Appendix E – Historic Preservation

- Polanco, Julianne. *Letter to Heather Klein, City of Oakland, in re: Mandela Homes Project at 3660 Mandela Parkway, Oakland, CA.* State of California, Department of Parks and Recreation, Office of Historic Preservation. January 5, 2026. Refer to HUD_2025_1215_004.
- Klein, Heather. *RE: HUD_2024_0418_002 Section 106 Consultation*
- When To Consult With Tribes Under Section 106

State of California • Natural Resources Agency
Gavin Newsom, *Governor*

DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION
Armando Quintero, *Director*

Julianne Polanco, State Historic Preservation Officer
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100
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calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

January 5, 2026

Refer to HUD_2025_1215_004

Heather Klein
Planner IV
Department of Planning and Building
City of Oakland
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612-2032

Re: Mandela Homes Project at 3660 Mandela Parkway, Oakland, CA

Dear Ms. Klein:

The California State Historic Preservation Office (SHPO) received the consultation submittal for the above-referenced undertaking for our review and comment pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations found at 36 CFR Part 800. The regulations and advisory materials are located at www.achp.gov.

The City of Oakland has informed us that they intend to provide funding from the has U.S. Department of Housing and Urban Development (HUD) for the Mandela Homes Project at 3660 Mandela Parkway in Oakland, built in 2002. Project activities will be limited to the subject parcel.

After reviewing the documentation submitted for the undertaking SHPO offers the following comments:

- Pursuant to 36 CFR 800.4(a)(1), an area of potential effects (APE) of the subject parcel is appropriate for this undertaking.
- Pursuant to 36 CFR Part 800.4(b)(1), the City of Oakland has made a reasonable and good faith effort to identify historic properties within the APE.
- Pursuant to 36 CFR Part 800.4(d), the SHPO does not object to the City of Oakland's finding of *no historic properties affected* for the undertaking.

In the event that historic properties are discovered during the implementation of the undertaking, the City is required to consult further pursuant to 36 CFR Part 800.13(b).

SHPO appreciates the City of Oakland's consideration of historic properties in the project planning process. If you have questions please contact Chris Wendt, State Historian II, with the Local Government & Environmental Compliance Unit at chris.wendt@parks.ca.gov.

Sincerely,

Julianne Polanco
State Historic Preservation Officer

CITY OF OAKLAND

250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Department of Planning and Building
Bureau of Planning, Historic Preservation Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 839-6451

December 15, 2025

Julianne Polanco
Office of Historic Preservation
Department of Parks & Recreation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Subject: **Mandela Homes, 3650 Mandela Parkway, Oakland, Alameda County, California 94608 (APN 007-0617-046-02)**

U.S. HUD Funds – Moving-To-Work (MTW)

Dear Ms. Polanco:

The City of Oakland proposes to use funding from U.S. Department of Housing and Urban Development (HUD), as awarded by the Housing Authority of the City of Oakland for the Mandela Homes project, 3650 Mandela Parkway, Oakland, Alameda County, California 94608 (APN 007-0617-046-02) for the purpose of providing permanent supportive housing. To secure HUD release of funds for the project, the City of Oakland must provide a suitable federal Environmental Review Record to HUD prepared according to the requirements of the National Environmental Policy Act (NEPA) and HUD's own Environmental Regulations found in 24 CFR Part 58.

This letter will identify and evaluate historic properties within the Area of Potential Effects of this undertaking under Section 106 of the Historic Preservation Act and its implementing regulations at 36 CFR Part 800. As the Agency Official for this project, I request your views regarding the effect of the project upon historic properties.

Supporting documentation is attached. The project is rehabilitation of an existing former hotel property into permanent supportive housing for formerly homeless

Undertaking

Mandela Homes, LP proposes to convert a 149-room residential hotel into a 133-unit permanent supportive housing project. The property at 3650 Mandela Parkway, Oakland, Alameda County, California 94608 (APN 007-0617-046-02) will be converted to long term affordable housing serving very low and extremely low-income persons. The former Extended Stay America Hotel was acquired by Memar Properties and the Housing Consortium of the East Bay and is currently used to as transitional housing. The scope includes conversion of units to community spaces, manager's and supportive services offices, a combined manager's and maintenance unit, and minor exterior and landscape improvements. All rehabilitation work will be contained within the existing building footprint, with no addition or removal

of square footage. The site contains 165 parking spaces and will contain 120 parking spaces with 35 bicycle parking spaces post-project.

Area of Potential Effects (APE)

As a rehabilitation project, the Area of Potential Effect (APE) was determined to be the limit of subject property described above. The parcel is 2.97 acres in size. All rehabilitation except for minor exterior work and landscape improvements, will be contained within the existing building footprint, with no addition or removal of square footage.

Built Environment

The subject building was constructed in 2002 as an Extended Stay America Hotel . The building is therefore 23 years of age as of the date of the letter. The building will not be evaluated for eligibility for listing on the National Register of Historic Places (NRHP).

Archaeology

The project does not involve ground disturbing activities with the potential for accidental discovery. Minor landscaping improvements will be made and a portion of the parking lot will be converted to bicycle storage. There is no APE for archaeology.

Native American Tribes

There is no APE for archaeology. Consultation with Native American tribes is not invoked (see attached *Appendix A: When to consult with tribes)*.

Conclusions

There are no historic properties identified within the Area of Potential Effects. There is no potential for accidental discovery of buried cultural resources. There is no effect to historic properties as a result of the Undertaking.

Finding

As Agency Official for this project, I have provided a description of the Undertaking, developed an Area of Potential Effects, and made a finding of no historic properties affected by the Undertaking. The reason is, there are no historic properties in the Area of Potential Effects for the Undertaking.

Upon reviewing the attached information in light of the undertaking, please provide your comments at the earliest possible convenience. Thank you for your time.

Sincerely,

Heather Klein, Planner IV
(510) 238-3659
hklein@oaklandca.gov

Mandela Homes, 3650 Mandela Parkway, Oakland, CA 94608

Cc: Michael Rujirasopon, MPI Homes

Cinnamon Crake, Bay Desert, Inc.

Attachment:

1. **U.S. Department of Housing and Urban Development.** *Appendix A: When to consult with tribes under Section 106.* June 23, 2025.

When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult:

- ☐ **significant ground disturbance (digging)**
  Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads

- ☐ **new construction in undeveloped natural areas**
  Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas

- ☐ **incongruent visual changes**
  Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area

- ☐ **incongruent audible changes**
  Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience

- ☐ **incongruent atmospheric changes**
  Examples: introduction of lights that create skyglow in an area with a dark night sky

- ☐ **work on a building with significant tribal association**
  Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall

- ☐ **transfer, lease or sale of a historic property of religious and cultural significance**
  Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association

☐x **None of the above apply**

Mandela Homes	Flannery	June 23, 2026
Project	**Reviewed By**	**Date**

Appendix F – Noise

- U.S. Department of Housing and Urban Development. *DNL Calculator Tool.* s.l. : Bay Desert Inc.,
- U. S. Department of Transportation. *Railroad Crossing Inventory Form.* s.l. : Federal Railroad Administration,. Inventory number 440640N.
- Noise Measurement Locations, Baseline Environmental Consulting, HUD Environmental Noise Assessment, Mandela Homes Project, Oakland, California
- Barrier Performance Module, HUD Environmental Noise Assessment, Mandela Homes Project, Oakland, California

Home (/) > Programs (/programs/) > Environmental Review (/programs/environmental-review/) > Day/Night Noise Level (DNL) Calculator

Day/Night Noise Level (DNL) Calculator

The Day/Night Noise Level Calculator is an electronic assessment tool that calculates the Day/Night Noise Level (DNL) from roadway and railway traffic. For more information on using the DNL calculator, view the Day/Night Noise Level Calculator Electronic Assessment Tool Overview (/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/).

