculum use of the playing fields, any potential conflict between the civic and industrial activities should be minimal.

C. That the location, design, size, and uses are such that traffic generated by the development can be accommodated safely and without congestion on major streets and will avoid traversing other local streets.

Staff prepared a CEQA analysis that included a review of traffic impacts using both Vehicle Miles Traveled and Level of Service thresholds. The proposed school will have 400 students and 33 staff at maximum capacity and will generate approximately 802 daily person trips, including 432 daily motor vehicle trips, 118 am peak hour vehicle trips, and 70

pm peak hour vehicle trips. Given the Project site's location approximately ¼ mile to the east of the Fruitvale BART station, the Bus Rapid Transit line on International Boulevard, and several AC Transit lines including two along the Project frontage, it is expected that 242 of the 802 trips will be from transit. In addition, bike facilities are located on East 12th Street, Fruitvale Avenue, and 29th Avenue south of East 10th Street. As such, it is expected that 42 trips will be bicycle trips with 86 walk trips. The remaining 432 trips were analyzed, distributed to study intersections, and were found to not result in congestion or traversing of local streets with implementation of the TDM measures and other recommended measures such as:

- Prohibiting left turns out of the school driveway;
- Development of a plan for visitor parking;
- Development of a drop-off and pick-up procedures;
- Possible additional bus stops;
- A dedicated crossing guard;
- Reviewing the feasibility of closing the bike lane gap between East 10th and East 12th Street; and
- A Special Event Management Plan.

D. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or proposed facilities and services.

The Project will convert existing and underutilized industrial buildings to a school use, install playing fields and a new multi-purpose building. The location is already served by utilities and is accessible to the freeway and transit options. The design and materials of the new building is similar in nature to the surrounding commercial and industrial structures. The proposal will result in a new charter school which will serve the surrounding community.

E. That the location, design, size, and uses will result in an attractive, healthful, efficient, and stable environment for living, shopping, or working, the beneficial effects of which environment could not otherwise be achieved under the zoning regulations.

The Project will convert existing and underutilized industrial buildings to a school use, install playing fields and a new multi-purpose building to serve 400 students. The design and materials of the new building will harmonize with the existing commercial and industrial buildings between the UPRR and East 12th Street and will be as attractive and efficient as the area warrants. With implementation of the Conditions of Approval 21, 36, and 57, the Project will be as healthful as possible for the proposed population.

F. That the development will be well integrated into its setting, will not require excessive earth moving or destroy desirable natural features, will not be visually obtrusive and will harmonize with surrounding areas and facilities, will not substantially harm major views for surrounding residents, and will provide sufficient buffering in the form of spatial separation, vegetation, topographic features, or other devices.

The site planning results in a Project well-integrated into its setting. The Project will convert existing and underutilized industrial buildings into a new use. The parking is located on the south side of the site with the new playing fields and multi-purpose building to the north side which provides a buffer to these activities from the UPRR noise and diesel emissions. The Project will not require excessive earthmoving, and no natural features are located on the Project site except for several trees which will be protected. The Project will not be visually intrusive as it re-uses the existing buildings on the site, and the proposed multi-purpose building is of a similar design and materials (corrugated metal and stucco) as the surrounding buildings in this mixed-use area. The site and surrounding area are flat with no major views.

17.140.040 Final Development Plan criteria for both Phase 1 and Phase 2

The final plan shall conform in all major respects with the approved preliminary development plan.

The final development plans conform in all respects to the preliminary development plan.

17.134.050 General use permit criteria (for a Community Education Civic Activity in the M-30 Zoning)

- A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;**

As noted in the report, the Project site is in the M-30 General Industrial Zone which outright permits many industrial uses including custom and light manufacturing, construction operations, warehousing and storage, container and mini-storage, freight and truck yards which could produce noise and air quality issues. Furthermore, the site is located between the UPRR and the BART track which produce extreme noise. However, a school use is permitted in this industrial zone with a Conditional Use Permit and Conditions on the development are appropriate to address any future conflict between the civic and industrial land uses. With implementation of Condition of Approval #57 which requires acknowledgement of the surrounding industrial land uses and possibly future ones as part of a welcome package to new students and parents, Condition of Approval #21 which requires that the building be sealed and mitigated for air quality issues, as well as Condition of Approval #36 which prohibits outside learning and outdoor eating and only non-curriculum use of the playing fields, any potential conflict between the civic and industrial activities should be minimal and will not adversely affect the appropriate development of abutting properties and the surrounding neighborhood.

The Project is largely using existing buildings for the school use and has been designed to locate the new construction and fields away from the UPRR in order to buffer the building facades from the UPRR noise and emissions through the parking area setback. The design, scale, bulk, and materials are consistent with the existing structures in this industrial area and will not affect neighborhood character. The project is not expected to generate significant traffic based on the site's accessibility to BART, the BRT, and several bus lines as well as implementation of the TDM Condition and measures related to stops, bike lanes and pedestrian safety.

- B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant:**

The Project will convert existing and underutilized industrial buildings to a school use, install playing fields and a new multi-purpose building to serve 400 students. The re-activation of the site and the provision of an additional school in the neighborhood is consistent with stated community interests in bringing vacant and underutilized properties back into productive use and to provide additional schools in the neighborhood.

The reuse of the old buildings is convenient and functional. The site is located close to the freeway and several transit options. The parking is located on the south side of the site with the new playing fields and multi-purpose building to the north side which is well designed to provide a buffer to these activities from the UPRR noise and diesel emissions. The design and materials (corrugated metal and stucco) of the new building is similar in nature to the surrounding commercial and industrial structures between the UPRR and East 12th Street and will be as attractive as the area warrants. The proposal will result in a new charter school which will serve the surrounding community.

- C. The proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region:**

The proposal for a charter high school will provide an essential service to the community. As noted in the LUTE and the Fruitvale Improvement Strategy section, "given the population increase in the Fruitvale district, there is concern about the ability of public services to keep pace with growth. Of particular concern is school overcrowding, the need for more and better recreation facilities, and demand for transit, police and library services."

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With implementation of the Conditions of Approval 21, 36, and 57, any potential conflict between the civic and industrial activities in the immediate surrounding areas should be minimal.

