

Location:	280 W. MacArthur Blvd. (APN: 012 -0984-015-03) (See map on reverse)
Proposal:	Demolish and replace existing Central Utility Plant at Kaiser OMC Phase 3 site.
Applicant:	Mark Redmond, Ted Jacob Engineering Group, Inc.
Owner:	Kaiser Foundation Hospital
Planning Permits Required:	Major Design Review
General Plan:	Institutional
Zoning:	D-KP-3 Kaiser Permanente Oakland Medical Center District Zone
Environmental Determination:	An EIR for the Kaiser Permanente OMC Master Plan was prepared by the City of Oakland. That EIR was certified by the Oakland Planning Commission on June 6, 2006. The current project is generally consistent with that analyzed in the previously certified EIR. No additional environmental review is required. As a further separate and independent basis, this action is also exempt from CEQA pursuant to CEQA Guidelines 15301, 15302 and 15183.
Historic Status:	Not a Potential Designated Historic Property
Service Delivery District:	2
City Council District:	1
Status:	Pending
Action to be Taken:	Decision on Application
Staff Recommendation:	Approve with Conditions
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Ann Clevenger at 510-238-6980 or aclevenger@oaklandnet.com

SUMMARY

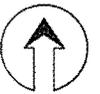
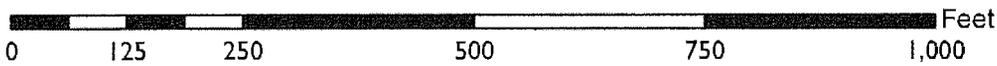
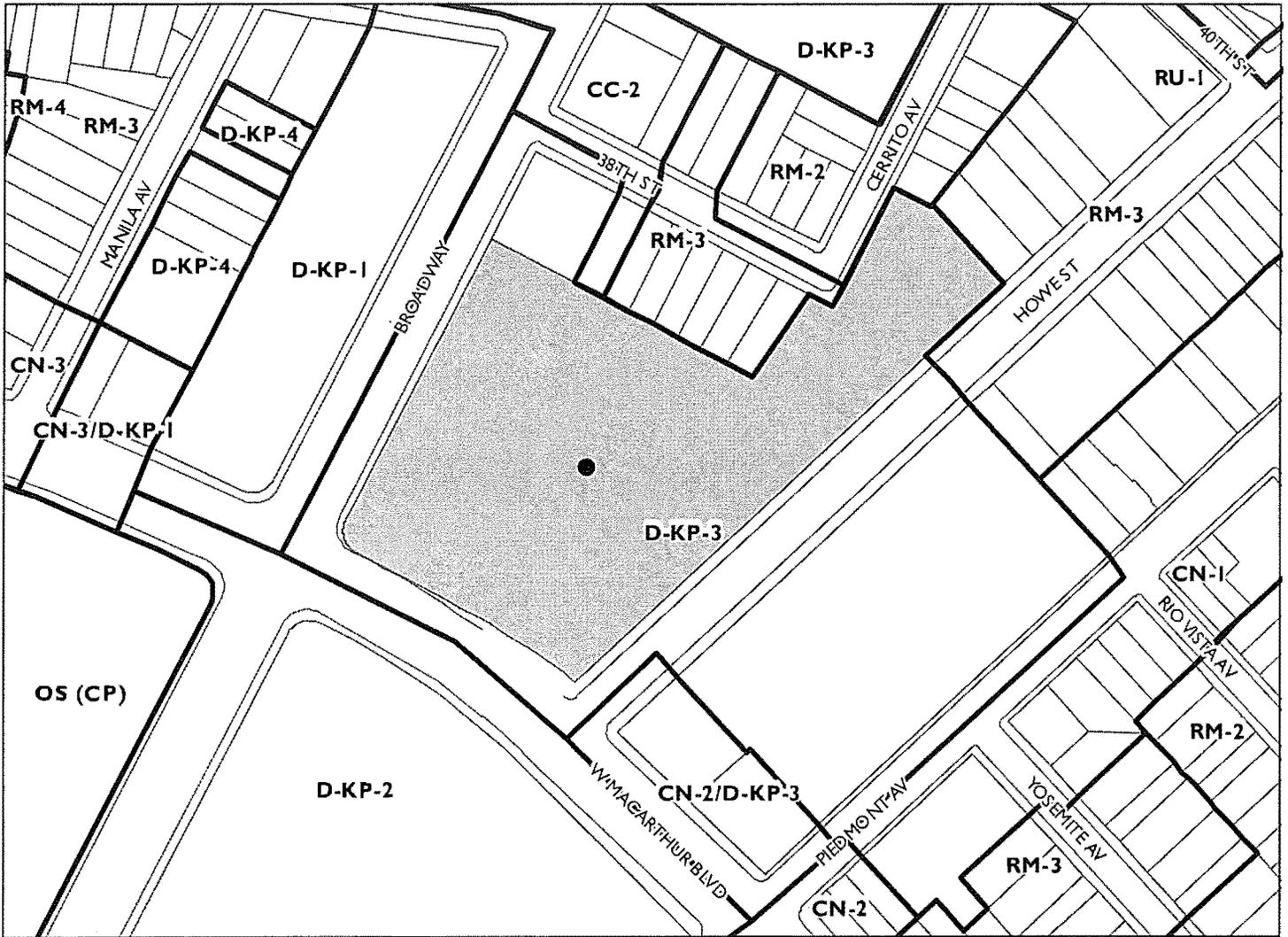
The proposal is to demolish the existing Central Utility Plant on the Kaiser OMC Phase 3 site, and replace it with a new Central Utility Plant. The new CUP will serve existing uses, including the Fabiola, Howe and Piedmont medical office buildings, and may serve any new uses within the KP-3 Zone. The new building is needed because the old plan is noisy, inefficient and the equipment is at the end of its service life.

The project needs to be completed before the legacy hospital building is demolished because the hospital must be decoupled from the existing plant prior to its demolition, in order to maintain continuity of services.

The CUP provides chilled water for space cooling and heating hot water for space heating and domestic water heating.

Staff recommends approval of the project, subject to the Conditions of Approval (Attachment "B").

CITY OF OAKLAND PLANNING COMMISSION



Case File: PLN16072

Applicant: Mark Redmond, Ted Jacob Engineering Group, Inc

Address: 280 W. MacArthur Boulevard

Zone: D-KP-3

BACKGROUND

The Kaiser Permanente Oakland Medical Center Master Plan (“Master Plan”) was approved by the Oakland City Council in 2006, after review and recommendation of the Planning Commission. The Master Plan describes and guides the phased replacement of the original Kaiser Oakland Medical Center with an expanded and improved campus consisting of approximately 1.76 million square feet on approximately 19.5 acres, to be completed by approximately 2020.

Phase 1 of the Master Plan includes the construction of the Broadway Medical Office Building and parking garage. Phase 2 includes the demolition of all buildings on the Phase 2 site, and construction of a new hospital building, medical office building, parking garage, central utility plant, and other appurtenant facilities and site improvements. Phase 3 includes demolition of the previous hospital building and facilities on that site, and anticipated retaining a Central Utility Plant to serve existing and new uses within the KP-3 Zone. The current proposal is for the demolition of the existing CUP and construction of a new replacement facility prior to demolition of the legacy hospital building and other structures on the site.

The existing CUP piping currently runs through the former legacy hospital building which is to be demolished, and serves the medical office buildings (clinics) in Phase 3 that will remain: Fabiola, Howe and Piedmont. In order to demolish the legacy hospital, the piping will need to be decoupled from the buildings to be demolished, and rerouted. This would result in major modifications to the existing CUP, including a portion of the existing plant’s façade. Taken together in consideration with the noisy aspect of the existing plant, which has been a source of complaints from the neighborhood, and the fact that most of the equipment is at the end of its service life, i.e., in need of replacement, the applicant proposes to replace the CUP with one that is smaller, quieter, and more energy efficient.