Guidelines

- To display the Road and/or Rail DNL calculator(s), click on the "Add Road Source" and/or "Add Rail Source" button(s) below.
- All Road and Rail input values must be positive non-decimal numbers.
- All Road and/or Rail DNL value(s) must be calculated separately before calculating the Site DNL.
- All checkboxes that apply must be checked for vehicles and trains in the tables' headers.
- Note #1: Tooltips, containing field specific information, have been added in this tool and may be accessed by hovering over all the respective data fields (site identification, roadway and railway assessment, DNL calculation results, roadway and railway input variables) with the mouse.
- Note #2: DNL Calculator assumes roadway data is always entered.

DNL Calculator

Site ID	Man
Record Date	07/06/2025
User's Name	Flannery - Bay Desert

Road # 1 Name:	Interstate 580 Junction

Road #1

Vehicle Type	Cars ☑	Medium Trucks ☑	Heavy Trucks ☑
Effective Distance	140	140	140
Distance to Stop Sign			
Average Speed	55	55	55
Average Daily Trips (ADT)	111656	1045	300
Night Fraction of ADT	15	15	15
Road Gradient (%)			2
Vehicle DNL	72	61	63
Calculate Road #1 DNL	72	Reset	

Road # 2 Name:	Mandela Boulevard

Road #2

Vehicle Type	Cars ☑	Medium Trucks ☑	Heavy Trucks ☑

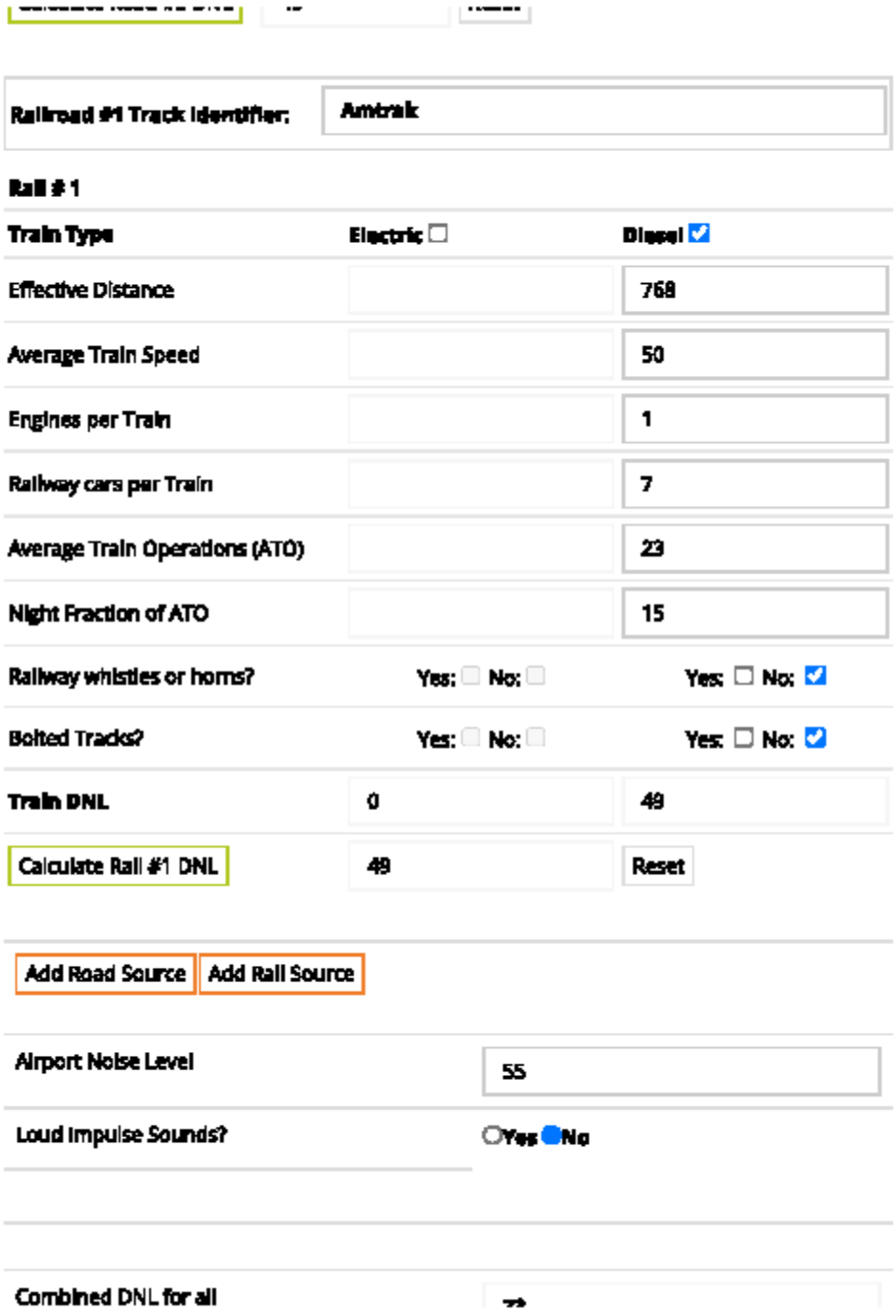
Effective Distance	400	400	400
Distance to Stop Sign			
Average Speed	35	35	35
Average Daily Trips (ADT)	1373	1455	727
Night Fraction of ADT	15	15	15
Road Gradient (%)			2
Vehicle DNL	42	52	59
Calculate Road #2 DNL	60	Reset	

Road # 3 Name:	Hollis

Road #3

Vehicle Type	Cars ☑	Medium Trucks ☑	Heavy Trucks ☐
Effective Distance	1046	1046	
Distance to Stop Sign			
Average Speed	35	35	
Average Daily Trips (ADT)	4258	751	
Night Fraction of ADT	15	15	
Road Gradient (%)			
Vehicle DNL	40	43	0

Calculate Road #3 DNL	45	Reset



Railroad #1 Track Identifier:	Amtrak	
Rail # 1		
Train Type	Electric ☐	Diesel ☑
Effective Distance		768
Average Train Speed		50
Engines per Train		1
Railway cars per Train		7
Average Train Operations (ATO)		23
Night Fraction of ATO		15
Railway whistles or horns?	Yes: ☐ No: ☐	Yes: ☐ No: ☑
Bolted Tracks?	Yes: ☐ No: ☐	Yes: ☐ No: ☑
Train DNL	0	49
Calculate Rail #1 DNL	49	Reset

Add Road Source | Add Rail Source

Airport Noise Level	55
Loud Impulse Sounds?	○Yes ●No
Combined DNL for all	

Road and Rail sources	
Combined DNL including Airport	73
Site DNL with Loud Impulse Sound	

Calculate Reset

Mitigation Options

If your site DNL is in Excess of 65 decibels, your options are:

- **No Action Alternative:** Cancel the project at this location
- **Other Reasonable Alternatives:** Choose an alternate site
- **Mitigation**
  - Contact your Field or Regional Environmental Officer (/programs/environmental-review/hud-environmental-staff-contacts/)
  - Increase mitigation in the building walls (only effective if no outdoor, noise sensitive areas)
  - Reconfigure the site plan to increase the distance between the noise source and noise-sensitive uses
  - Incorporate natural or man-made barriers.
  - Construct noise barrier. See the Barrier Performance Module (/programs/environmental-review/bpm-calculator/)

Tools and Guidance

Day/Night Noise Level Assessment Tool User Guide (/resource/3822/day-night-noise-level-assessment-tool-user-guide/)

Day/Night Noise Level Assessment Tool Flowcharts (/resource/3823/day-night-noise-level-assessment-tool-flowcharts/)

Federal Railroad Administration Railroad Operations Data Sources (https://www.hudexchange.info/resource/6027/federal-railroad-administration-railroad-operations-data-sources/)

U. S. DOT CROSSING INVENTORY FORM

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

OMB No. 2130-0017

Instructions for the initial reporting of the following types of new or previously unreported crossings: For public highway-rail grade crossings, complete the entire inventory Form. For private highway-rail grade crossings, complete the Header, Parts I and II, and the Submission Information section. For public pathway grade crossings (including pedestrian station grade crossings), complete the Header, Parts I and II, and the Submission Information section. For Private pathway grade crossings, complete the Header, Parts I and II, and the Submission Information section. For grade-separated highway-rail or pathway crossings (including pedestrian station crossings), complete the Header, Part I, and the Submission Information section. For changes to existing data, complete the Header, Part I Items 1-3, and the Submission Information section, in addition to the updated data fields. Note: For private crossings only, Part I Item 20 and Part III Item 2.K. are required unless otherwise noted. An asterisk * denotes an optional field.

A. Revision Date (MM/DD/YYYY)	B. Reporting Agency	C. Reason for Update (Select only one)	D. DOT Crossing Inventory Number
08 / 27 / 2025	☒ Railroad ☐ Transit ☐ State ☐ Other	☒ Change in Data ☐ New Crossing ☐ Closed ☐ No Train Traffic ☐ Quiet Zone Update ☐ Re-Open ☐ Date Change Only ☐ Change in Primary Operating RR ☐ Admin. Correction	440640N

Part I: Location and Classification Information

1. Primary Operating Railroad	2. State	3. County
Union Pacific Railroad Company [UP]	CALIFORNIA	ALAMEDA

4. City / Municipality	5. Street/Road Name & Block Number	6. Highway Type & No.
☒ In ☐ Near EMERYVILLE	S Bayfront PED (Street/Road Name) | * (Block Number)	ST 0000

7. Do Other Railroads Operate a Separate Track at Crossing?	8. Do Other Railroads Operate Over Your Track at Crossing?
☐ Yes ☒ No If Yes, Specify RR	☒ Yes ☐ No If Yes, Specify RR ATK

9. Railroad Division or Region	10. Railroad Subdivision or District	11. Branch or Line Name	12. RR Milepost (prefix) | (nnnn.nnn) | (suffix)
☐ None Northern California	☐ None Martinez Sub	☒ None	0003.930

13. Line Segment *	14. Nearest RR Timetable Station *	15. Parent RR (if applicable)	16. Crossing Owner (if applicable)
		☒ N/A	☐ N/A UP

17. Crossing Type	18. Crossing Purpose	19. Crossing Position	20. Public Access (if Private Crossing)	21. Type of Train	22. Average Passenger Train Count Per Day
☒ Public ☐ Private	☐ Highway ☒ Pathway, Ped. ☐ Station, Ped.	☐ At Grade ☒ RR Under ☐ RR Over	☐ Yes ☐ No	☒ Freight ☐ Transit ☒ Intercity Passenger ☐ Shared Use Transit ☐ Commuter ☐ Tourist/Other	☒ Less Than One Per Day ☐ Number Per Day

23. Type of Land Use
☐ Open Space ☐ Farm ☐ Residential ☒ Commercial ☐ Industrial ☐ Institutional ☐ Recreational ☐ RR Yard

24. Is there an Adjacent Crossing with a Separate Number?	25. Quiet Zone (FRA provided)
☐ Yes ☒ No If Yes, Provide Crossing Number	☐ No ☐ 24 Hr ☐ Partial ☐ Chicago Excused Date Established

26. HSR Corridor ID	27. Latitude in decimal degrees (WGS84 std: nn.nnnnnn)	28. Longitude in decimal degrees (WGS84 std: -nnn.nnnnnn)	29. Lat/Long Source
☒ N/A	37.8351450	-122.2911680	☒ Actual ☐ Estimated

30.A. Railroad Use *	31.A. State Use *
30.B. Railroad Use *	31.B. State Use *
30.C. Railroad Use *	31.C. State Use *
30.D. Railroad Use *	31.D. State Use *
32.A. Narrative (Railroad Use) * Amtrak operates Capital Corridor	32.B. Narrative (State Use) *

33. Emergency Notification Telephone No. (posted)	34. Railroad Contact (Telephone No.)	35. State Contact (Telephone No.)
800-848-8715	402-544-3721	415-703-3722

Part II: Railroad Information

1. Estimated Number of Daily Train Movements

1.A. Total Day Thru Trains (6 AM to 6 PM)	1.B. Total Night Thru Trains (6 PM to 6 AM)	1.C. Total Switching Trains	1.D. Total Transit Trains	1.E. Check if Less Than One Movement Per Day ☐ How many trains per week?
1	1	0	0	

2. Year of Train Count Data (YYYY)	3. Speed of Train at Crossing
2025	3.A. Maximum Timetable Speed (mph) _____ 3.B. Typical Speed Range Over Crossing (mph) From _____ to _____

4. Type and Count of Tracks
Main 2 Siding 0 Yard 6 Transit 0 Industry 1

5. Train Detection (Main Track only)
☐ Constant Warning Time ☐ Motion Detection ☐ AFO ☐ PTC ☐ DC ☐ Other ☐ None

6. Is Track Signaled?	7.A. Event Recorder	7.B. Remote Health Monitoring
☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

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U. S. DOT CROSSING INVENTORY FORM

A. Revision Date (MM/DD/YYYY) 08/27/2025	PAGE 2	D. Crossing Inventory Number (7 char.) 440640N

Part III: Highway or Pathway Traffic Control Device Information

1. Are there Signs or Signals? ☐ Yes ☐ No

2. Types of Passive Traffic Control Devices associated with the Crossing

2.A. Crossbuck Assemblies (count)	2.B. STOP Signs (R1-1) (count)	2.C. YIELD Signs (R1-2) (count)	2.D. Advance Warning Signs (Check all that apply; include count) ☐ None
			☐ W10-1 _____ ☐ W10-3 _____ ☐ W10-11 _____ ☐ W10-2 _____ ☐ W10-4 _____ ☐ W10-12 _____

2.E. Low Ground Clearance Sign (W10-5)	2.F. Pavement Markings	2.G. Channelization Devices/Medians	2.H. EXEMPT Sign (R15-3)	2.I. ENS Sign (I-13) Displayed
☐ Yes (count_____) ☐ No	☐ Stop Lines ☐ Dynamic Envelope ☐ RR Xing Symbols ☐ None	☐ All Approaches ☐ Median ☐ One Approach ☐ None	☐ Yes ☐ No	☐ Yes ☐ No