D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;

This Finding is not applicable. Regular Design Review, in the M-30 Zoning, is only required for a Residential Facility, Designated Historic Property, Potentially Designated Historic Property, or Telecommunications Facility. The Project is a Non-Residential Facility for a school and is not historic.

E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.

See Finding #1 under the 17.140.080 Planned Unit Development Permit criteria.

F. For proposals involving a One- or Two-Family Residential Facility: If the conditional use permit concerns a regulation governing maximum height, minimum yards, maximum lot coverage, or maximum floor area ratio, the proposal also conforms with at least one of the following additional criteria:

1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

2. At least sixty percent (60%) of the lots in the immediate context are already developed and the proposal would not exceed the corresponding as-built condition on these lots, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five (5) closest lots on each side of the project site plus the ten (10) closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any conditional use permit.

This Finding is not applicable. The project does not involve a One- or Two-Family Residential Facility.

16.24.020 – Parcel Map - waiver of requirement (Pursuant also to California Government Code §66412(d) (Chapter 4, Subdivision Map Act))

A local agency or advisory agency shall limit its review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to:

A. The local general plan

See Finding #1 under the 17.140.080 Planned Unit Development Permit criteria.

B. Any applicable coastal plan

The parcels are not located along the estuary or a coastline, and therefore, this Finding is not applicable.

C. Zoning and Building Ordinances

The project is located in the M-30 Zoning which does not have a minimum lot size but does have a minimum 25' of lot frontage. The merger of the four parcels will result in a lot that is approximately 3.078 acres and has more than 25' of

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frontage along both 29th and Derby Avenues. The merger is consistent with the Zoning Ordinance. In addition, the merger will resolve the concern of openings of one of the building on the property line and a property line through an existing structure. The merger will be consistent with the Building Code.

ATTACHMENT B**1. Approved Use**

- a. The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, staff report and the approved plans **dated July 7, 2021** as amended by the following conditions of approval and mitigation measures, if applicable (“Conditions of Approval” or “Conditions”).
- b. This Approval includes the approvals set forth below:
 - i. (Preliminary) Planned Unit Development Permit for Phases 1 and 2 per Planning Code section 17.140.080
 - ii. Final Development Plan for both Phases per Planning Code section 17.140.040
 - iii. Major Conditional Use Permit for a Community Education Civic Activity per Planning Code sections 17.72.030 and 17.134.050.
 - iv. Parcel Map Waiver per the Subdivision Regulations section 16.24.020.

2. Effective Date, Expiration, Extensions and Extinguishment

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

3. Compliance with Other Requirements

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

4. Minor and Major Changes

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning. Major changes include enrollment increase, grade changes, new construction, addition of a summer program and any additional outdoor activities not approved and as specifically outlined in this approval.
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and

any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.

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

6. Signed Copy of the Approval/Conditions

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

7. Blight/Nuisances

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

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called "City") from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection (a) above, the project applicant shall execute a Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

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

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

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

11. Public Improvements

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

12. Compliance Matrix

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

13. 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, Alameda County Department of Environmental Health, 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

14. Trash and Blight Removal

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

15. Graffiti Control

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
- Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
 - Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
 - Use of paint with anti-graffiti coating.
 - Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
 - Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
- i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
 - ii. Covering with new paint to match the color of the surrounding surface.
 - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

16. Landscape Plan

- a. ***Landscape Plan Required***
- **Requirement:** The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, respectively), and with any applicable streetscape plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

Landscape Installation

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

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

Landscape Maintenance

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

All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

17. **Lighting**

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. **Dust Controls – Construction Related**

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

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

- a) Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- b) Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).
- c) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.

- d) Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.
- e) Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.
- f) All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

20. Diesel Particulate Matter Controls-Construction Related

a. *Diesel Particulate Matter Reduction Measures*

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

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

-or-

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

When Required: Based on the results of the HRA, measure (a)(ii) is required prior to issuance of a construction related permit (i), during construction (ii)

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

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

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

- i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract.

When Required: Prior to issuance of a construction related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

21. Exposure to Air Pollution (Toxic Air Contaminants)

a. *Health Risk Reduction Measures*

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

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

- or -

- ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:

Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.

Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).

Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.

The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.

Sensitive receptors shall be located on the upper floors of buildings, if feasible.

Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwood (*Sequoia sempervirens*).

Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.

Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.

Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:

Installing electrical hook-ups for diesel trucks at loading docks.

Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.

Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.

Prohibiting trucks from idling for more than two minutes.

Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.

When Required: Based on the results of the HRA, measure (a)(ii) is required prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

Maintenance of Health Risk Reduction Measures

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

22. Asbestos in Structures

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

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

23. Archaeological and Paleontological Resources – Discovery During Construction

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

In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

24. Human Remains – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

25. Construction-Related Permit(s)

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

26. Seismic Hazards Zone (Landslide/Liquefaction)

Requirement: The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

To further implement SCA Geology-2, the following site-specific recommendations from the geological report (see Appendix F) will be implemented during Phase 1.

Geotechnical Recommendations-2.1: Seismic Upgrade

- a. *At Building A-1: adding plywood sheathing, increasing the plywood nailing, attaching anchors, and installing hold-downs at the end of each plywood shear wall*
- b. *At Building A-3: adding plywood sheathing and hold-down posts, adding beams along the roof wall, increasing nail spacing, adding straps, adding mudsill anchor bolts, and installing adequate top-of-wall connections, and*
- c. *At Building B: installing hold-downs at the ends of each shear wall and strapping the double top-plate splices along the longitudinal plywood shear walls*

27. Project Compliance with the Equitable Climate Action Plan (ECAP) Consistency Checklist

Requirement: The project applicant shall implement all the measures in the Equitable Climate Action Plan (ECAP) Consistency Checklist that was submitted during the Planning entitlement phase.

- a. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be included on the drawings submitted for construction-related permits.

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

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

- b. For physical ECAP Consistency Checklist measures to be incorporated into the design of the project, the measures shall be implemented during construction.