Kaiser has conducted community outreach including a community meeting that was held on February 24, 2016, and another community meeting scheduled to occur on May 5, 2016.

Public notices were sent for this project on April 29, 2016.

PROJECT DESCRIPTION

The project involves demolition of an existing Central Utility Plant at the northwest portion of the Kaiser OMC Phase 3 site, and construction of a new replacement facility that will serve the three Kaiser medical office buildings (clinics): Fabiola, Howe and Piedmont, and may serve future uses within the KP-3 Zone.

The existing facility is 42.5 feet tall, has a footprint of 2,510 square feet, and is set back 32 feet east of Broadway. The replacement CUP building will be approximately 12’-6” tall, rectangular in shape (approx. 20’ deep x 63’ long), will have a footprint of approximately 1,260 square feet, and will be set back substantially farther (165’-6”) from Broadway. The associated replacement cooling towers will be sited to the southwest of the building and approximately 9 feet lower on the site, and will have a footprint of approximately 528 square feet and a height of approximately 15 feet to the top of the towers. The proposed CUP site is in the location of the existing (to be removed) medical gas tanks which are enclosed by tall (approx. 14’-6”) retaining walls and other site walls. The retaining walls at the north and west side will remain; however, other site walls connected to them will be removed as part of this project. While the siting of the new facility will be closer to residential uses than the existing facility, the new CUP building maintains a minimum of a 20-foot setback from the common (north) property line, and the new cooling towers will be sited 36’-11” from the north property line. The cooling towers site will be not align any residential uses but rather with the Kaiser park site. Staff further notes that the existing residential

uses north/northeast of the subject site are sited approximately 9 feet higher in elevation than the CUP site, and the existing retaining wall (to remain) along the common property line extends an additional approximately 6 feet above the higher grade, providing a visual screen for those residences. The roof of the proposed CUP structure will be approximately 2 feet lower than the top of the wall.

The design of the CUP building is rectangular (approx. 20' deep, 63' long and 12'6" tall), and its materials, finishes include standing seam metal, painted to match the Fabiola building. The cooling tower structure will also consist of standing seam metal, also painted, at its base, and unpainted galvanized and stainless steel metal above.

With the exception of the pipes connecting the new cooling towers to the new modular CUP, all piping will be underground with this project.

PROPERTY DESCRIPTION

The Kaiser Phase 3 site consists of a total of 5.34 acres and is relatively flat. It is situated north of W. MacArthur Boulevard, between Broadway (on the west), and Howe St. (on the east). Properties to the north, from west to east, are: a separate parcel belonging to Kaiser containing an existing MRI building which will be eventually moved to the subject site; another Kaiser parcel abutting and east of the MRI site which contains a small employee park, and parcels to east of the park are residential lots with frontage on 38th St. and rear yards backing to the subject site.

Across Broadway to the west is the existing Kaiser Medical Office Building and parking garage constructed as Phase 1 of the OMC redevelopment project. Across W. MacArthur Blvd. to the south is the new Kaiser Hospital building, parking garage and central utility plant, and across Howe St. to the east is a Kaiser garage and two medical office buildings, the Howe and Piedmont buildings.

The subject site contains the former hospital building to be demolished in the future, the existing Central Utility Plant (CUP) and associated cooling towers proposed for demolition and replacement with this application, the Fabiola medical office building (to remain), and other appurtenant structures to be demolished.

GENERAL PLAN ANALYSIS

The site is located in the "Institutional" area of the General Plan Land Use and Transportation Element. The Institutional classification is intended to *"create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services and medical uses as well as other uses of similar character."* The desired character and policy objectives further support this stated intent, including, for example:

Policy N2.1 encourages upkeep/maintenance of institutional uses; they should be designed and operated in a manner that is sensitive to surrounding residential and other uses.

Policy N5.2 encourages buffering of conflicting uses through the establishment of performance-based regulations.

The proposal to replace the existing modular central utility plant constructed in approximately 1990 with a new, modernized (smaller, quieter, and cleaner) facility, designed and located in a manner that

minimizes impacts on surrounding residential and other uses is consistent with the character and objectives of the "Institutional" classification of the Oakland General Plan.

ZONING ANALYSIS

The site is located in the D-KP-3 Kaiser Permanente Oakland Medical Center Commercial District Zone - 3. Planning Code section 17.101D contains the regulations for all D-KP Zones, 1-4. Section 17.101D.050 requires conformance with the Master Plan and design review.

The D-KP Zone includes height and setback requirements specific to the D-KP-3 Zone. Specifically, the maximum height of any new building is limited to 70 feet, and all structures shall be set back from the adjacent RM-3 Zone on Cerrito Avenue, Howe Street and 38th Street by a minimum of 12 feet. Additional setbacks from the RM-3 Zone properties are required for structures that exceed 30 feet in height, at a rate of one foot of additional setback for each one foot that the structure exceeds 30 feet in height. The proposed CUP facility is well within these requirements because its height is a maximum of 15 feet and it is located at least 20 feet from the RM-3 Zoned properties. The cooling towers are located farther away and are also well below 30 feet in height.

The D-KP-3 Zone also requires landscaping, buffering and screening for all projects that require approval pursuant to the design review process. Both the modular CUP and the cooling towers will be farther from the street frontages and smaller than the existing facilities they will replace, and will be housed in structures that screen them from view from nearby residentially zoned properties. A lighting plan will be submitted with the building permit application and will be shielded so that they will not cause glare. Landscaping will be designed in conjunction with the overall Master Plan for Kaiser as part of the larger site demolition and redevelopment project.

For reasons stated in this report, in the section entitled, "Kaiser Oakland Master Plan Analysis" (below), Staff finds that the project substantially conforms to the applicable

The design review procedure is outlined in Section 17.101D.060, and subsection (E) lists the required findings. For reasons contained in the Findings contained in Attachment "A", Staff finds that the proposal substantially conforms to the Design Review criteria.

KAISER OAKLAND MASTER PLAN ANALYSIS

The Kaiser Permanente OMC Master Plan was approved by the City Planning Commission in 2006. The Master Plan contains Goals, Objectives, Principles and Guidelines to guide the redevelopment project. Examples of these Goals, Objectives, Principles and Guidelines, and staff's findings related to them are as follows:

Goal #1: "...ensure that the OMC will be architecturally and functionally integrated, and will be compatible with the existing neighborhood."

The proposed replacement central utility plant will be integrated into the site, and will be sited and designed in a manner that is compatible with the existing neighborhood.

Goal #2: "ensure that Kaiser Permanente's medical programs are accommodated in state-of-the-art facilities without interrupting current services..."

Replacement of the old central utility plant facility with a new, cleaner, more energy-efficient facility, prior to the larger demolition project for Phase 3, supports this Goal.

Principle 1.3 – “... balance good urban design principles and seeking to minimize impact on the adjacent neighborhoods.”

The proposed central utility plant will be located much farther from surrounding streets; therefore less visible from street view, and its significantly smaller size than the existing facility, and its location behind a tall retaining wall, will minimize any visual impact on adjacent neighborhoods. Any potential noise or other impacts are minimized by the replacement of the old, noisy, less energy-efficient facility with new, cleaner, quieter and more energy-efficient facility.

Principle 2.1 – “Create street fronts that promote pedestrian activity.”

By removing the existing CUP from the Broadway street frontage, and replacing it farther into the property, a more pedestrian-friendly street frontage is created.

Principle 6.1.7: “Design Energy Efficient Buildings”

Replacement of the old, noisy and inefficient facility with a new, quieter, cleaner and more energy-efficient facility supports this principle.

Guidelines 7.4.4: “The existing Central Utility Plant shall remain to serve the existing uses and may serve any new uses within the KX-3 (now D-KP-3) zone.”