2.J. Other MUTCD Signs ☐ Yes ☐ No	2.K. Private Crossing Signs (if private)	2.L. LED Enhanced Signs (List types)
Specify Type _____ Count _____ Specify Type _____ Count _____ Specify Type _____ Count _____	☐ Yes ☐ No	

3. Types of Train Activated Warning Devices at the Grade Crossing (specify count of each device for all that apply)

3.A. Gate Arms (count)	3.B. Gate Configuration	3.C. Cantilevered (or Bridged) Flashing Light Structures (count)	3.D. Mast Mounted Flashing Lights (count of masts) _____	3.E. Total Count of Flashing Light Pairs
Roadway _____ Pedestrian _____	☐ 2 Quad ☐ Full (Barrier) Resistance ☐ 3 Quad ☐ 4 Quad ☐ Median Gates	Over Traffic Lane _____ ☐ Incandescent Not Over Traffic Lane _____ ☐ LED	☐ Incandescent ☐ LED ☐ Back Lights Included ☐ Side Lights Included	

3.F. Installation Date of Current Active Warning Devices: (MM/YYYY)	3.G. Wayside Horn	3.H. Highway Traffic Signals Controlling Crossing	3.I. Bells (count)
_____/_____ ☒ Not Required	☐ Yes Installed on (MM/YYYY) _____/_____ ☐ No	☐ Yes ☐ No	

3.J. Non-Train Active Warning	3.K. Other Flashing Lights or Warning Devices
☐ Flagging/Flagman ☐ Manually Operated Signals ☐ Watchman ☐ Floodlighting ☐ None	Count _____ Specify type _____

4.A. Does nearby Hwy Intersection have Traffic Signals?	4.B. Hwy Traffic Signal Interconnection	4.C. Hwy Traffic Signal Preemption	5. Highway Traffic Pre-Signals	6. Highway Monitoring Devices (Check all that apply)
☐ Yes ☐ No	☒ Not Interconnected ☐ For Traffic Signals ☐ For Warning Signs	☐ Simultaneous ☐ Advance	☐ Yes ☐ No Storage Distance * _____ Stop Line Distance * _____	☐ Yes - Photo/Video Recording ☐ Yes – Vehicle Presence Detection ☐ None

Part IV: Physical Characteristics

1. Traffic Lanes Crossing Railroad	2. Is Roadway/Pathway Paved?	3. Does Track Run Down a Street?	4. Is Crossing Illuminated? (Street lights within approx. 50 feet from nearest rail)
☐ One-way Traffic ☐ Two-way Traffic ☐ Divided Traffic Number of Lanes _____	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

5. Crossing Surface (on Main Track, multiple types allowed) Installation Date * (MM/YYYY) _____/_____ Width * _____ Length * _____
☐ 1 Timber ☐ 2 Asphalt ☐ 3 Asphalt and Timber ☐ 4 Concrete ☐ 5 Concrete and Rubber ☐ 6 Rubber ☐ 7 Metal
☐ 8 Unconsolidated ☐ 9 Composite ☐ 10 Other (specify) _____

6. Intersecting Roadway within 300 feet?	7. Smallest Crossing Angle	8. Is Commercial Power Available? *
☐ Yes ☐ No If Yes, Approximate Distance (feet) _____	☐ 0°–29° ☐ 30°–59° ☐ 60°-90°	☐ Yes ☐ No

Part V: Public Highway Information

1. Highway System	2. Functional Classification of Road at Crossing ☐ (0) Rural ☐ (1) Urban	3. Is Crossing on State Highway System?	4. Highway Speed Limit
☐ (01) Interstate Highway System ☐ (02) Other Nat Hwy System (NHS) ☐ (03) Federal AID, Not NHS ☐ (08) Non-Federal Aid	☐ (1) Interstate ☐ (5) Major Collector ☐ (2) Other Freeways and Expressways ☐ (3) Other Principal Arterial ☐ (6) Minor Collector ☐ (4) Minor Arterial ☐ (7) Local	☐ Yes ☐ No 5. Linear Referencing System (LRS Route ID) * 6. LRS Milepost *	_____ MPH ☐ Posted ☐ Statutory

7. Annual Average Daily Traffic (AADT)	8. Estimated Percent Trucks	9. Regularly Used by School Buses?	10. Emergency Services Route
Year _____ AADT _____	_____ %	☐ Yes ☐ No Average Number per Day _____	☐ Yes ☐ No

Submission Information - *This information is used for administrative purposes and is not available on the public website.*

Submitted by _____ Organization _____ Phone _____ Date _____

Public reporting burden for this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for information collection is 2130-0017. Send comments regarding this burden estimate or any other aspect of this collection, including for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-25 Washington, DC 20590.

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Legend

Project Location

Project Boundary

Noise Assessment Locations

Note: Project boundary and NAL locations are approximate.

N

0 100 Feet

BASELINE ENVIRONMENTAL CONSULTING

26204-00 Figures 7/29/26

Figure 1
Noise Assessment and Site Location
Mandela Homes Project

Home (/) > Programs (/programs/) > Environmental Review (/programs/environmental-review/) > Barrier Performance Module (BPM) Calculator

Barrier Performance Module (BPM) Calculator

This module provides to the user a measure on the barrier's effectiveness on noise reduction. A list of the input/output variables and their definitions, as well as illustrations of different scenarios are provided.

Calculator

View Day/Night Noise Level Calculator (/programs/environmental-review/dnl-calculator/)

View Descriptions of the Input/Output variables.

Note: Tool tips, containing field specific information, have been added in this tool and may be accessed by hovering over the Input and Output variables with the mouse.

WARNING: If there is direct line-of-sight between the Source and the Observer, the module will report erroneous attenuation. "Direct line-of-sight" means if the 5' tall Observer can see the noise Source (cars, trucks, trains, etc.) over the Barrier (wall, hill/excavation, building, etc.), the current version of Barrier Performance Module will not accurately calculate the attenuation provided. In this instance, there is unlikely to be any appreciable attenuation.

Note: Barrier height must block the line of sight

Input Data

H	45	R^1	175
S	35	D^1	13
O	5	α	165

Calculate Output

Output Data

h	38	R	171
D	19	FS	12.4058

Reduction From Barrier (dB):

-12.4058

Refresh

Note: If you have separate Road and Rail DNL values, please enter the values below to calculate the new combined Road/Rail DNL :

Road DNL:

72

Rail DNL:

45

Calculate

Combined Road/Rail DNL with Barrier Reduction:

59.5942

Input/Output Variables

Input Variables

The following variables and definitions from the barrier being assessed are the input required for the web-based barrier performance module:

- **H = Barrier Height**
- **S = Noise Source Height**
- **O = Observer Height (known as the receiver)**
- **R^1 = Distance from Noise Source to Barrier**
- **D^1 = Distance from the Observer to the Barrier**
- **α = Line of sight angle between the Observer and the Noise Source, subtended by the barrier at observer's location**