When Required: During construction

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

- c. For ECAP Consistency Checklist measures that are operational but not otherwise covered by these SCAs, including but not limited to the requirement for transit passes or additional Transportation Demand Management measures, the applicant shall provide notice of these measures to employees and/or residents and post these requirements in a public place such as a lobby or work area accessible to the employees and/or residents.

When Required: Ongoing

Monitoring/Inspection: Bureau of Planning

28. Hazardous Materials Related to Construction

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

- a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;

- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

29. Hazardous Building Materials and Site Contamination

a. *Hazardous Building Materials Assessment*

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

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

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building /ACDEH

b. *Environmental Site Assessment Required*

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

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

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

Health and Safety Plan Required

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building / ACDEH

Best Management Practices (BMPs) Required for Contaminated Sites

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

- i. Soil generated by construction activities shall be stockpiled on-site in a secure and safe manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state, and federal requirements.
- ii. Groundwater pumped from the subsurface shall be contained on-site in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies. Engineering controls shall be utilized. Note: ACDEH has determined that impermeable barriers for contaminated groundwater is not required for Phase 1.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building and ACDEH

To further implement SCA Hazards-1 (Part a), the following site-specific recommendations from the pre-renovation hazardous materials survey will be implemented during Phase 1.

Recommendations Hazards 2-1: Lead-Based Paint Procedures.

- a) *Any construction employee that works around potential lead-based or lead-containing coatings must have HAZCOM training, and personal exposure air monitoring is required for employees that disturb such coatings. Additional certification, notification and work practices are required for materials found to be lead-based.*
- b) *All activities involving potential and identified lead-containing surfaces should be conducted in accordance with California Health & Safety Code sections 17920.10 and 10525, 10525.7, and 8, CCR 1532.1.*
- c) *Any welding, cutting or heating of metal surfaces containing surface coatings should be conducted in accordance with 29 CFR 1926.354 and 8 CCR 1537. These regulations require surfaces covered with toxic preservatives, and in enclosed areas, be stripped of all toxic coatings for a distance of at least 4 inches, in all directions, from the area of heat application prior to the initiation of such heat application.*
- d) *Waste stream segregation and analysis is required in accordance with 22 CCR Division 4.5, Minimum Standards for Management of Hazardous and Extremely Hazardous Wastes for all paint or coating debris regardless of if the paint or coating is intact. The resulting wastes may be hazardous under California and federal RCRA standards for lead, and therefore require proper handling, packaging, labeling, and transportation under a proper manifest to a permitted hazardous waste storage, treatment and disposal facility.*

30. Erosion and Sedimentation Control Measures for Construction

a. Erosion and Sedimentation Control Plan Required

Requirement: The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain

permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. Erosion and Sedimentation Control During Construction

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

31. State Construction General Permit

Requirement: The project applicant shall comply with the requirements of the Construction General Permit issued by the State Water Resources Control Board (SWRCB). The project applicant shall submit a Notice of Intent (NOI), Stormwater Pollution Prevention Plan (SWPPP), and other required Permit Registration Documents to SWRCB. The project applicant shall submit evidence of compliance with Permit requirements to the City.

When Required: Prior to approval of construction-related permit

Initial Approval: State Water Resources Control Board; evidence of compliance submitted to Bureau of Building

Monitoring/Inspection: State Water Resources Control Board

32. NPDES C.3 Stormwater Requirements for Regulated Projects

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

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

- i. Location and size of new and replaced impervious surface;
- ii. Directional surface flow of stormwater runoff;
- iii. Location of proposed on-site storm drain lines;
- iv. Site design measures to reduce the amount of impervious surface area;
- v. Source control measures to limit stormwater pollution;
- vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and
- vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

Maintenance Agreement Required

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

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

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

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

33. Construction Days/Hours

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

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

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

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

34. Construction Noise

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

- a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.
- b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10

dBa. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.

- c. Applicant shall use temporary power poles instead of generators where feasible.
- d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

35. **Extreme Construction Noise**

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

Requirement: Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

Public Notification Required

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

When Required: During construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

36. **Exposure to Community Noise**

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

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

To further implement SCA Noise-6, the following site-specific recommendations from the Preliminary Noise and Land Use Compatibility Assessment will be implemented to address the non-CEQA topic related to noise exposure.

Recommendation Noise-6.1: Noise Reduction Plan

Pursuant to SCA Noise-6, the Project applicant shall retain a qualified acoustical engineer to prepare a Noise Reduction Plan for each of the existing buildings on the Derby property that the school intends to use for school-related purposes. The requirement of the Noise Reduction Plan will be to identify those reasonable and feasible measures that can be incorporated into the existing building, as necessary to achieve an interior daily average noise level of 45 dBA Ldn. The acoustic consultant that prepared the Preliminary Noise and Land Use Compatibility Assessment has indicated that achieving the standard of 45 dBA Ldn is reasonable and feasible, but requires a detailed analysis of each building, with building-specific recommendation based on the performance of each of the buildings' components (i.e., windows, doors, walls, rooflines, etc.)

- a. *The Noise Reduction Plan will be submitted with the building permit plans for the conversion of the industrial building to a school confirming the buildings can achieve an interior sound level of 45 dBA.*
- b. *A third-party peer review, paid for by the applicant, shall assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the applicant.*

Recommendation Noise-6.2: Limited Outdoor Uses

Given the "normally unacceptable" to "clearly unacceptable noise environment at the Project site and the lack of noise attenuation options, outdoor school uses should be limited to non-curriculum only. Without effective noise attenuation, no outdoor eating spaces, learning or curriculum-based operations shall be permitted on the Project Site. In addition, the School shall not construct any structures on site that could be used for outdoor gathering areas including but not limited to large awnings/canopies and shade structures. All building permit plans shall be revised to remove exterior serving (servery) windows to the outside. Student use of the 29th Avenue property, where outdoor uses are considered normally unacceptable but where train noise is partially attenuated by the intervening Derby buildings, outdoor recreational uses should be limited to informal (non-curriculum, non-school operation hour) outdoor recreational use.