The project recognizes the essential function of the Central Utility Plant and seeks to replace the existing plant with one that is smaller, cleaner, quieter and more energy-efficient, and meets the Goals, Principles, Objectives and Guidelines of the Kaiser OMC Master Plan.

Staff finds that the proposed replacement CUP substantially conforms to the Kaiser OMC Master Plan.

ENVIRONMENTAL DETERMINATION

An EIR for the Kaiser Permanente OMC Master Plan was prepared by the City of Oakland. That EIR was certified by the Oakland Planning Commission on June 6, 2006. The current project is substantially consistent with that analyzed in the Master Plan EIR. No additional environmental review is required. As a further separate and independent basis, this action is also exempt from CEQA pursuant to CEQA Guidelines 15301, 15302 and 15183.

KEY ISSUES AND IMPACTSNoise Analysis

Per City of Oakland Noise Ordinance (Chapter 17.120.050)
Cooling Tower noise at the old CUP:

All activities shall be so operated that the noise level inherently and regularly generated by these activities across real property lines shall not exceed the applicable values indicated in Subsection A., B., or C. as modified where applicable by the adjustments indicated in Subsection D. or E. Further noise restrictions are outlined in Section 8.18.010 of the Oakland Municipal Code.

- A. Residential Zone Noise Level Standards. The maximum allowable noise levels received by any Residential Zone are described in Table 17.120.01.

TABLE 17.120.01

MAXIMUM ALLOWABLE RECEIVING NOISE LEVEL STANDARDS, RESIDENTIAL AND CIVIC

Cumulative Number of Minutes in Either the Daytime or Night time One Hour Time Period	Max. allowable receiving noise levels (dB)	Max. allowable receiving noise levels (dB)
	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
20	60	45
10	65	50
5	70	55
1	75	60
0	80	65

D. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the stated applicable noise level shall be adjusted so as to equal the ambient noise level.

A Noise Analysis report was prepared for the applicant by Charles M. Salter Associates, Inc. (see Attachment "D"). The analysis involved measuring ambient noise levels, calculating expected future cooling tower noise, draws comparisons between the existing and future CUP, and comparing the results to the City noise limits. The results showed:

- Ambient noise levels measured in August 2014 resulted primarily from nearby street traffic, and were approximately 60 dB (daytime) and 50 dB (nighttime), during 90 percent of each one-hour time period (measured from the Kaiser employee "park" approximately 5 feet west of the nearest residential property).
- Existing cooling tower noise levels range from 60 dB to 66 dB, depending on operating condition (measured at the nearest residential property line).
- Future (replacement) cooling towers are expected to result in 55 dB (daytime) and 45 dB (nighttime), at the nearest residential property line.

The report concludes that the replacement cooling tower sound levels, projected at 55 dB (daytime) and 45 dB (nighttime) will be well below the existing cooling tower noise levels of 60-66dB and, adjusted per section D above, 5 dB quieter than the permitted noise limits of 60dB (daytime) and 50dB (nighttime).

The Applicant notes that the medical office buildings served by the CUP are closed at night, and cooling is not needed when the air temperature is below 56F; therefore, the cooling tower will be shut down most of the evening and night hours.

To ensure compliance with applicable noise-related regulations, Kaiser proposes to perform a noise study 6 months after the completion of the demolition project. Staff has incorporated this into the project Conditions of Approval (COA #38). Should there be any non-compliance with the Noise Ordinance, the strategies described in the Report will be implemented to reduce noise levels to comply with the Ordinance.

AIR QUALITY

The existing CUP was built around 1990. The existing boiler system burns both fuel oil and natural gas. The new boilers will burn only natural gas and are low emission boilers, and will therefore be cleaner than the existing facility.

LANDSCAPING AND LIGHTING

Landscaping will be developed in the context of the overall site redevelopment, and the plan is anticipated to be developed by mid-2017 (see Condition of Approval #35).

Lighting for the modular central plant will be designed to prevent glare to the neighbors. A detailed lighting plan will be required as a project condition of approval (see Condition of Approval #36).

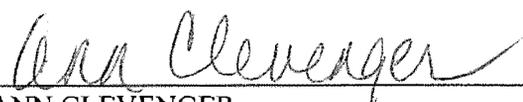
CONCLUSION

Staff finds that, with appropriate conditions of approval, the project conforms to all applicable criteria of the Oakland General Plan, Zoning and Design Review, as well as the Kaiser OMC Master Plan, and therefore recommends approval of the project.

RECOMMENDATIONS:

- For approvals:
1. Affirm staff's environmental determination.
 2. Approve the Design Review application subject to the attached findings and conditions.

Prepared by:

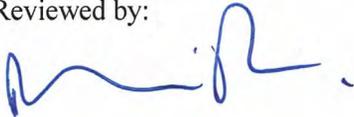

ANN CLEVENGER
Planner III

Reviewed by:



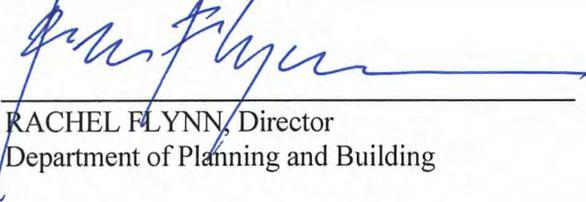
SCOTT MILLER
Zoning Manager

Reviewed by:



Darin Ranelletti, Deputy Director
Bureau of Planning

Approved for forwarding to the
City Planning Commission:



RACHEL FLYNN, Director
Department of Planning and Building

ATTACHMENTS:

- A. Staff's Findings
- B. Conditions of Approval
- C. Project Plans and Photos
- D. Noise Study
- E. Public Comments

ATTACHMENT "A"

FINDINGS FOR APPROVAL

SECTION 17.101D.060(E) – DESIGN REVIEW CRITEREA - Findings Required:

Design Review approval may be granted only if the proposal is in substantial conformance to the Kaiser Permanente Oakland Medical Center Master Plan including, without limitation, its goals, objectives, principles and guidelines, and also conforms to all of the following criteria.

The required findings, and the reasons the proposal satisfies these findings (in **bold**), subject to conditions of approval, are as follows:

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.136.060;

The proposal is to demolish the existing Central Utility Plant (CUP) on the site and to replace it with a new, smaller CUP.

The existing structure is 42.5 foot tall, and has a footprint of 2,510 square feet. The new replacement structure would be less than 15 feet tall (approximately 12'-6"), with a footprint of approximately 1,260 square feet, plus new cooling towers that will be 24'-6" tall but sited lower on the property, such that the top of the towers will be only about 3 feet taller than the module CUP. With regard to siting, the existing facility is located with its frontage on Broadway, approximately 36'-6" feet from the west property line, whereas the new facility would be located substantially farther from Broadway, approximately 155'-6" feet from the west property line.

The siting of the new CUP will be closer to existing residential development; however, it will be below the height of the retaining walls and will maintain a 20 foot separation from the north property line. Further, with the use of newer technologies, the new facility will be significantly smaller in footprint, lower in height, cleaner, and quieter than the old CUP.

The design of the CUP building is rectangular (approx. 20' deep, 63' long and 12'-6" tall), and its materials, finishes include standing seam metal, painted to match the Fabiola building. The cooling tower structure will also consist of standing seam metal, also painted, at its base, and unpainted galvanized and stainless steel metal above.

With the exception of the pipes connecting the new cooling towers to the new modular CUP, all piping will be underground with this project, and therefore less visually cluttered than the current facility.

Staff finds that the proposed new CUP will be well-related, and complement, the overall OMC development and the surrounding area with specific regard to scale, operational impacts, materials, colors and other amenities. Future landscaping consistent with the Master Plan and guidelines will be incorporated into the overall plan for the Phase 3 site.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area;

As detailed in Finding #1 above, the proposed CUP, which will be substantially smaller than the existing facility, and will be located such that it will have substantially less visual impact on surrounding streets. The new facility will incorporate current technology that will result in a facility that is quieter, cleaner and safer than the existing facility.

