

Modifications to the Conditions of Approval are indicated as directed by the Planning Commission at the December 18, 2002 meeting. Revisions are shown in underline for new language.

CONDITIONS OF APPROVAL and MITIGATION MONITORING AND REPORTING PROGRAM

STANDARD CONDITIONS:

1. Approved Use.

a. Ongoing.

The project shall be constructed and operated in accordance with the authorized use as described in this staff report and the plans submitted by Levy Design Partners dated March 6, 2002 (site plan and floor plans) and December 9, 2002 (building elevations) and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and approved plans, will require a separate application and approval

2. Effective Date, Expiration, and Extensions

a. Ongoing.

This permit shall become effective upon satisfactory compliance with these conditions. This permit shall expire on December 18, 2004 or the date two years after approval of the project by the City Council in the event the project's permits are appealed to the City Council, unless actual construction or alteration, or actual commencement of the authorized activities in the case of a permit not involving construction or alteration, has begun under necessary permits by this date. Upon written request and payment of appropriate fees submitted no later than the expiration date, the Zoning Administrator may grant a one-year extension of this date, with additional extensions subject to approval by the City Planning Commission.

3. Scope of This Approval; Major and Minor Changes

a. Ongoing.

The project is approved pursuant to the Planning Code only and shall comply with all other applicable codes, requirements, regulations, and guidelines imposed by other affected departments, including but not limited to the Building Services Division and the Fire Marshal. Minor changes to approved plans may be approved administratively by the Zoning Administrator; major changes shall be subject to review and approval by the City Planning Commission.

4. Modification of Conditions or Revocation

a. Ongoing.

The City Planning Commission reserves the right, after notice and public hearing, to alter Conditions of Approval or revoke this conditional use permit if it is found that the

approved use or facility is violating any of the Conditions of Approval, any applicable codes, requirements, regulation, guideline or causing a public nuisance.

5. Recording of Conditions of Approval

a. Prior to issuance of building permit or commencement of activity.

The applicant shall execute and record with the Alameda County Recorder's Office a copy of these conditions of approval on a form approved by the Zoning Administrator. Proof of recordation shall be provided to the Zoning Administrator.

6. Reproduction of Conditions on Building Plans

a. Prior to issuance of building permit.

These conditions of approval shall be reproduced on page one of any plans submitted for a building permit for this project.

7. Indemnification

a. Ongoing.

The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, its agents, officers, and employees, with counsel reasonably acceptable to the City, from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Oakland, its agents, officers or employees to attack, set aside, void or annul, an approval by the City of Oakland, the Office of Planning and Zoning Division, Planning Commission, or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

8. Solid Waste Diversion Plan

a. Prior to the issuance of any building permits including a grading permit.

The project applicant will submit a demolition/construction waste diversion plan and operational waste reduction plan for review and approval by the Public Works Agency. The plan will specify the methods by which the development will make a good faith effort to divert 50% of the construction waste generated by the proposed project from landfill disposal. After approval of the plan, the project applicant will implement the plan. The operational diversion plan will specify the methods by which the development will make a good faith effort to divert 50% of the solid waste generated by operation of the proposed project from landfill disposal. After approval of the plan, the project applicant will implement the plan.

9. Recycling Space Allocation Requirements

a. Prior to issuance of building permit

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.

10. Electrical Facilities.

a. Prior to installation.

All new electric and telephone facilities, fire alarm conduits, streetlight wiring, and similar facilities shall be placed underground. Electric and telephone facilities shall be installed in accordance with standard specifications of the servicing utilities. Street lighting and fire alarm facilities shall be installed in accordance with the standard specifications of the Building Services Department.

11. Tree Removal Permit

a. Prior to receiving building permit

The applicant must secure a tree removal permit, and abide by the conditions of that permit, prior to removal of any trees located on the project site or in the public right-of-way adjacent to the project.