37. Operational Noise

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

38. Vibration Impacts on Adjacent Structures or Vibration-Sensitive Activities

Requirement: The project applicant shall submit a Vibration Analysis prepared by an acoustical and/or structural engineer or other appropriate qualified professional for City review and approval that establishes pre-construction baseline conditions and threshold levels of vibration that could damage the structure and/or substantially interfere with activities located at at 3005-3031 East 12th Street .The Vibration Analysis shall identify design means and methods of construction that shall be utilized in order to not exceed the thresholds. The applicant shall implement the recommendations during construction.

When Required: Prior to construction

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

To further implement SCA Noise-4, the following site-specific recommendations from the Noise and Vibration Study will be implemented.

Recommendation Noise-4.1, Vibration Reduction

The following construction methods are recommended to reduce vibration levels due to the Project's construction activities to less than 0.3 in/sec PPV threshold at nearby buildings:

- a) *The Project applicant shall retain a qualified acoustical engineer to prepare a Noise Reduction Plan for each of the existing buildings on the Derby property that the school intends to use for school-related purposes. The requirement of the Noise Reduction Plan will be to identify those reasonable and feasible measures that can be incorporated into the existing building, as necessary to achieve an interior daily average noise level of 45 dBA Ldn. The acoustic consultant that prepared the Preliminary Noise and Land Use Compatibility Assessment has indicated that achieving the standard of 45 dBA Ldn is reasonable and feasible, but requires a detailed analysis of each building, with building-specific recommendation based on the performance of each of the buildings' components (i.e., windows, doors, walls, rooflines, etc.) The Noise Reduction Plan will be submitted with the building permit plans for the conversion of the industrial building to a school confirming the buildings can achieve an interior sound level of 45 dBA. A third-party peer review, paid for by the applicant, shall assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the applicant.*
- b) *Given the "normally unacceptable" to "clearly unacceptable noise environment at the Project site and the lack of noise attenuation options, outdoor school uses should be limited to non-curriculum only. Without effective noise attenuation, no outdoor eating spaces or outdoor classroom spaces shall be permitted*

39. Capital Improvements Impact Fee

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

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

40. Construction Activity in the Public Right-of-Way

a. Obstruction Permit Required

Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets, sidewalks, bicycle facilities, and bus stops.

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

Traffic Control Plan Required

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

Repair of City Streets

Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks, caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

41. Bicycle Parking

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

42. Transportation Improvements

Requirement: The project applicant shall implement the recommended on- and off-site transportation-related improvements contained within the Transportation Impact Review for the project (e.g., signal timing adjustments, restriping, signalization, traffic control devices, roadway reconfigurations, transportation demand management measures, and transit, pedestrian, and bicyclist amenities). The project applicant is responsible for funding and installing the improvements, and shall obtain all necessary permits and approvals from the City and/or other applicable regulatory agencies such as, but not limited to, Caltrans (for improvements related to Caltrans facilities) and the California Public Utilities Commission (for improvements related to railroad crossings), prior to installing the improvements. To implement this measure for intersection modifications, the project applicant shall submit Plans, Specifications, and Estimates (PS&E) to the City for review and approval. All elements shall be designed to applicable City standards in effect at the time of construction and all new or upgraded signals shall include these enhancements as required by the City. All other facilities supporting vehicle travel and alternative modes through the intersection shall be brought up to both City standards and ADA standards (according to Federal and State Access Board guidelines) at the time of construction. Current City Standards call for, among other items, the elements listed below:

- a. 2070L Type Controller with cabinet accessory
- b. GPS communication (clock)

- c. Accessible pedestrian crosswalks according to Federal and State Access Board guidelines with signals (audible and tactile)
- d. Countdown pedestrian head module switch out
- e. City Standard ADA wheelchair ramps
- f. Video detection on existing (or new, if required)
- g. Mast arm poles, full activation (where applicable)
- h. Polara Push buttons (full activation)
- i. Bicycle detection (full activation)
- j. Pull boxes
- k. Signal interconnect and communication with trenching (where applicable), or through existing conduit (where applicable), 600 feet maximum
- l. Conduit replacement contingency
- m. Fiber switch
- n. PTZ camera (where applicable)
- o. Transit Signal Priority (TSP) equipment consistent with other signals along corridor
- p. Signal timing plans for the signals in the coordination group
- q. Bi-directional curb ramps (where feasible, and if project is on a street corner)
- r. Upgrade ramps on receiving curb (where feasible, and if project is on a street corner)

When Required: Prior to building permit final or as otherwise specified

Initial Approval: Bureau of Building; Department of Transportation

Monitoring/Inspection: Bureau of Building

To further implement SCA Transportation-8, the following transportation improvement measures or Project-specific recommendations have been identified to be implemented.

Recommended Improvement Measure Transportation-8.1: Prohibit Left Turns at the 29th Avenue Project Driveway

As an improvement measure to minimize the potential for queues to develop on site and to maintain better operations at the Project driveway, the project sponsor should prohibit left turns at the 29th Avenue driveway. The project sponsor will work with City staff to identify appropriate pavement markings and signage, compliant with the MUTCD, to notify drivers of the turn restriction. Pavement markings and signage will be placed in a location where they will most easily be seen by drivers who might be intending to turn. Vertical separation elements or other self-reinforcing geometric design elements (e.g., bollards) should also be installed to discourage prohibited turns. Additionally, the project sponsor will provide information about site access and circulation, including left turn restrictions, in orientation/educational materials for distribution to students and staff.

Recommended Improvement Measure Transportation-8.2: Develop and Implement Plan for Visitor Access and Parking

As an improvement measure to ensure visitors are able to access the site and parking lot when the gates on Derby Avenue and 29th Avenue are closed, the project sponsor will develop and implement a plan for visitor parking access. The plan will be submitted reviewed and approved by City staff prior to school opening, and may include, but not be limited to, the following:

- a) Provide an intercom device to allow for communication between staff and visitors at each gate. The intercom devices may provide voice and video communication and allow for remote management.*
- b) Designate staff to assist with visitor access requests.*

c) Provide informational signage at the driveways with information regarding hours of operation and access instructions. Signage should also include information regarding alternate parking locations.