The proposed materials include a combination of standing seam sheet metal (painted to match the Fabiola building), galvanized and stainless steel metal (at the upper portion of the cooling towers), and sheet metal doors (also painted to match the Fabiola building).

Therefore, the new facility will protect the value of the private and public investments in the area.

3. That the proposed design conforms in all significant respects with the Oakland General Plan and with any applicable design review guidelines or criteria, district plan, or development control map which have been adopted by the Planning Commission or City Council.

GENERAL PLAN:

The site is located in the "Institutional" area of the General Plan Land Use and Transportation Element. The Institutional classification is intended to "create, maintain, and enhance areas appropriate for educational facilities, cultural and institutional uses, health services and medical uses as well as other uses of similar character." The desired character and policy objectives further support this stated intent, including, for example:

Policy N2.1 encourages upkeep/maintenance of institutional uses; they should be design and operated in a manner that is sensitive to surrounding residential and other uses.

Policy N5.2 encourages buffering of conflicting uses through the establishment of performance-based regulations.

The proposal to replace the existing modular central utility plant constructed in approximately 1990 with a new, modernized (smaller, quieter, and cleaner) facility, designed and located in a manner that minimizes impacts on surrounding residential and other uses is consistent with the character and objectives of the "Institutional" classification of the Oakland General Plan.

ZONING:

The site is located in the D-KP-3 Kaiser Permanente Oakland Medical Center Commercial District Zone - 3. Planning Code section 17.101D contains the regulations for all D-KP Zones, 1-4. Section 17.101D. 050 requires conformance with the Master Plan and design review.

For reasons stated in this report, in the section entitled, "Kaiser Oakland Master Plan Analysis" (below), Staff finds that the project substantially conforms to the applicable

The design review procedure is outlined in Section 17.101D.060, and subsection (E) lists the required findings. For reasons contained in Attachment “__”, Staff finds that the proposal substantially conforms to the Design Review criteria.

The D-KP Chapter includes height and setback requirements specific to the D-KP-3 Zone. Specifically, the maximum height of any new building is limited to 70 feet, and all structures shall be set back from the adjacent RM-3 Zone on Cerrito Avenue, Howe Street and 38th Street by a minimum of 12 feet. Additional setbacks from the RM-3 Zone properties are required for structures that exceed 30 feet in height, at a rate of one foot of additional setback for each one foot that the structure exceeds 30 feet in height. The proposed CUP facility is well within these requirements because its height is a maximum of 15 feet and it is located at least 20 feet from the RM-3 Zoned properties. The cooling towers are located farther away and are also well below 30 feet in height.

KAISER OAKLAND MASTER PLAN:

The Kaiser Permanente OMC Master Plan was approved by the City Planning Commission in 2006. The Master Plan contains Goals, Objectives, Principles and Guidelines to guide the redevelopment project. Examples of these Goals, Objectives, Principles and Guidelines, and staff’s findings related to them are as follows:

Goal #1: “...ensure that the OMC will be architecturally and functionally integrated, and will be compatible with the existing neighborhood.”

The proposed replacement central utility plant will be integrated into the site, and will be sited and designed in a manner that is compatible with the existing neighborhood.

Goal #2: “ensure that Kaiser Permanente’s medical programs are accommodated in state-of-the-art facilities without interrupting current services...”

Replacement of the old central utility plant facility with a new, cleaner, more energy-efficient facility, prior to the larger demolition project for Phase 3, supports this Goal.

Principle 1.3 – “... balance good urban design principles and seeking to minimize impact on the adjacent neighborhoods.”

The proposed central utility plant will be located much farther from surrounding streets; therefore less visible from street view, and its significantly smaller size than the existing facility, and its location behind a tall retaining wall, will minimize any visual impact on adjacent neighborhoods. Any potential noise or other impacts are minimized by the replacement of the old, noisy, less energy-efficient facility with new, cleaner, quieter and more energy-efficient facility.

Principle 2.1 – “Create street fronts that promote pedestrian activity.”

By removing the existing CUP from the Broadway street frontage, and replacing it farther into the property, a more pedestrian-friendly street frontage is created.

Principle 6.1.7: “Design Energy Efficient Buildings”

Replacement of the old, noisy and inefficient facility with a new, quieter, cleaner and more energy-efficient facility supports this principle.

Guidelines 7.4.4: “The existing Central Utility Plant shall remain to serve the existing uses and may serve any new uses within the KX-3 (now D-KP-3) zone.”

The project recognizes the essential function of the Central Utility Plant and seeks to replace the existing plant with one that is smaller, cleaner, quieter and more energy-

efficient, and meets the Goals, Principles, Objectives and Guidelines of the Kaiser OMC Master Plan.

Staff finds that the proposed replacement CUP substantially conforms to the applicable K-KP-3 Zone regulations and the Kaiser OMC Master Plan.

4. That any proposed retaining wall is consistent with the overall building and site design and respects the natural landscape and topography of the site and surrounding areas, and that the retaining wall is responsive to human scale, avoiding large, blank, uninterrupted or un-designed vertical surfaces.

The existing 14'-6" foot retaining wall will remain, and will continue to serve a structural function as well as to screen the new CUP from the residential properties north of the site. No new retaining walls are proposed.

ATTACHMENT "B"

CONDITIONS OF APPROVAL

**Part 1: Standard Conditions of Approval –
General Administrative Conditions**

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans **submitted on March 18, 2016**, as amended by the following conditions of approval and mitigation measures, if applicable ("Conditions of Approval" or "Conditions").

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, 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, 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

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

revisions shall be reviewed in accordance with the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

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.

6. 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.

7. 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.

8. Blight/Nuisances

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

9. 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.

10. 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.

11. 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 the Bureau of Building, if directed by the Building Official, Director of City Planning, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

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

Part 2: Standard Conditions of Approval – Environmental Protection Measures

GENERAL

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, 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

AESTHETICS

14. 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

15. 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.

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

16. 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

AIR QUALITY

17. Construction-Related Air Pollution Controls (Dust and Equipment Emissions)

Requirement: The project applicant shall implement all of the following applicable air pollution 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. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.
- e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g. 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 five 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.
- h. 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 five 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").
- i. 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.
- j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.

- k. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- l. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.
- m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- n. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).
- o. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.
- p. Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.
- q. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- r. Activities such as excavation, grading, and other ground-disturbing construction activities shall be phased to minimize the amount of disturbed surface area at any one time.
- s. All trucks and equipment, including tires, shall be washed off prior to leaving the site.
- t. 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.
- u. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) must meet emissions and performance requirements one year in advance of any fleet deadlines. Upon request by the City, the project applicant shall provide written documentation that fleet requirements have been met.
- v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).
- w. All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NO_x and PM.
- x. Off-road heavy diesel engines shall meet the California Air Resources Board’s most recent certification standard.
- y. Post a publicly-visible large on-site sign that includes the contact name and phone number for the project complaint manager responsible for responding to dust complaints and the telephone numbers of the City’s Code Enforcement unit and the Bay Area Air Quality Management District. When contacted, the project complaint manager shall respond and take corrective action within 48 hours.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. 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.

- or -

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

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

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

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

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

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

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

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

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

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

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

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

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

Prohibiting trucks from idling for more than two minutes.