Output Variables

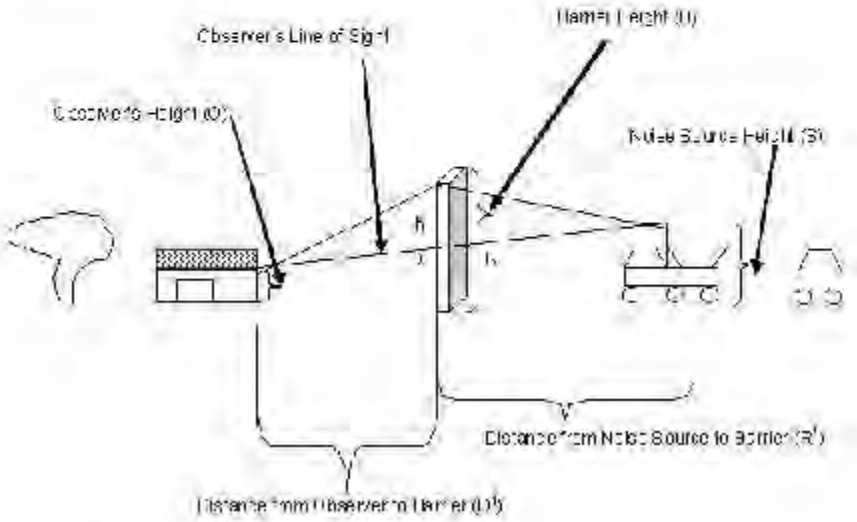
Definitions of the output variables from the mitigation module of the Day/Night Noise Level Assessment Tools as part of the Assessment Tools for Environmental Compliance:

- **h = The shortest distance from the barrier top to the line of sight from the Noise source to**

the Observer.

- R = Slant distance along the line of sight from the Barrier to the Noise Source
- D = Slant distance along the line of sight from the Barrier to the Observer

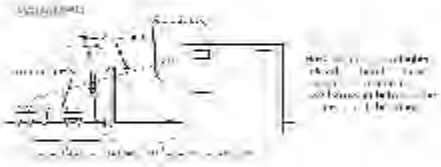
The "actual barrier performance for barriers of finite length" is noted on the worksheets(in the Guidebook) as **PS**.



Barrier Implementation Scenarios

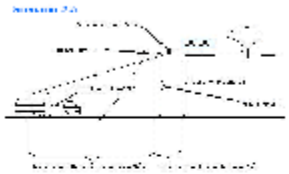
View larger versions of the images featured in the following scenario examples (/resource/3841/barrier-performance-module-bpm-barrier-implementation-scenarios/).

Scenario #1:



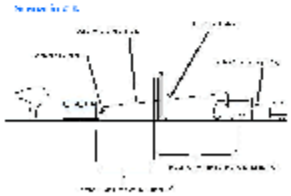
Noise receiver at a higher elevation than the noise source and a man-made noise barrier in between the receiver and the source.

Scenario #2:



Noise receiver at a higher elevation than the noise source and a natural barrier (hill) between the receiver and the source.

Scenario #3:



Noise receiver at almost the same elevation of the noise source and a man-made noise barrier between the receiver and the source.

Scenario #4:



A noise barrier of finite length between a noise source and a receiver. This top view illustrates the angle α, subtended by the barrier at the observer's location.

Contents

Calculator

Input/Output Variables

Barrier Implementation Scenarios

Appendix G – Soils and Miscellaneous

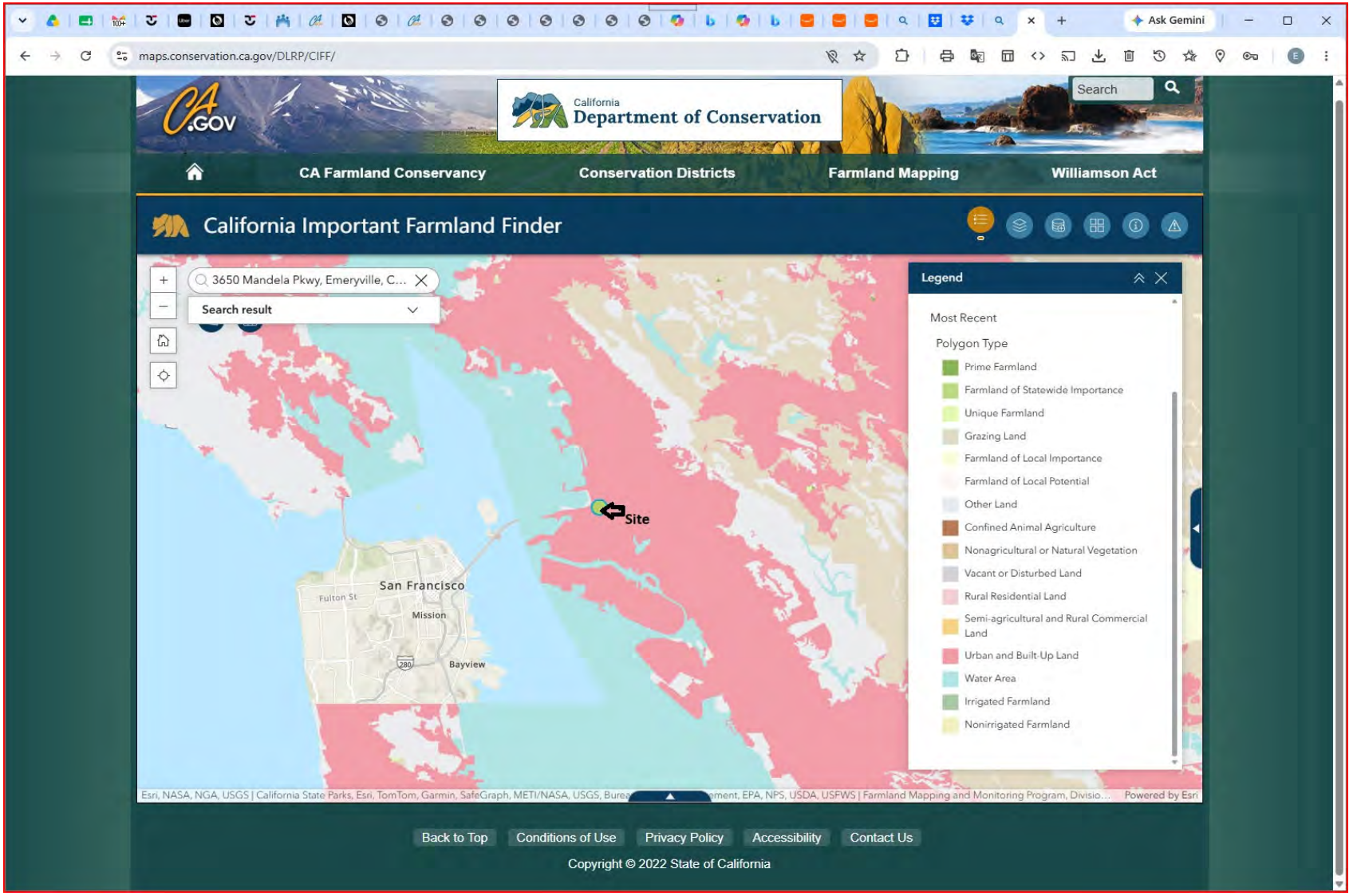
California Department of Conservation, Important Farmland Finder