Recommended Improvement Measure Transportation 8.3: Develop and Implement Drop Off and Pick Up Procedures

As an improvement measure to minimize the potential for queues to develop on surrounding roadways and to maintain better operations at the Project driveway and on site, the project sponsor would develop and implement drop off and pick up procedures. These procedures cover both typical school day traffic as well as procedures for special events held after hour at the school. The procedures will be reviewed and approved by City staff prior to school opening, and may include, but not be limited to the following:

a) Modify the gate opening and closing times to reduce queues from parents waiting on the street to access the pick-up/drop-off area. Gate times in the morning should also reflect earlier drop-off times for students that have breakfast at the school and after school programs.

b) Create a designated drop-off/pick-up zone. Provide clearly marked area on site for passenger drop-off/pick-up. There is approximately 550 linear feet of space available within the drive aisle southeast of the building entrance that could accommodate a queue of around 27 vehicles.

c) Require drivers to form a single queue within the parking lot to conduct drop-off. Do not allow double parking or drop-off outside of the designated area.

d) Require drivers to pull up to the front of the queue and into the designated area prior to conducting passenger drop-off.

e) Designate staff to assist with operations. Staff should be present to actively manage the on-site loading zone during drop-off and pick-up, increase efficiency of operations, encourage appropriate driving behavior, and provide enforcement as necessary.

f) Stagger arrival and dismissal times.

g) Communicate information to staff, students, and parents. Drop-off and pick-up procedures should be communicated in welcome packets and could also be included in informational signage on-site.

Recommended Improvement Measure Transportation-8.4: Dedicate Crossing Guard at East 12th Street/29th Avenue

The Project sponsor will dedicate at least one staff member to be present at the East 12th Street/29th Avenue intersection during the morning and afternoon periods, to direct students to cross at this intersection. Given the directionality of students crossing from the bus stop on the north side of 29th Avenue and towards the school in the morning, and in the opposite direction in the afternoon, staff should be positioned on the north side/across the street in the morning, and on the south side/school side in the afternoon.

Recommended Improvement Measure Transportation-8.5: Work with the City to Determine Feasibility of Closing the Bicycle Lane Gap:

The project sponsor should work with the City to determine the feasibility of closing the bicycle lane gap between East 10th Street and East 12th Street along 29th Avenue, per the Let's Bike Oakland plan. If the construction of the Class II bicycle facility is found to be feasible, the Project should pay its share of the improvement to add the bicycle lanes commensurate, with the Project's contribution to bicycle traffic along 29th Avenue.

Recommended Improvement Measure Transportation-8.6, Improve Pedestrian Access to Nearby Bus Stops

The two bus stops closest to the project should be improved to better accommodate pedestrian access. These improvements would include removing the landscape strip near the 29th Avenue bus stop on southbound 29th Avenue across the street from the project, and updates to the East 12th Street bus stop just east of 29th Avenue to repaint the red curb and fix potential tripping hazards due to an uneven sidewalk.

Recommended Improvement Measure Transportation-8.7: Implement Special Event Parking Management Strategies

The project sponsor shall prepare an annual event calendar that anticipates the number of attendees for special events, to be submitted to the City. If the event is proposed to have 200 or more attendees, the project sponsor will identify and implement a parking management plan to be submitted for review and approval by the City, along with the calendar. Suggested strategies include, but are not limited to, the following:

- a. Increase the supply of on-site parking by allowing parking on the basketball courts and playing fields.*
- b. Increase the supply of on-site parking by providing tandem parking and valet service.*
- c. Actively manage parking through use of attendants to direct people to available spaces.*
- d. For events that may generate substantial demand for valet parking in excess of regular (non-event) conditions, the project sponsor will pursue negotiations with off-site facilities to secure access to additional vehicle parking spaces to accommodate events. Possible facilities include Lazear Charter Academy, an EFC-owned and operated facility located two blocks southwest at 824 29th Avenue, and Think College Now, located about block northwest at 2825 International Boulevard.*

43. Transportation and Parking Demand Management

a. Transportation and Parking Demand Management (TDM) Plan Required

Requirement: The project applicant shall submit a Transportation and Parking Demand Management (TDM) Plan for review and approval by the City.

- i. The goals of the TDM Plan shall be the following:
 - Reduce vehicle traffic and parking demand generated by the project to the maximum extent practicable.
 - Achieve the following project vehicle trip reductions (VTR):
 - Projects generating 50-99 net new a.m. or p.m. peak hour vehicle trips: 10 percent VTR
 - Projects generating 100 or more net new a.m. or p.m. peak hour vehicle trips: 20 percent VTR
 - Increase pedestrian, bicycle, transit, and carpool/vanpool modes of travel. All four modes of travel shall be considered, as appropriate.
 - Enhance the City's transportation system, consistent with City policies and programs.
- ii. The TDM Plan should include the following:
 - Baseline existing conditions of parking and curbside regulations within the surrounding neighborhood that could affect the effectiveness of TDM strategies, including inventory of parking spaces and occupancy if applicable.
 - Proposed TDM strategies to achieve VTR goals (see below).
- iii. For employers with 100 or more employees at the subject site, the TDM Plan shall also comply with the requirements of Oakland Municipal Code Chapter 10.68 Employer-Based Trip Reduction Program.
- iv. The following TDM strategies **must** be incorporated into a TDM Plan based on a project location or other characteristics. When required, these mandatory strategies should be identified as a credit toward a project's VTR.