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

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

CULTURAL RESOURCES

19. 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

GEOLOGY AND SOILS

20. 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

HAZARDS AND HAZARDOUS MATERIALS

21. 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

HYDROLOGY AND WATER QUALITY

22. Erosion and Sedimentation Control Measures for Construction

Requirement: The project applicant shall implement Best Management Practices (BMPs) to reduce erosion, sedimentation, and water quality impacts during construction to the maximum extent practicable. At a minimum, the project applicant shall provide filter materials deemed acceptable to the City at nearby catch basins to prevent any debris and dirt from flowing into the City's storm drain system and creeks.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

23. Site Design Measures to Reduce Stormwater Runoff

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following:

- a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas;
- b. Utilize permeable paving in place of impervious paving where appropriate;
- c. Cluster structures;
- d. Direct roof runoff to vegetated areas;
- e. Preserve quality open space; and
- f. Establish vegetated buffer areas.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

24. Source Control Measures to Limit Stormwater Pollution

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:

- a. Stencil storm drain inlets “No Dumping – Drains to Bay;”
- b. Minimize the use of pesticides and fertilizers;
- c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;
- d. Cover trash, food waste, and compactor enclosures; and
- e. Plumb the following discharges to the sanitary sewer system, subject to City approval:
- f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
- g. Dumpster drips from covered trash, food waste, and compactor enclosures;
- h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
- i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
- j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

25. NPDES C.3 Stormwater Requirements for Small Projects

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant shall incorporate one or more of the following site design measures into the project:

- a. Direct roof runoff into cisterns or rain barrels for reuse;
- b. Direct roof runoff onto vegetated areas;
- c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas;
- d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas;
- e. Construct sidewalks, walkways, and/or patios with permeable surfaces; or
- f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

The project drawings submitted for construction-related permits shall include the proposed site design measure(s) and the approved measure(s) shall be installed during construction. The design and installation of the measure(s) shall comply with all applicable City requirements.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

NOISE

26. 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

27. 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

28. 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

29. Project-Specific Construction Noise Reduction Measures

Requirement: 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 noise impacts. The project applicant shall implement the approved Plan during construction

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

30. 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

31. 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

TRANSPORTATION/TRAFFIC

32. 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 and sidewalks.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

Traffic Control Plan Required

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, 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 detours, including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.

When Required: Prior to approval of construction-related permit

Initial Approval Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

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: Bureau of Building

UTILITY AND SERVICE SYSTEMS

33. 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

34. 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

PROJECT-SPECIFIC CONDITIONS

35. Landscape Plan

Requirement: The project applicant shall submit a detailed landscape plan for the overall legacy hospital site.

When Required: Prior to issuance of any building permit for the demolition and redevelopment of the overall site.

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

36. Lighting Plan

Requirement: The project applicant shall submit a detailed lighting plan for the modular Central Utility Plant, designed to prevent glare to the neighbors.

When Required: Prior to issuance of any building permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

37. Noise Study

Requirement: The project applicant shall perform a noise study 6 months after the completion of the new Central Utility Plant project. Should there be any noncompliance with the Noise Ordinance resulting from the project, the noise reduction strategies contained in the Noise Analysis report (by Charles M. Salter Associates, Inc., dated January 22, 2016), shall be implemented to reduce project noise to levels that are in compliance.

When Required: Within six (6) months after the new Central Utility Plan project is completed

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

Applicant Statement

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

Name of Project Applicant

Signature of Project Applicant

Date

**KAISER OAKLAND MODULAR CENTRAL PLANT
April 27, 2016**

Although the legacy hospital will be demolished, the existing central plant currently also serves three existing to remain medical office buildings. The three existing to remain buildings are provided with chilled water for space cooling and heating hot water for space heating and domestic water heating.

The office buildings are closed at night and cooling is not needed when the air temperature is below 56F therefore the cooling tower will be shut down most of the evening and night hours.

The new modular cup is 2,000 sf and consists of high efficiency, clean burning, natural gas boilers to produce heating hot water and high efficiency chillers with green refrigerant producing chilled water for building cooling. Separate cooling towers serve the chillers with condenser water and operate only when chilled water is needed.

All chilled water piping and heating hot water piping will be run underground to the existing medical office buildings.

Lighting for the modular central plant will be designed to prevent glare to the neighbors.

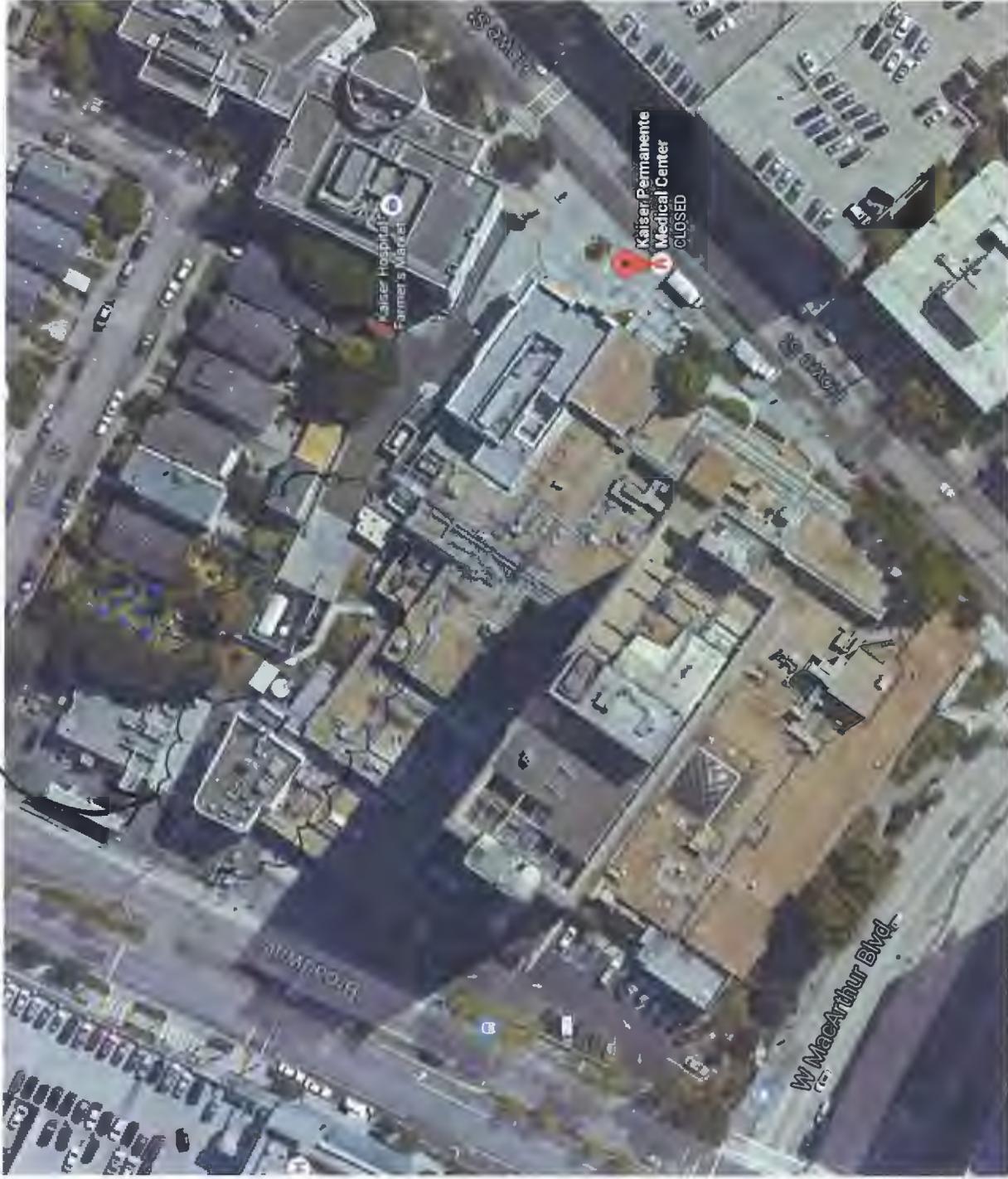
The new modular plant is needed because the old central plant is noisy, inefficient and its equipment is at the end of its service life.

In order to verify the noise levels of the new modular central plant, Kaiser will perform a noise study 6 months after the completion of the demolition project.

Once the new modular central plant is constructed the old central plant will be demolished and the opening in the ground filled in.