United States Census Urban Area Map

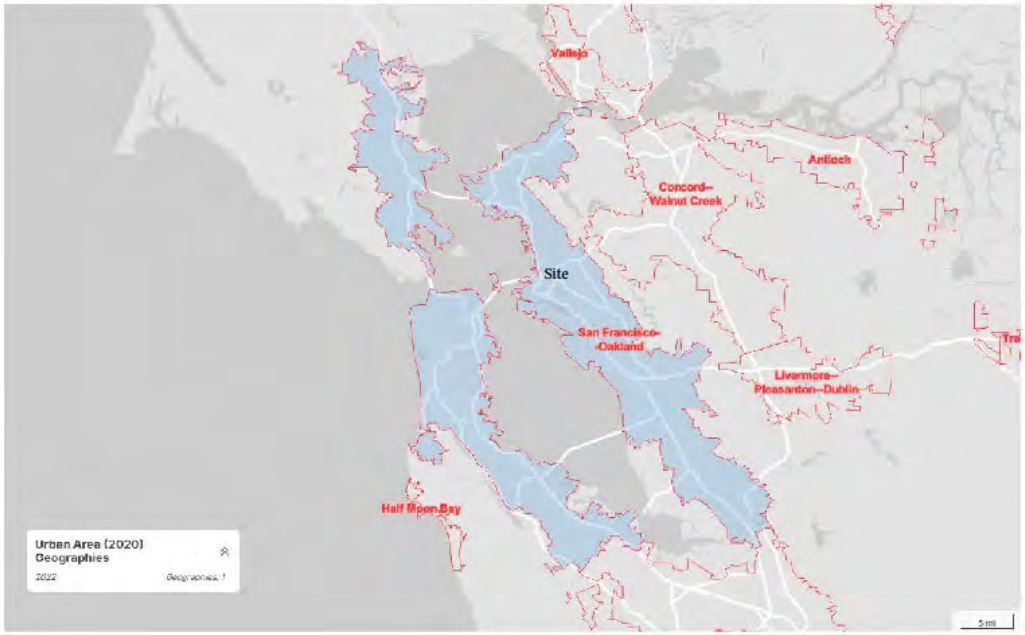
National Wild & Scenic Rivers. Designated Wild & Scenic Rivers.

United States Environomental Protection Agency. Sole Source Aquifers. *Source Water Protection.*

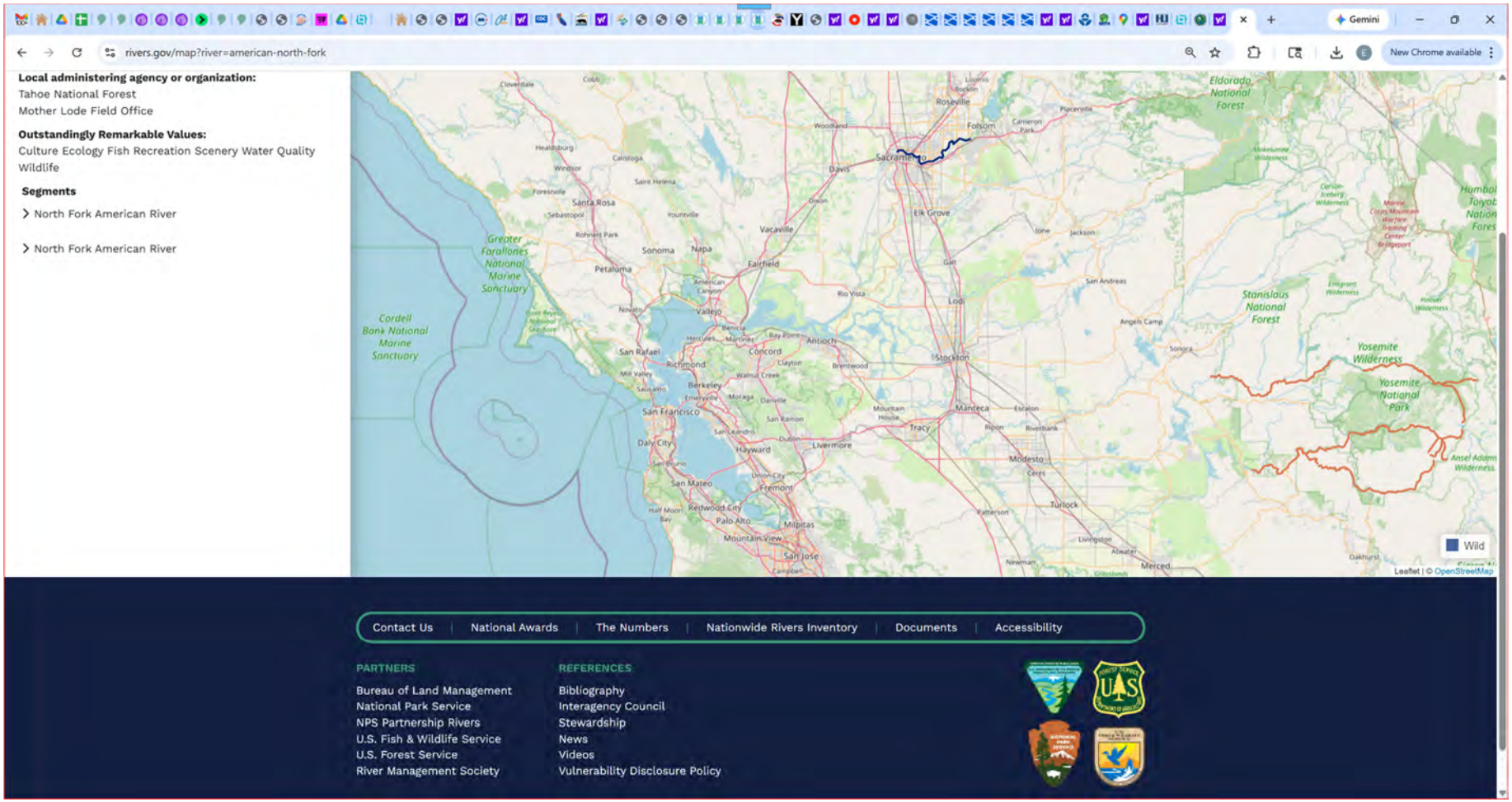
Grey, Neil. *Letter to Ali Kashani, Mandela Homes, LP in re: Case File No. DRX2506143; 3650 Mandela Parkway, APN: 007 061704602.* City of Oakland. September 9, 2026.


maps.conservation.ca.gov/DLRP/CIFF/
Ask Gemini
CA.GOV
California
Department of Conservation
Search
CA Farmland Conservancy
Conservation Districts
Farmland Mapping
Williamson Act
California Important Farmland Finder
3650 Mandela Pkwy, Emeryville, C...
Search result
Site
San Francisco
Fulton St
Mission
Bayview
280
Legend
Most Recent
Polygon Type
Prime Farmland
Farmland of Statewide Importance
Unique Farmland
Grazing Land
Farmland of Local Importance
Farmland of Local Potential
Other Land
Confined Animal Agriculture
Nonagricultural or Natural Vegetation
Vacant or Disturbed Land
Rural Residential Land
Semi-agricultural and Rural Commercial Land
Urban and Built-Up Land
Water Area
Irrigated Farmland
Nonirrigated Farmland
Esri, NASA, NGA, USGS | California State Parks, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, Bure
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Urban Area (2020) Geographies



Distance to Scenic River



Distance to Sole Source Aquifer



CITY OF OAKLAND

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

Planning and Building Department
Bureau of Planning

(510) 238-3941
FAX (510) 238-6538
TDD (510) 238-3254

Sent Via Email

September 9, 2026

Ali Kashani
Mandela Homes, LP
2625 Alcatraz Avenue, #501
Berkeley, CA 94705
contact@mpihomes.com

RE: Case File No. DRX250613; 3650 Mandela Parkway; APN: 007 061704602

This letter supersedes the approval letter for the same project dated September 4, 2025

Dear Mr. Kashani:

Your application, as described below, has been **Approved**. Attachment A contains the Standard Conditions of Approval for the project. This decision is effective immediately.