Improvement	Required by code or when...
Bus boarding bulbs or islands	A bus boarding bulb or island does not already exist and a bus stop is located along the project frontage; and/or A bus stop along the project frontage serves a route with 15 minutes or better peak hour service and has a shared bus-bike lane curb
Bus shelter	A stop with no shelter is located within the project frontage, or The project is located within 0.10 miles of a flag stop with 25 or more boardings per day
Concrete bus pad	A bus stop is located along the project frontage and a concrete bus pad does not already exist
Curb extensions or bulb-outs	Identified as an improvement within site analysis
Implementation of a corridor-level bikeway improvement	A buffered Class II or Class IV bikeway facility is in a local or county adopted plan within 0.10 miles of the project location; and The project would generate 500 or more daily bicycle trips
Implementation of a corridor-level transit capital improvement	A high-quality transit facility is in a local or county adopted plan within 0.25 miles of the project location; and The project would generate 400 or more peak period transit trips
Installation of amenities such as lighting; pedestrian-oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan.	Always required
Installation of safety improvements identified in the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.)	When improvements are identified in the Pedestrian Master Plan along project frontage or at an adjacent intersection
In-street bicycle corral	A project includes more than 10,000 square feet of ground floor retail, is located along a Tier 1 bikeway, and on-street vehicle parking is provided along the project frontages.
Intersection improvements¹	Identified as an improvement within site analysis
New sidewalk, curb ramps, curb and gutter meeting current City and ADA standards	Always required
No monthly permits and establish minimum price floor for public parking²	If proposed parking ratio exceeds 1:1000 sf. (commercial)

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

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

Improvement	Required by code or when...
Parking garage is designed with retrofit capability	Optional if proposed parking ratio exceeds 1:1.25 (residential) or 1:1000 sf. (commercial)
Parking space reserved for car share	If a project is providing parking and a project is located within downtown. One car share space reserved for buildings between 50 – 200 units, then one car share space per 200 units.
Paving, lane striping or restriping (vehicle and bicycle), and signs to midpoint of street section	Typically required
Pedestrian crossing improvements	Identified as an improvement within site analysis
Pedestrian-supportive signal changes³	Identified as an improvement within operations analysis
Real-time transit information system	A project frontage block includes a bus stop or BART station and is along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better
Relocating bus stops to far side	A project is located within 0.10 mile of any active bus stop that is currently near-side
Signal upgrades⁴	Project size exceeds 100 residential units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage abuts an intersection with signal infrastructure older than 15 years
Transit queue jumps	Identified as a needed improvement within operations analysis of a project with frontage along a Tier 1 transit route with 2 or more routes or peak period frequency of 15 minutes or better
Trenching and placement of conduit for providing traffic signal interconnect	Project size exceeds 100 units, 80,000 sf. of retail, or 100,000 sf. of commercial; and Project frontage block is identified for signal interconnect improvements as part of a planned ITS improvement; and A major transit improvement is identified within operations analysis requiring traffic signal interconnect
Unbundled parking	If proposed parking ratio exceeds 1:1.25 (residential)

v. Other TDM strategies to consider include, but are not limited to, the following:

- Inclusion of additional long-term and short-term bicycle parking that meets the design standards set forth in chapter five of the Bicycle Master Plan and the Bicycle Parking Ordinance (chapter 17.117 of the Oakland Planning Code), and shower and locker facilities in commercial developments that exceed the requirement.
- Construction of and/or access to bikeways per the Bicycle Master Plan; construction of priority bikeways, on-site signage and bike lane striping.

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

⁴ Including typical traffic lights, pedestrian signals, bike actuated signals, transit-only signals

- Installation of safety elements per the Pedestrian Master Plan (such as crosswalk striping, curb ramps, count down signals, bulb outs, etc.) to encourage convenient and safe crossing at arterials, in addition to safety elements required to address safety impacts of the project.
- Installation of amenities such as lighting, street trees, and trash receptacles per the Pedestrian Master Plan, the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/report/oak042662.pdf> and <http://www2.oaklandnet.com/oakca1/groups/pwa/documents/form/oak025595.pdf>, respectively) and any applicable streetscape plan.
- Construction and development of transit stops/shelters, pedestrian access, way finding signage, and lighting around transit stops per transit agency plans or negotiated improvements.
- Direct on-site sales of transit passes purchased and sold at a bulk group rate (through programs such as AC Transit Easy Pass or a similar program through another transit agency).
- Provision of a transit subsidy to employees or residents, determined by the project applicant and subject to review by the City, if employees or residents use transit or commute by other alternative modes.
- Provision of an ongoing contribution to transit service to the area between the project and nearest mass transit station prioritized as follows: 1) Contribution to AC Transit bus service; 2) Contribution to an existing area shuttle service; and 3) Establishment of new shuttle service. The amount of contribution (for any of the above scenarios) would be based upon the cost of establishing new shuttle service (Scenario 3).
- Guaranteed ride home program for employees, either through 511.org or through separate program.
- Pre-tax commuter benefits (commuter checks) for employees.
- Free designated parking spaces for on-site car-sharing program (such as City Car Share, Zip Car, etc.) and/or car-share membership for employees or tenants.
- On-site carpooling and/or vanpool program that includes preferential (discounted or free) parking for carpools and vanpools.
- Distribution of information concerning alternative transportation options.
- Parking spaces sold/leased separately for residential units. Charge employees for parking, or provide a cash incentive or transit pass alternative to a free parking space in commercial properties.
- Parking management strategies including attendant/valet parking and shared parking spaces.
- Requiring tenants to provide opportunities and the ability to work off-site.
- Allow employees or residents to adjust their work schedule in order to complete the basic work requirement of five eight-hour workdays by adjusting their schedule to reduce vehicle trips to the worksite (e.g., working four, ten-hour days; allowing employees to work from home two days per week).
- Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours.

The TDM Plan shall indicate the estimated VTR for each strategy, based on published research or guidelines where feasible. For TDM Plans containing ongoing operational VTR strategies, the Plan shall include an ongoing monitoring and enforcement program to ensure the Plan is implemented on an ongoing basis during project operation. If an annual compliance report is required, as explained below, the TDM Plan shall also specify the topics to be addressed in the annual report.

When Required: Prior to approval of planning application.

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. TDM Implementation – Physical Improvements

Requirement: For VTR strategies involving physical improvements, the project applicant shall obtain the necessary permits/approvals from the City and install the improvements prior to the completion of the project.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

c. TDM Implementation – Operational Strategies

Requirement: For projects that generate 100 or more net new a.m. or p.m. peak hour vehicle trips and contain ongoing operational VTR strategies, the project applicant shall submit an annual compliance report for the first five years following completion of the project (or completion of each phase for phased projects) for review and approval by the City. The annual report shall document the status and effectiveness of the TDM program, including the actual VTR achieved by the project during operation. If deemed necessary, the City may elect to have a peer review consultant, paid for by the project applicant, review the annual report. If timely reports are not submitted and/or the annual reports indicate that the project applicant has failed to implement the TDM Plan, the project will be considered in violation of the Conditions of Approval and the City may initiate enforcement action as provided for in these Conditions of Approval. The project shall not be considered in violation of this Condition if the TDM Plan is implemented but the VTR goal is not achieved.