Landscaping will be developed in the context of the entire site including parking. The landscape design in concert with the new parking is anticipated to be developed by mid 2017.

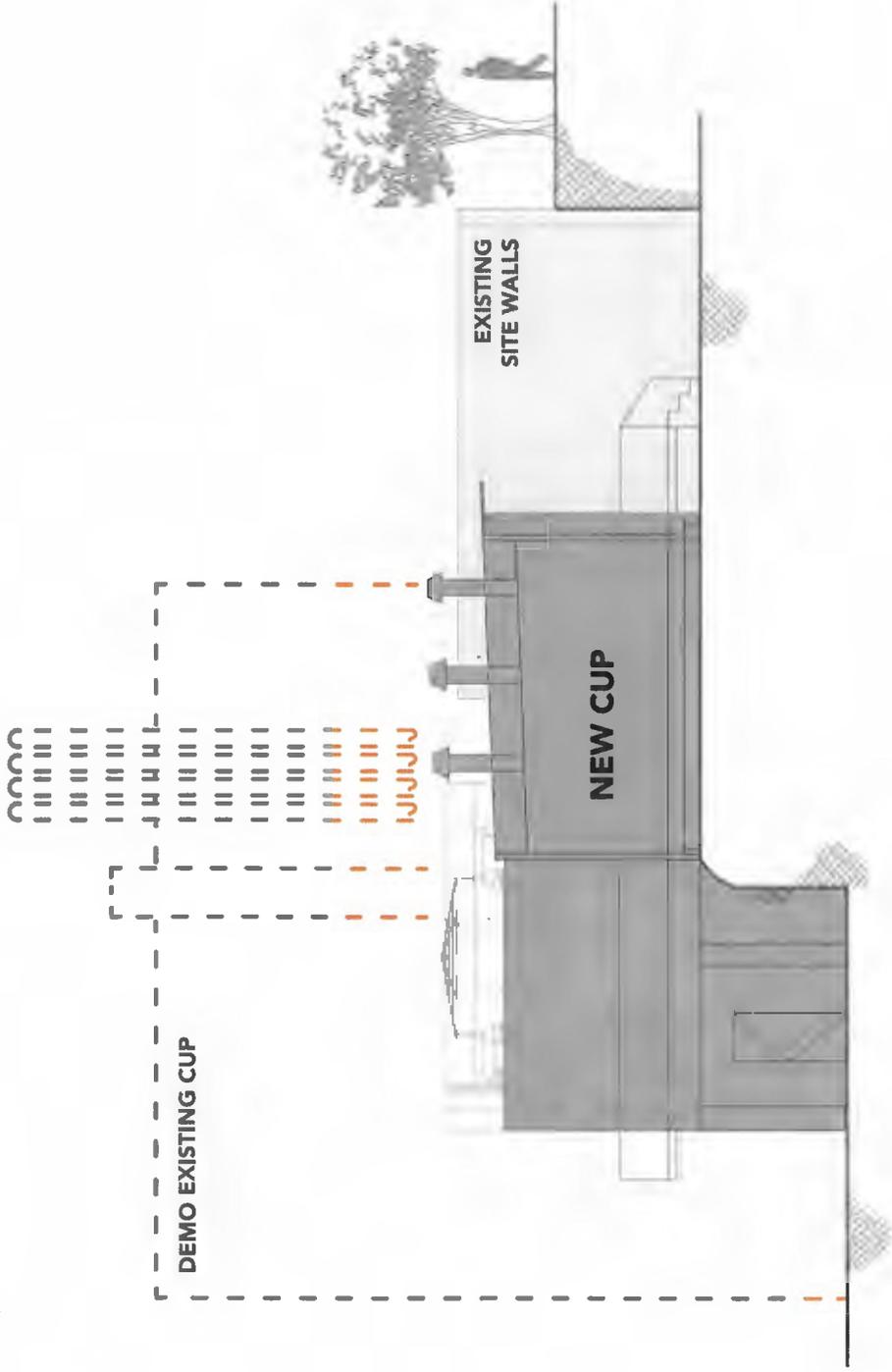
AREA OF WORK



KAISER PHASE 3 (LEGACY HOSPITAL) SITE







DATE: 03/18/2016 10:52:42 AM

KORSEBOM ASSOCIATES
Facilities Design
and Construction
3000 Broadway, Suite 1114
Oakland, California 94604

OSHPD NO: _____

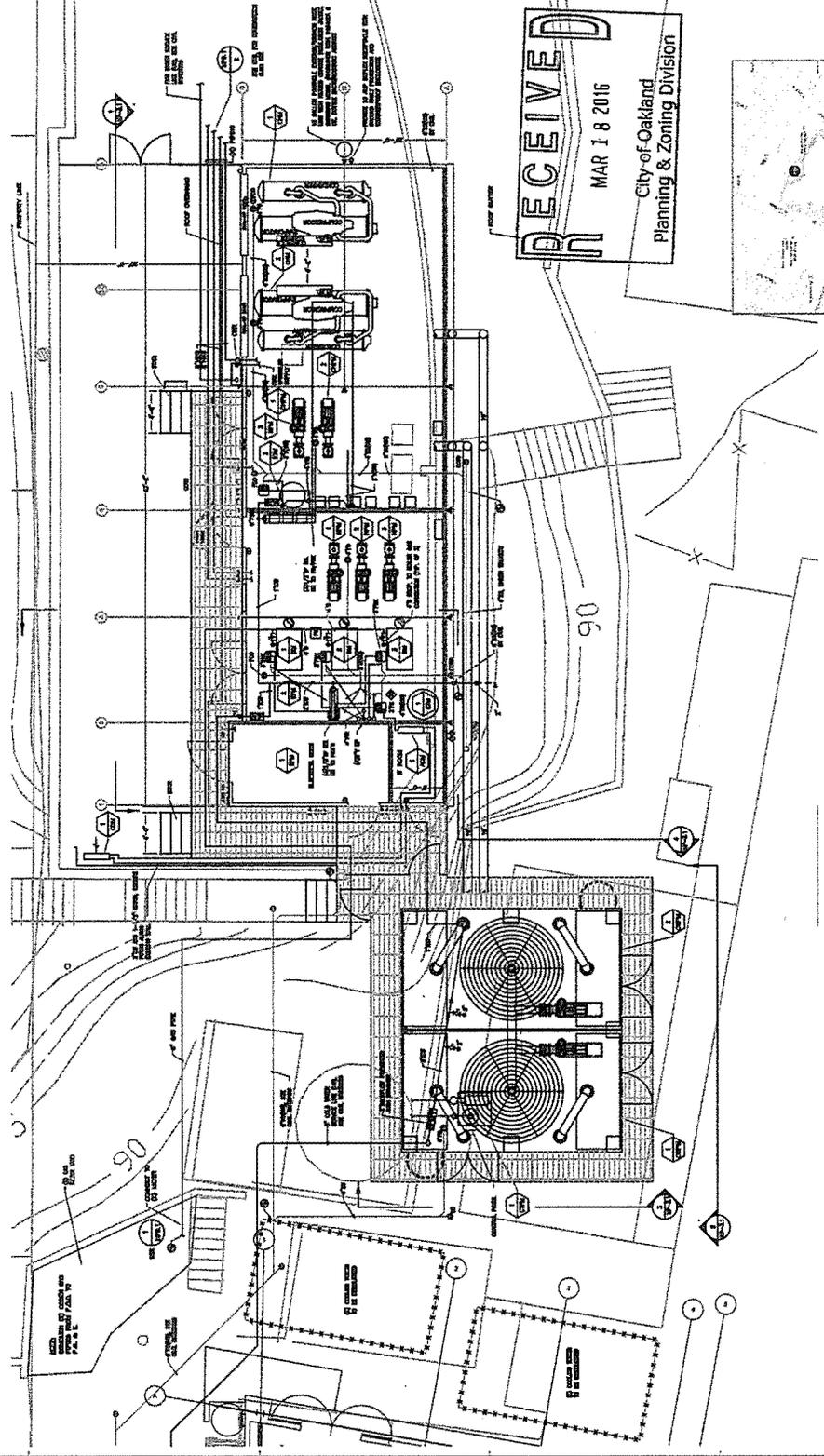
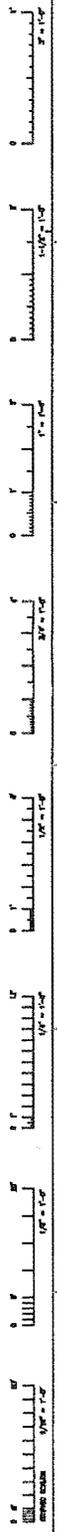
THE ABOVE DESCRIBED GROUP, INC.
JOB NO. 15121-151A
15121-151A
15121-151A
15121-151A