The following table summarizes the proposed project:

Proposal:	Interior and minor site improvements to convert a 149-room hotel to 135 residences and service facilities for homeless and at-risk populations under the State of California Community Care Expansion program.
Planning Permits Required:	Design Review Exemption for a ministerial approval required by the State Community Care Expansion program.
General Plan:	Regional Commercial
Zoning:	Regional Commercial – 1 (CR-1)
Environmental Determination:	This is a ministerial approval of a "use by right" and, therefore, exempt from the California Environmental Quality Act (CEQA).
Historic Status:	Not a historic property
City Council District:	3

If you have any questions, please contact the case planner, Neil Gray, Planner IV, at (510) 238-3878 or ngray@oaklandca.gov.

Very Truly Yours,

Neil Gray
Planner IV

cc: Ortiz, Xochitl (xortiz@oaklandca.gov)
Michael Rujirasopon (mrujirasopon@mpihomes.com)

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Darin Lounds (dlounds@hceb.org)
abaluyot@hceb.org
Talavera, Deanna (DTalavera@oaklandca.gov)
Mulvey, Christia (CMulvey@oaklandca.gov)

Attachments:

A. Attachment B: No Net Loss Findings
B. Conditions of Approvals

Attachment A: No Net Loss Findings (California Government Code Section 65863 (b)(2))

If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction's housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

No Net Loss Finding 1: The City of Oakland adopted its current 2023-2031 Housing Element on January 31, 2023. The Housing Element identifies the realistic capacity for housing production throughout the current 2023-2031 Planning Period. This capacity accommodates the Regional Housing Needs Allocation, as well as a buffer, which ensures that if certain identified sites are not developed at the realistic capacity, that there would remain a sufficient number of units available to meet Oakland's Housing Needs. (See Housing Element, Appendix C, Table C-2.) For purposes of this finding, the buffer is calculated on a quarterly basis according to progress made during the 2023-2031 Planning Period.

> Oakland's remaining lower income regional housing needs assessment is 6,424 dwelling units while Oakland's current capacity is 9,695 lower income units, a surplus of 3,271 units. ["Lower income" includes very low income (VLI) and low income (LI) units.]
>
> Oakland's remaining moderate income regional housing needs assessment is 3,986 dwelling units, while Oakland's current capacity is 4,909 moderate income units, a surplus of 923 units.
>
> Oakland's remaining above moderate-income regional housing needs assessment is 6,966 dwelling units, while Oakland's current capacity is 15,067 above moderate-income units, a surplus of 8,101 units.

No Net Loss Finding 2: The proposed project is located on a site that is identified in the City of Oakland 2023-2031 Housing Element as a Housing Element Opportunity Site.

> ( ) YES [Skip to Finding 4]
> (X) NO [Proceed to Finding 3]

No Net Loss Finding 3: The proposed project meets the following criteria.

> ( ) The proposed project is a non-residential development located on a site that **was not** identified in the City of Oakland 2023-2031 Housing Element. Therefore, the project has no impact on the City's housing capacity. [Skip Findings 4 and 5]
>
> (X) The proposed project includes residential development and is located on a site that **was not** identified in the City of Oakland 2023-2031 Housing Element. Therefore, the project results in an increase in the City's housing capacity equal to the total units proposed. [Skip to Finding 5]

No Net Loss Finding 4: The City of Oakland 2023-2031 Housing Element identifies the following realistic capacity for the site.

Lower income units (VLI/LI): _____
Moderate income units: _____
Above moderate-income units: _____
Total units: _____

( ) The proposed project is a non-residential development.

( ) The proposed project includes residential development.

Therefore, an analysis of potential net loss must be made, as documented below.

No Net Loss Finding 5: The proposed project includes the following residential unit count:

Lower income units (VLI/LI): _133_____
Moderate income units: _____
Above moderate-income units: _____2_____
Total units: _135_____

The project therefore will result in a net increase or net loss of units as compared to the City's Housing Element projections as follows [if there is a net increase in units by income category or total units, the unit numbers are shown with a plus sign (+); if there is a net loss in units by income category or total units, the unit numbers are shown with a negative sign (-)]:

Lower income units (VLI/LI): _____+133_____
Moderate income units: _____
Above moderate income units: _____+2_____
Total units: _____+135_____

ATTACHMENT B: CONDITIONS OF APPROVAL

The proposal is hereby approved subject to the following 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 associated with DRX250613, as amended by the following conditions of approval and mitigation measures, if applicable ("Conditions of Approval" or "Conditions").

2. Compliance with Other Requirements

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

3. Minor and Major Changes

a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning

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

a. **4. Compliance with Conditions of Approval**

b. 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.

c. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant's expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.

Violation of any term, Condition, or project description relating to the Approval is unlawful, prohibited, and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and/or abatement proceedings, or after notice and public hearing, to revoke the Approval or alter these Conditions if it is found that there is violation of any of the Conditions or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement actions. The project applicant shall be responsible for paying fees in accordance with the City's Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

5. 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.

6. Blight/Nuisances

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

7. 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.

8. 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.

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

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

10. Public Improvements

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

11. Construction Management Plan

Prior to the issuance of the first construction-related permit, the project applicant and his/her general contractor shall submit a Construction Management Plan (CMP) for review and approval by the Bureau of Planning, Bureau of

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

12. 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

13. Trash and Blight Removal

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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:
   i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
   ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
   iii. Use of paint with anti-graffiti coating.
   iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
   v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.

b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:

i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
ii. Covering with new paint to match the color of the surrounding surface.
iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at:

https://www.oaklandca.gov/documents/oakland-street-tree-species-list-august-2023 and https://www.oaklandca.gov/documents/standard-specifications-for-street-tree-planting, respectively),

and with any applicable streetscape plan.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: N/A

b. Landscape Installation

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

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. Landscape Maintenance

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

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

17. Dust Controls – Construction Related

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

a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.

b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

d. Limit vehicle speeds on unpaved roads to 15 miles per hour.

e. All excavation, grading, and/or demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.

f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.

g. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

h. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. Criteria Air Pollutant Controls - Construction and Operation Related

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

a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.

b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").

c. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.

d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.

e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.

f. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") and

upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

19. Toxic Air Contaminant Controls-Construction Related

a. Diesel Particulate Matter Reduction Measures

Requirement: The project applicant shall implement appropriate measures during construction to reduce potential health risks to sensitive receptors due to exposure to diesel particulate matter (DPM) and particulate matter less than 2.5 microns in diameter ($PM_{2.5}$) in exhaust and fugitive emissions from construction activities. The project applicant shall choose to implement i or both ii and iii:

i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with current guidance from the California Air Resources Board (CARB), the Office of Environmental Health and Hazard Assessment, and the Bay Area Air Quality Management District (BAAQMD) to determine the health risk to sensitive receptors exposed to DPM and $PM_{2.5}$ from exhaust and fugitive emissions from project construction. The HRA shall be based on project-specific construction schedule, equipment, and activity data. Estimated project-level health risks shall be compared to the City's health risk significance thresholds for projects. The HRA shall be submitted to the City (and the Air District if specifically requested) for review and approval. If the HRA concludes that the health risk is at or below the City's health risk significance thresholds for projects, then DPM and $PM_{2.5}$ reduction measures are not required. If the HRA concludes that the health risk exceeds the City's health risk significance thresholds for projects, DPM and $PM_{2.5}$ reduction measures shall be identified to reduce the health risk to below the City's health risk significance thresholds as set forth under subsection b below. Identified DPM and $PM_{2.5}$ reduction measures shall be submitted to the City for review and approval prior to the issuance of building permits and the approved DPM and $PM_{2.5}$ reduction measures shall be implemented during construction.