12. Public Improvements

a. Prior to issuance of building permit for the structure

The applicant shall submit public improvement plans that meet City specifications for modifications, repairs, and improvements to curbs, gutters, street trees, and sidewalks made necessary or planned by the project. Specifications regarding sidewalk widths, street tree spacing, and any other required streetscape elements will be provided to the applicant.

b. Prior to receiving first occupancy permit

The applicant shall pay for and install all modifications, repairs, and improvements to curbs, gutters, street trees, and sidewalks made necessary or planned by the project.

SPECIFIC PROJECT CONDITIONS

13. Design Review

a. Prior to issuance of building permit

The applicant shall submit plans for any design refinements as well as provide a color and materials board to the Director of Planning and Zoning which includes samples of concrete surfaces, windows including frame, other glass elements, metal elements, and any other prominent materials used. Window mullions should be a minimum of 1-2" in width and depth. Only high quality materials compatible with the industrial character of the area shall be approved. There shall be a minimum of 18" between the protruding and recessed portions of the facades, as indicated on the elevations. Use of cement plaster (stucco) should be minimized and any use thereof shall be approved pursuant to review of the final color and materials board. The final color and materials board and any design refinements proposed shall be approved by the Director prior to submission for a building permit for the project.

14. Reduced Water Usage

a. Prior to issuance of building permit

The project applicant shall confer with East Bay Municipal Utility District to examine incorporating water saving techniques such as dual piping for recycled water into the final design of the project.

15. Landscaping Plan

a. Prior to issuance of building permit

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The applicant shall prepare a detailed landscaping plan for the project and shall submit such plans to the Planning & Zoning Director for review and approval prior to the issuance of a building permit. Street trees shall be provided with review and approval of species, size at time of planting, and placement, by appropriate City agencies, prior to submittal for building permit.

b. Ongoing

All landscaping, including street trees, shall be maintained in a healthy and vigorous condition. Any dead and dying plant materials shall be promptly replaced.

16. Pile Driving (Unrelated to Geotechnical Concerns)

a. Prior to commencing pile driving

If pile driving is undertaken for reasons unrelated to geotechnical concerns, the applicant shall specify such reasons in writing and the City Planning Commission shall schedule a public hearing to discuss pile driving and its alternatives. The City Planning Commission must approve use of pile driving unrelated to geotechnical concerns.

17. Ground Floor Uses

a. Ongoing

Live/Work units shall be permitted on the ground floor. A minimum of one-half of the units on the ground floor (6) shall be either Live/Work or provide Home Occupation uses pursuant to Code Section 17.112. Up to a total of 7,500 square feet of ground floor space may be utilized as commercial space (including Live/Work space), as analyzed in Alternative #5 of the DEIR, subject to the parking management plan in Mitigation Measure B.4 (Condition #19, below)

17.1. Minimum Garage Setback

a. Prior to building permit submittal

The project shall be revised to provide a minimum four (4) foot setback from the parking garage to the property line along the north side, adjacent to 267 and 283 Fourth Street. This will be accomplished by reducing the standard sized parking spaces to compact spaces (approximately 9) along the northernmost row of parking spaces within the ground floor of the garage.

MITIGATION MONITORING AND REPORTING PROGRAM

18. Historic Resources (Impact E.3; Mitigation Measure E.3)

The project applicant shall fund (subject to future fair share reimbursement) the development of an historic interpretive and improvement program which may include: a) identification signs, interpretive or information plaques or other elements depicting the history of the Waterfront Warehouse District; (b) establishment of a grant or loan program, following the existing framework and guidelines of the Redevelopment Agency's "Façade Improvement Program" to improve and rehabilitate, as feasible, potential contributor building to meet contributor status; and/or (c) printed guide to the Waterfront Warehouse District with education features. The project applicant shall also fund their fair share of the implementation of the program. The total fair share cost to the project applicant for the development and implementation of the program shall be \$25,000.