Project: **OAKLAND MEDICAL CENTER**
200 W. MARTIN LUTHER KING JR. BLVD
OAKLAND, CALIFORNIA 94611

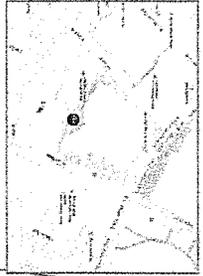
Project: **HOMES LIBRARY RESIDUE**
MODULAR CUP

Sheet No: **CENTRAL PLANT**
SITE PLAN
NEW WORK

MP2.1B



RECEIVED
MAR 18 2016
City of Oakland
Planning & Zoning Division



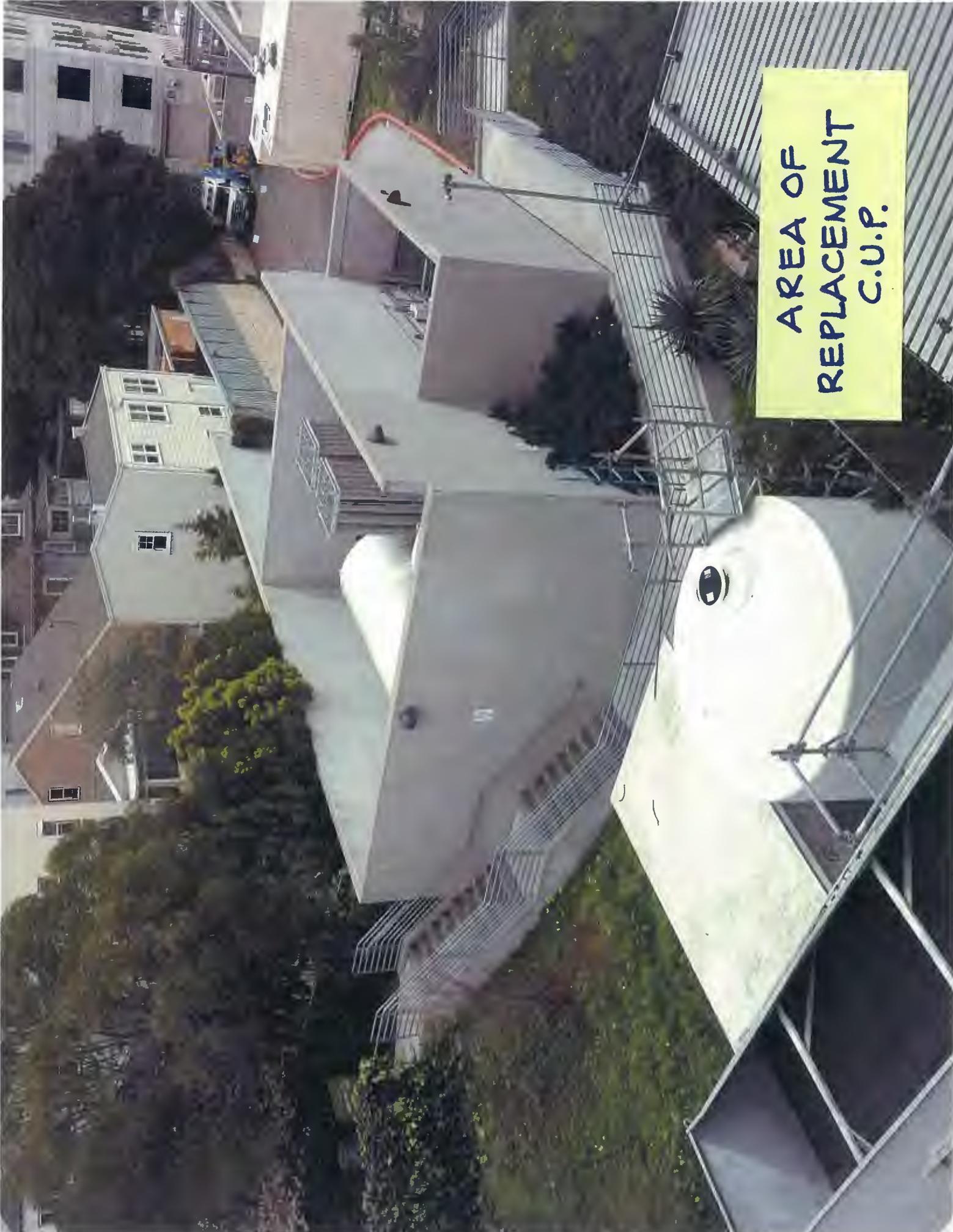
1. CENTRAL PLANT - MODULAR CUP - NEW WORK
SCALE 1/8\"/>

DATE: 03/18/2016 10:54



**KAISER OAKLAND
EXISTING TO BE
DEMOLISHED CENTRAL
PLANT**

AREA OF
REPLACEMENT
C.U.P.



FABIOLA BUILDING
(TO REMAIN)
NEW C.U.P. TO MATCH COLORS





EXAMPLE OF SIMILAR MODULAR C.U.P.

Charles M. **Salter**
ASSOCIATES INC.

130 Sutter Street
Floor 5
San Francisco, CA
94104
T 415.397.0442
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Acoustics
Audiovisual
Telecommunications
Security

22 January 2016

Mark Redmond
Ted Jacob Engineering Group, Inc.
1763 Broadway
Oakland, CA 94612
Email: mredmond@tjeg.com

Subject: **Kaiser Oakland Modular CUP Cooling Tower
Noise Analysis**
CSA Project: 14-0332

Dear Mark:

As requested, we studied cooling tower noise at the old Kaiser Oakland Hospital central utility plant. We measured ambient noise levels, calculated expected cooling tower noise, and compared the results to the City noise limits. This letter summarizes our findings.

CRITERIA

City Noise Ordinance

The City of Oakland Noise Ordinance includes noise limits applicable to the project in Section 17.120.050:

A. Residential and Civic Noise Level Standards. The noise level received by any legal residential activity, school, child care, health care or nursing home, public open space, and similarly sensitive land use shall not exceed the following:

Cumulative number of minutes in a one hour time period	Maximum allowable receiving noise levels (dB ¹)	
	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
20	60	45
10	65	50
5	70	55
1	75	60
0	80	65

D. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the stated applicable noise level shall be adjusted so as to equal the ambient noise level.

¹ Decibel (dB) – A logarithmic unit used in acoustics to describe the magnitude of a sound with respect to a reference sound level. All noise levels expressed in this letter are A-weighted sound pressure level, which represents the noisiness, or loudness, of a sound by weighting the amplitudes of various acoustical frequencies to correspond more closely with human hearing. A 10-dB (decibel) increase in noise level is typically perceived to be a doubling of loudness.