-or-

ii. The project applicant shall incorporate the following health risk reduction measures into the project to reduce TAC emissions from construction equipment. 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:

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

- Where access to grid-powered electricity is available, portable diesel engines shall be prohibited and electric engines shall be used for concrete/industrial saws, sweepers/scrubbers, aerial lifts, welders, air compressors, fixed cranes, forklifts, cement and mortar mixers, pressure washers, and pumps.

- Any other best available technology that reduces emissions offered at the time that future projects are reviewed may be included in the construction emissions minimization plan (e.g., alternative fuel sources, etc.).

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

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

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

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

i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.

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

When Required: Prior to issuance of a construction related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

20. Reduce 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 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 and in accordance with Bay Area Air Quality Management District (BAAQMD) CEQA guidance for HRAs to determine the health risk of exposure of project residents/occupants/users to air pollutants and the exposure of existing off-site sensitive receptors to project-generated TAC emissions. The HRA shall be based on project-specific activity data. Estimated project-level health risks shall be compared to the City's health risk significance thresholds for projects. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below the City's health risk significance thresholds for projects, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds the City's health risk significance thresholds for projects, health risk reduction measures shall be identified to reduce the health risk below the City's health risk significance thresholds. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.

- or -

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

- Installation of mechanical ventilation systems 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. Mechanical ventilation systems shall be capable of achieving the protection from particulate matter ($PM_{2.5}$) equivalent to that associated with a MERV-16 filtration (as defined by American Society of Heating, Refrigerating, and Air-Conditioning Engineers standard 52.2).
- Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).
- Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
- The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.
- Sensitive receptors shall be located on the upper floors of buildings, if feasible.
- Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwood *(Sequoia sempervirens*).
- Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.
- Existing and new diesel generators shall meet CARB's Tier 4 emission standards, if feasible.
- Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible:
    - Installing electrical hook-ups for diesel trucks at loading docks.
    - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
    - Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.
    - Prohibiting trucks from idling for more than two minutes.
    - Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

b. Maintenance of Health Risk Reduction Measures

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

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

21. Asbestos in Structures

Requirement: The project applicant shall comply with all applicable laws and regulations regarding demolition and renovation of Asbestos Containing Materials (ACM), including but not limited to California Code of Regulations,

Title 8; California Business and Professions Code, Division 3; California Health and Safety Code sections 25915-25919.7; and Bay Area Air Quality Management District, Regulation 11, Rule 2, as may be amended. Evidence of compliance shall be submitted to the City upon request.

When Required: Prior to approval of construction-related permit

Initial Approval: Applicable regulatory agency with jurisdiction

Monitoring/Inspection: Applicable regulatory agency with jurisdiction

22. 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

23. Human Remains – Discovery During Construction

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

24. 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

25. 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

26. 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

27. 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

28. 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

29. Construction Noise Complaints

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

- **a.** Designation of an on-site construction complaint and enforcement manager for the project;
- **b.** A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;
- **c.** Protocols for receiving, responding to, and tracking received complaints; and
- **d.** Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City's request.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

30. 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

31. Capital Improvements Impact Fee

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

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

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, sidewalks, bicycle facilities, and bus stops.

When Required: Prior to approval of construction-related permit

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

b. Traffic Control Plan Required

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, bus stops, or sidewalks, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control

Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian accommodations (or detours, if accommodations are not feasible), including detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. The Traffic Control Plan shall be in conformance with the City's Supplemental Design Guidance for Accommodating Pedestrians, Bicyclists, and Bus Facilities in Construction Zones. The project applicant shall implement the approved Plan during construction.

Initial Approval: Department of Transportation

Monitoring/Inspection: Department of Transportation

c. Repair of City Streets

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

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Department of Transportation

33. Bicycle Parking

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

34. Transportation Impact Fee

Requirement: The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code). The amount of the fee shall be as listed in the City of Oakland Master Fee Schedule. This condition serves as notice that the 90-day approval period in which the applicant may protest applicability of the impact fee has begun pursuant to California Government Code Section 66020(d)(1).

When Required: Prior to issuance of building permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

35. 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

36. 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

37. Recycling Collection and Storage Space

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

38. Green Building Requirements

a. Compliance with Green Building Requirements During Plan-Check

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

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

- Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
- Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.
- Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.
- Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.
- Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.
- Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.
- Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

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

- CALGreen mandatory measures.

- The appropriate point level per the appropriate checklist approved during the Planning entitlement process.
- All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.
- The required green building point minimums in the appropriate credit categories.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. Compliance with Green Building Requirements During Construction

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

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

i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.

ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.

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

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

c. Compliance with Green Building Requirements After Construction

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

When Required: Prior to Final Approval

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

39. Sanitary Sewer System

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

When Required: Prior to approval of construction-related permit

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

Monitoring/Inspection: N/A

40. Storm Drain System

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

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

41. California Community Care Expansion Project

Requirement: This approval is only applicable if the project is funded by and eligible through the State of California Community Care Expansion (CCE) Program and is void if the project is not funded through this program pursuant to Welfare and Institutions Code Section 18999.97. The project's Loan Agreement, Deed of Trust, and/or accompanying Regulatory Agreement with the Department of Housing and Community Development shall document the use of CCE funding.

When Required: Ongoing and verification prior to issuance of Building Permit
Initial Approval: Bureau of Planning
Monitoring/Inspection: Department of Housing and Community Development

42. Affordable Residential Rental Units - Agreement and Monitoring

a. Requirement #1: The proposed project shall provide a minimum of 135 units. Two units are market rate and designated for an on-site manager and a maintenance specialist. At least 125 units must be restricted to Extremely Low-Income Residents and eight to Very Low-Income residents.

b. Requirement #2: The approved residential affordable units that are part of this approval shall remain and continue to be affordable at the specified level in accordance with California Health and Safety Code Section 50053 and its implementing regulations for a term of not less than 55 years or a longer period of time if required by the construction or mortgage finance assistance program, mortgage insurance program, or rental subsidy program.

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

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

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

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

e. Requirement #5: The floor area, number of bedrooms, and amenities (such as fixtures, appliances, location and utilities) of the affordable units shall be shall be substantially equal in size and quality to those of the

market rate units. Further, the proportion of unit types (i.e. three-bedroom and four-bedroom, etc.) of the affordable units shall be roughly the same as the project's market rate units.

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

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

h. Requirement #8: Where target affordable units are being provided pursuant to Chapter 17.107 of the Planning Code and the State Density Bonus Law, California Government Code Section 65915 et seq., the applicant shall comply with all applicable provisions of State Density Bonus Law and all provisions of the City's density bonus law that are not preempted by state law.

i. Requirement #9: Affordable units shall be constructed concurrent with the construction of the market rate units in each phase of the project.

j. Requirement #10: The City will not issue final certificates of occupancy for more than fifty percent (50%) of the market rate units in any phase of development until final certificates of occupancy are issued for all of the affordable units in that phase.

When Required: First Construction-Related Permit Application and Ongoing
Initial Approval: Housing and Community Development Department – Housing Development Services Division
Ongoing Monitoring/Inspections: Housing Development Services Division

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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