When Required: Ongoing

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

To further implement Transportation-1c, the following mandatory TDM measures are required
Mandatory TDM Measures

TDM Improvement Measure 1.1 - Bus Shelters (required where a bus stop with no shelter is located within the project frontage, or when a project is located within 0.10 miles of a flag stop with 25 or more boardings per day): The project sponsor shall work with the City and AC Transit to determine the feasibility of installing bus shelters for the following bus stops:

- a) 29th Avenue/north of railroad crossing
- b) 29th Avenue/north of 10th Street
- c) 12th Street/east of 29th Avenue (south side)
- d) 12th Street/east of 29th Avenue (north side)

If construction of the bus shelters is feasible and if these stops have 25 or more passenger boardings per day, the project sponsor shall be responsible for installation of these bus shelters.

TDM Improvement Measure 1.2 – Pedestrian Amenities (always required): The project sponsor shall install amenities such as lighting; pedestrian oriented green infrastructure, trees, or other greening landscape; and trash receptacles per the Pedestrian Master Plan and any applicable streetscape plan along the Project frontages.

TDM Improvement Measure 1.3 – Pedestrian Infrastructure (always required): The curb ramps located at adjacent intersections have recently been updated and appear to meet City requirements. All intersections have curb ramps with truncated domes. However, the project sponsor shall coordinate with the California Public Utilities Commission (CPUC), Union Pacific, and the City to determine existing deficiencies and potential improvements for the pedestrian crossing of the railroad tracks on 29th Avenue, south of the Project driveway. In the interim, the school shall dedicate a staff member to act as a crossing guard to ensure safe crossing for students (see also Rail Crossing analysis, below).

TDM Improvement Measure 1.4 – Roadway Paving and Lane Striping (typically required): The project sponsor shall work with the City to determine if paving, lane striping, or restriping will be required in the vicinity of the project.

TDM Improvement Measure 1.5: Pedestrian Crossing Improvements (required when identified as an improvement within a site analysis or operations analysis): The project sponsor shall restripe the existing crosswalks in yellow to indicate a school crossing per the California MUTCD at the following locations:

- a) 12th Street / Derby Avenue
- b) 29th Avenue / 12th Street
- c) 29th Avenue / Food Max / Animal Services Driveway

TDM Improvement Measure 1.6: Relocating Bus Stops to Far Side (required where a project is located within 0.10 mile of any active bus stop that is currently near side): The project sponsor shall work with Alameda Contra Costa Transit District or AC Transit and the City to determine if the near side bus stop should be relocated to the far side at the following locations:

- a) westbound approach to 12th Street/29th Avenue
- b) northbound approach to 29th Avenue/Food Max/Animal Services Driveway

Additional Recommended TDM Measures: Additional TDM measures are recommended to help achieve the required 20% reduction in vehicle trips and other goals of the TDM Plan as required pursuant to SCA Transportation-1, including the following:

a. Designate and retain a TDM Program Coordinator to be responsible for implementation, monitoring and reporting of the TDM Plan. The TDM Coordinator would facilitate site inspections by City staff to verify that the standards specified as conditions of approval are met. This person(s) can be a school employee or a third party provider that runs the program.

b. Having accessible, secure, and convenient places to store bicycles encourages residents to bike to and from the project site. The Project shall include both long-term and short-term bicycle parking on-site, as well as a bike repair station. The Project should provide short-term and long-term bicycle parking facilities to meet maximum estimated demand. The number of bicycle parking spaces should be equitably adjusted (increased) based on observed demand.

c. The Project should provide subsidized/discounted daily or monthly public transit or bike share passes. The VMT reduction calculation assumes the Project would provide the equivalent of a \$1.50 per trip subsidy for these modes.

d. The Project should develop and implement a ridesharing or carpooling program for students. The ridesharing "School Pool" program will help to match parents to transport students to/from campus. The VMT reduction calculation assumes aggressive implementation with a 35 percent adoption rate.

e. Information sharing and marketing are important components to successful vehicle trip reduction strategies. The Project should develop and implement a vehicle trip reduction program. Vehicle trip reduction marketing elements may include transit information packets and programs, such as the guaranteed ride home program, pre-tax commuter benefits, and on-site sales of transit passes, to support sustainable modes. The appointed transportation coordinator will provide trip planning assistance and provide information on transportation options for students and staff.

44. Transportation Impact Fee

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

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

45. Railroad Crossings

Requirement: The project applicant shall submit for City review and approval a Diagnostic Review to evaluate potential impacts to at-grade railroad crossings resulting from project-related traffic. In general, the major types of impacts to consider are collisions between trains and vehicles, trains and pedestrians, and trains and bicyclists. The Diagnostic Review shall include specific traffic elements, such as roadway and rail description, accident history, traffic volumes (all modes, including pedestrian and bicyclist crossing movements), train volumes, vehicular speeds, train speeds, and existing rail and traffic control.

Where the Diagnostic Review identifies potentially substantially dangerous crossing conditions at at-grade railroad crossings caused by the project, measures relative to the project's traffic contribution to the crossings shall be applied through project redesign and/or incorporation of the appropriate measures to reduce potential adverse impacts at the crossings. These measures may include, without limitation, the following:

- a. Installation of grade separations at crossings, i.e., physically separating roads and railroad tracks by constructing overpasses or underpasses
- b. Improvements to warning devices at existing highway rail crossings that are impacted by project traffic
- c. Installation of additional warning signage
- d. Improvements to traffic signaling at intersections adjacent to crossings, e.g., signal preemption
- e. Installation of median separation to prevent vehicles from driving around railroad crossing gates
- f. Where sound walls, landscaping, buildings, etc. would be installed near crossings, maintaining the visibility of warning devices and approaching trains
- g. Prohibition of parking within 100 feet of the crossings to improve the visibility of warning devices and approaching trains
- h. Construction of pull-out lanes for buses and vehicles transporting hazardous materials
- i. Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- j. Elimination of driveways near crossings
- k. Increased enforcement of traffic laws at crossings
- l. Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

Any proposed improvements must be coordinated with California Public Utility Commission (CPUC) and affected railroads and all necessary permits/approvals obtained, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings). The project applicant shall implement the approved measures during construction of the project.