Monitoring Timeframe: The program shall be submitted to the City prior to the issuance of a grading or building permit; Upon approval of the program, the project applicant shall submit their fair share contribution within ninety (90) days;

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division;

19. Parking (Impact B.4; Mitigation Measure B.4)

As part of the requirements for the project, the project sponsor shall establish an on-site parking management plan (subject to review and approval by the City), which would allow residents, guests, and any commercial users to share on-site parking spaces through the designation of “assigned” spaces for residents and “unassigned” spaces for residents, guests, and commercial users. The goal of the plan would be to accommodate project-generated parking demand on-site, or within reasonable walking distance of the project site. The number of parking spaces in the assigned and unassigned (“shared”) pool would be set on the basis of the patterns of usage of on-site parking spaces (by residents, guests, and commercial users) throughout the day and evening.

This parking management plan shall be monitored one year after final occupancy of the project building to ensure that the parking demand for the project does not exceed the on-site parking supply or the supply within a reasonable walking distance of the site. The monitoring study, and further recommendations (as needed) to meet unmet demand, shall be submitted for review and approval by the City.

Monitoring Timeframe: Implementation of this measure shall occur prior to the issuance of a certificate of occupancy for the project and shall be monitored between six months and one year after the full occupancy of the project;

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division, and City of Oakland Public Works Agency, Traffic Engineering Division;

20. Cumulative Parking Impacts (Impact B.8; Mitigation Measure B.8)

The developer agrees to participate in a parking assessment district, if formed, and to support the formation of such a district.

Monitoring Timeframe: Implementation of this measure shall occur as directed by the City, if and when a parking assessment district is formed.

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division, and City of Oakland Public Works Agency, Traffic Engineering and Parking Division;

21. Construction Period Management (Impact B.12; Mitigation Measure B.12A)

The project applicant and construction contractor shall prepare a Construction Period Impact Management Plan to address mitigation measures that will be implemented to avoid and reduce construction-related traffic, parking, air quality, noise, and other impacts. The Construction Period Impact Management Plan shall be submitted to the City Planning Division with the application for the building permit, and shall be reviewed and approved by the Planning Division and the Oakland Public Works Traffic Engineering and Parking Divisions prior to issuance of the building permit.

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Prior to approval of the proposed Construction Period Impact Management Plan, the project applicant shall provide notice (10 business days) of and hold a pre-construction community meeting to present the proposed Construction Period Impact Management Plan and to discuss all construction-related issues (i.e., traffic, parking, noise, and air quality). The Construction Period Impact Management Plan will be made available for review and comment prior to the community meeting.

The Construction Period Impact Management Plan will include sub-sections outlining measures for overall construction management, construction traffic, parking, and staging impacts, air quality, and noise, as described below.

Overall Construction Management

- A drawing showing location, size, and wording of at least two signs that will be posted at the site throughout construction that includes permitted construction days and hours, day and evening contact numbers for the job site, and day and evening contact numbers for the City in the event of problems.
- A process and schedule for implementing debris control measures and periodic neighborhood cleanup activities, including installation of a temporary construction fence to contain debris and material and secure the site.
- A process for responding to and tracking complaints pertaining to construction activity, including the following:
 - A procedure for notifying City Building Division staff and Oakland Police Department;
 - A list of telephone numbers (during regular construction hours and off-hours);
 - A plan for posting signs on-site pertaining to complaint procedures and who to notify in the event of a problem; and
 - Designation of a construction complaint manager for the project.