Charles M. Salter, PE
David R. Schwind, FAES
Eric (Broadhurst) Mori, PE
Philip N. Sanders, LEED AP
Thomas A. Schindler, PE
Durand R. Begault, PhD, FAES
Anthony P. Nash, PE
Ken Graven, PE, RCDD, CTS-D
Cristina L. Myar
Jason R. Duty, PE
Thomas J. Corbett, CTS
Eric A. Yee
Joshua M. Roper, PE, LEED AP
Peter K. Holst, PE, LEED AP
Ethan C. Salter, PE, LEED AP
Craig L. Gilman, RCDD
Lloyd B. Ranola
Alexander K. Salter, PE
Jeremy L. Decker, PE
Rob Hammond, PSP, NICET III
Andrew J. McKee
Steven A. Woods
Josh J. Vallon
Josh J. Harrison
Valerie C. Smith, PE
Benjamin D. Piper
Elisabeth S. Kelson
Brian C. Wourms
Ryan G. Roskopf, LEED AP
Diego Hernandez
Ryan A. Schofield
Alex T. Schiefer
Abner E. Morales
Adrian L. Lu
Greg R. Erenstein
Philip J. Perry, PMP
Steve L. Leiby
Kenneth W. Lim
Felipe Tavera
Blake M. Wells, LEED GA
Heather A. Salter
Dee E. Garcia
Catherine F. Spurlock

Ambient Noise Measurements

We measured ambient noise levels at the nearest residential property (directly northeast of the CUP) in August 2014. The monitor was located in the existing Kaiser employee "park" approximately 5 feet west of the nearest residential property. Nearby street traffic was the primary source of noise at this location. The lowest ambient noise levels, approximately 50 dB², were measured between 11:00 p.m. and 5:00 a.m. Daytime ambient noise levels were approximately 60 dB.

Project Noise Limits

Therefore, based on the City Noise Ordinance and our ambient noise measurements, the nighttime noise limit at this nearest home for the Kaiser cooling tower noise would be 60 dB during daytime hours and 50 dB during nighttime.

COOLING TOWER NOISE

Existing

At the nearest residential property line, we measured existing cooling tower noise to be between 60 dB and 66 dB (depending on operating condition).

Future

We received acoustical performance data (see Table 1 at end of report) for proposed replacement cooling towers, a Baltimore Aircoil Company New Series 3000 unit with "Whisper Quiet Fan." The nearest residential property line would be approximately 40 to 50 feet away. We received data for expected "Daytime operation" (78-percent fan speed) and "Nighttime operation" (38-percent fan speed). Using these data, we calculated the following expected noise from two cooling towers at the nearest property line:

- Daytime operation: 55 dB at nearest property line
- Nighttime operation: 45 dB at nearest property line

DISCUSSION

The predicted cooling tower sound levels are 5 dB quieter than the project noise limits of 60 dB and 50 dB (daytime and nighttime, respectively). In addition, the proposed cooling towers are expected to be notably quieter than the existing units. Therefore, we expect that no further mitigation will be necessary.

The cooling tower data sheet states that "use of frequency inverters (VFD) can increase sound levels." Please confirm that a selected VFD and motors are compatible and would not significantly increase noise levels or generate excessive tonal noise. If necessary, incorporate a choke (i.e., low-pass filter) in

² This level, 50 dB, was the typical measured hourly L₉₀ percentile sound level. This is the noise level exceeded during 90 percent of each one-hour period.

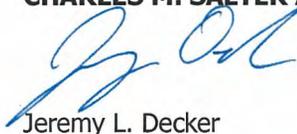
the VFD package to reduce tonal noise. This same recommendation should be applied to the related water pump motors and VFDs. If necessary, sound attenuating and absorbing panels could be incorporated around the pumps to further reduce noise.³ These panels could be equal to QuietLine Series panels by Noise Barriers LLC or NoiseBlock panels by Kinetics Noise Control.

* * *

This concludes our comments on the Kaiser Oakland cooling tower noise. Should you have any questions, please call.

Sincerely,

CHARLES M. SALTER ASSOCIATES



Jeremy L. Decker
Principal Consultant

Table 1: Provided sound power levels (dB) for cooling tower.

Operation	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz
Daytime	80	84	81	74	76	63	62	60
Nighttime	69	71	69	64	61	60	60	59

³ Pump noise data was not available.

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ATTACHMENT E

PANIL
P.O. Box 20375
Oakland, CA 94620-0375

May 8, 2016

Ann Clevenger
Zoning Division
250 Frank Ogawa Plaza
Oakland CA 94612

Case File Number: PLN 1072
Kaiser Central Utility Plant and Cooling Tower

Dear Ms. Clevenger,

PANIL recognizes that the demolition of the existing hospital is a complex process, requiring that some functions continue to operate throughout the period of demolition and construction. We realize that the Central Utility Plant (CUP) and cooling tower are in this category. Many neighbors are also Kaiser members and understand the need for the services and functions of the medical center.

However, neighbors were surprised and disappointed that the community meeting at Kaiser took place on the same day on which they received public notices for the Planning Commission hearing on this issue. At the community meeting, neighbors first discussed this proposal in detail with Kaiser and were alerted to the upcoming hearing. This left little time for community input to the case planner or the Commission. During this community meeting, many questions were asked, but many questions remain.

This proposed CUP and cooling tower are shifted closer to the rear yards of the residences on 38th Street than the existing CUP. Kaiser was unwilling to explain in the community meeting what alternate locations for this facility were explored. Kaiser did explain that the proposed CUP and cooling tower will serve three Medical Office Buildings: the Fabiola MOB and the two MOB's between Howe Street and Piedmont Avenue. (Those latter two, we were told, are likely to be self-contained when they are rebuilt at some date in the future, and will not need the CUP.) Given the locations of the buildings which it will serve, we are unclear why the CUP could not be sited closer to Howe Street and further from the residences. Additionally, given that this facility will continue to serve the Fabiola building for many years after the other two MOB's are replaced, we feel that it is important that these buildings be evaluated as permanent structures. In spite of the fact that the CUP is "modular," both it and the cooling tower will very likely remain at the chosen location indefinitely.

Nearby residents inform us that there is a humming noise from the current CUP which, while not highly intrusive, is noticeable. When equipment malfunctions, the noise becomes more intrusive, and continues until Kaiser maintenance staff repairs it. For this reason, siting of the facilities as far as possible from residences is preferred.

The proposed CUP and cooling tower are shown as being approximately the height of the existing retaining wall separating the existing residences from Kaiser property. Although this means that they will be only partially visible from the rear yards of the properties, they will be highly visible from the interior of homes, especially from the second floors.

Both of the above impacts, auditory and visual, will particularly affect the residential building which sits on the property line catty-corner to the proposed CUP location.

PANIL proposes that:

- 1) Kaiser explore alternate locations for the siting of these facilities in order to minimize impacts on the existing residences along 38th Street. The community does not understand what is driving the sequence of work for the CUP replacement and the old hospital demolition. It would seem more logical to leave the existing CUP operating until the old hospital is demolished, at which time the CUP and cooling tower could be built at a more desirable location.
- 2) If the currently proposed location is ultimately accepted by the Planning Commission, mitigating measures be taken.
 - a. Kaiser stated at the community meeting that the equipment inside the CUP will be high efficiency, and therefore that the stacks shown rising above the roof in the drawings might instead be relocated so as to vent the equipment horizontally through the sides of the building. In this position, the stacks would potentially not be visible at all from the residences.
 - b. A vertical landscaping barrier should be placed within the 20-foot setback area and extend significantly above the existing property line wall to screen the facility visually from the residences. For example, a row of fairly mature Italian cypress placed in large containers could serve this purpose.
 - c. A freestanding trellis structure should be erected above and around the metal box CUP to further screen it visually from the residences.
- 3) Kaiser provide a 24-hour contact phone number by which residents can alert Kaiser to maintenance problems including unusual or excessive noise from the equipment. Kaiser shall respond to the resident and correct the problem in a timely manner.

We appreciate the Commission's careful consideration of these neighborhood concerns.

Very Truly Yours,

Piedmont Avenue Neighborhood Improvement League



by Valerie Winemiller
PANIL Steering Committee member