When Required: Ongoing until completion with substantial progress shown in the TDM annual compliance Prior to approval of construction-related permit

Initial Approval: Bureau of Planning/ DOT

Monitoring/Inspection: Bureau of Building, Bureau of Planning and DOT

To further implement SCA Transportation-6, the following Project-specific design measures have been identified based on initial review and prior to completion of the final Diagnostic Review.

Recommendation Transportation-6-1: Railroad Crossing Survey

The project applicant shall retain a transportation consultant to conduct both visual and written surveys of how many of the school's population cross, via vehicle, walk and bike trips, the 29th Avenue Railroad crossing. The surveys shall be conducted once a quarter for the first year the school is open and once a semester after until the final Diagnostic Review is completed. The results of the survey shall be reported in the TDM annual compliance report. The purpose of the survey is to determine the project's contribution to railroad crossing trips and possible railroad safety improvements.

Recommendation Transportation-6.2: Crossing Guard. *Until the recommend improvements from the diagnostic review are implemented, the Project sponsor shall dedicate staff members to act as crossing guards at the 29th Avenue and the Fruitvale Avenue railroad crossings near the Project site, both during the morning and afternoon*

commute periods (7:30-8:30 a.m. and 3:45-5:45 p.m. and Wednesdays at 1:30 p.m.), to ensure safe crossing for students.

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

a. *PEV-Capable Parking Spaces*

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

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. *ADA-Accessible Spaces*

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

When Required: Prior to Issuance of Building Permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

47. Construction and Demolition Waste Reduction and Recycling

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

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

48. Sanitary Sewer System

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

When Required: Prior to approval of construction-related permit

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

Monitoring/Inspection: N/A

49. Storm Drain System

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

50. Underground Utilities

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

51. Recycling Collection and Storage Space

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

52. Green Building Requirements (Phase 1)**a. *Compliance with Green Building Requirements During Plan-Check***

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

- i. The following information shall be submitted to the City for review and approval with the application for a building permit:
 - Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
 - Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
 - Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
 - Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
 - Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.

- Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.

Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

- ii. The set of plans in subsection (i) shall demonstrate compliance with the following:
CALGreen mandatory measures.

50 points per the appropriate checklist approved during the Planning entitlement process.

All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.

The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

Compliance with Green Building Requirements During Construction

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

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

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

Compliance with Green Building Requirements After Construction

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

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

53. Green Building Requirements – Small Projects (Phase 2)

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

The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code) for projects using the Small Commercial Checklist.

- i. The following information shall be submitted to the City for review and approval with application for a building permit:

Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.

Completed copy of the green building checklist approved during the review of a Planning and Zoning permit.

Permit plans that show in general notes, detailed design drawings and specifications as necessary compliance with the items listed in subsection (b) below.

Other documentation to prove compliance.

- ii. The set of plans in subsection (a) shall demonstrate compliance with the following:

CALGreen mandatory measures.

All applicable green building measures identified on the checklist approved during the review of a Planning and Zoning permit, or submittal of a Request for Revision Plan-check application that shows the previously approved points that will be eliminated or substituted.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

Compliance with Green Building Requirements During Construction

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

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

- i. Completed copy of the green building checklists approved during review of the Planning and Zoning permit and during the review of the Building permit.
- ii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

54. Water Efficient Landscape Ordinance (WELO)

Requirement: The project applicant shall comply with California's Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For the specific ordinance requirements, see the link below:

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

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

Prescriptive Measures: Prior to construction, the project applicant shall submit the Project Information (detailed below) and documentation showing compliance with Appendix D of California's Model Water Efficient Landscape Ordinance (see page 38.14(g) in the link above).

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

-
- a. Project Information:
 - i. Date,
 - ii. Applicant and property owner name,
 - iii. Project address,
 - iv. Total landscape area,
 - v. Project type (new, rehabilitated, cemetery, or home owner installed),

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

Upon installation of the landscaping and irrigation systems, and prior to the final of a construction-related permit, the Project applicant shall submit a Certificate of Completion (see page 38.6 in the link above) and landscape and irrigation maintenance schedule for review and approval by the City. The Certificate of Completion shall also be submitted to the local water purveyor and property owner or his or her designee.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

55. Employee Rights

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

56. School Grades/Enrollment / Verification.

Ongoing

- a) Latitude School is permitted to operate a 9-12 Community Education Civic Activity.
- b) The maximum enrollment is 400 students.
- c) The school shall submit the enrollment numbers to the Bureau of Planning no later than October 15th each year or at the same time that they submit their enrollment to the California Department of Education.

57. Notification to Potential Parents Regarding Zoning and Land Uses

Given the “normally unacceptable” to “clearly unacceptable” noise environment at the Project site and the lack of noise attenuation options as well as the industrial zoning of the site, the school shall include, as part of their welcome packet, an acknowledgement 1) parents/guardians have been made aware of the noise levels from BART and the UPRR rail corridor that affect the school site, and and accept these noise levels as related to non-curriculum outdoor recreational use at the school and 2) parents/guardians have been made aware that industrial activities in the surrounding area are allowed by right per the City’s M-30 zoning provisions, and that the school may be subject to future noise and air quality effects from these uses.

When Required: Prior to building permit final and ongoing submittal prior to each school year

PLN20165; PLN20165-PUDF01; PLN20165-PUDF02; PLN20165-ER01;
1045 DERBY AVENUE AND 0 29TH AVENUE

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Planning

58. Special Events

Ongoing

The School shall be permitted to hold Special Events including back-to school nights, school assemblies, parent and community meetings, dances, graduations, sporting events, festivals, guest speakers, etc. Special events shall occur inside the school buildings.

APPROVED BY:

City Planning Commission: August 4, 2021 (date) 5-1-1 (vote)

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.

Ernest Peterson

Name of Project Applicant

DocuSigned by:

Ernest Peterson

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Signature of Project Applicant

12/3/2021

Date