Traffic, Parking, and Staging

The project sponsor and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency (PWA), and other appropriate City agencies, to determine traffic management strategies to reduce traffic congestion and the effects of parking demand by construction workers of the project and other nearby projects that could simultaneously be under construction, to the maximum extent feasible. The project sponsor shall develop a plan which shall include at least the following measures and requirements for review and approval by the City:

- A process for coordinating the construction management and staging with other nearby construction projects, including the 426 Alice Street project, and

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the Posey and Webster Tube Retrofit projects (if they are active when the project starts), so as to minimize construction period impacts on the neighborhood;

- A temporary construction fence to contain debris and material and to secure the site;
- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access and haul routes;
- Use of flagmen to minimize impacts (including noise and air pollution) of truck traffic during excavation and delivery of concrete and other significant materials during construction;
- A site plan showing the location of construction staging areas (options include, but are not limited to, on-site for portions of materials, and within the public right-of-way where it will not unreasonably block ingress, egress, or through traffic), and approximate dates they will be needed;
- Provisions for managing standing, loading, and unloading activities adjacent to the site for all construction-related vehicles;
- Notification procedures for adjacent businesses, residents, property owners and public safety personnel for all major deliveries, detours and lane and/or street closures that will affect traffic or parking in the vicinity of the project;
- Provisions for monitoring surface streets used for truck routes so that any damage and debris attributable to the trucks can be identified and corrected;
- Provision for parking management and spaces for all construction-related vehicles, such as provision of off-street parking for construction workers' vehicles that cannot be accommodated on-site by leasing spaces in a parking lot within 1,300 feet of the site, or by shuttling workers from a parking lot outside of the 1,300 foot limit, if necessary; and
- Provisions for accommodation of pedestrian flow.
- Provision for an enforcement procedure to prevent construction workers from parking on streets instead of in designated, approved parking areas. This may include funding by the project applicant for an enforcement officer to cite construction vehicles not complying with the parking and traffic management plan.

Air Quality

The project shall include the BAAQMD list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following

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basic control measures would be implemented during all phases of construction on the project site:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites. Sweep daily with water sweepers all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily with water sweepers if visible soil material is carried onto adjacent public streets.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

Noise

- Standard construction activities shall be limited, as part of the standard conditional use permit conditions, to between 7:00 AM to 7:00 PM, Monday through Friday. No construction activities shall be allowed on Saturdays until after the building is enclosed and without prior authorization of the Building Services and Planning Division of the Community and Economic Development Agency, and then only within the interior of the building with the doors and windows closed. No construction activity shall take place on Sundays and legal holidays.
- In order to reduce daytime noise impacts during construction, the City shall require construction contractors to implement the following measures:
 - Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the noise enforcement manager, and a day and evening contact number for the City in the event of problems.
 - An on-site complaint and enforcement manager shall be designated and posted to respond to and track complaints.
 - A pre-construction meeting shall be held with the job inspectors and the general contractor/on-site project manager, to confirm that noise mitigation measures and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.)
 - Equipment and trucks used for the project construction shall utilize the best available noise control techniques (e.g., improved mufflers,

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equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds wherever feasible).

- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered, wherever possible, to avoid noise associated with compressed air exhaust from pneumatically-powered tools. 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 where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used such as drilling rather than impact equipment whenever feasible.
- Stationary noise sources shall be located as far from adjacent uses as possible. If they must be located near adjacent uses, they should be adequately muffled and enclosed within temporary sheds or insulation barriers or other measures shall be incorporated, to the extent feasible.
- The project shall specify quieter equipment/methods of construction, to the extent feasible, since some of the options for constructing the project will have an impact on noise levels. For example, the use of bolted-on exterior cladding would be significantly quieter than an exterior shell that would require powder-actuated tools to shoot pins into concrete.

Requirements and Conditions for Pile-Driving or Other Extremely Noisy Construction Activities (with potential noise levels greater than 90 dBA) (to be implemented only if required) are described below.

- If pile-driving and/or other extreme noise generating activities greater than 90 dbA occur, they shall be limited to between 8:00 AM and 4:00 PM, Monday through Friday, with no extreme noise-generating activity permitted between 12:30 and 1:30 PM. To minimize disruptions to local businesses, the applicant will further limit the hours of pile driving (to the extent that it is necessary at all) to between 8:00 AM and 12:30 PM, Monday through Friday. No extreme noise-generating construction activities shall be allowed on Saturdays, Sundays, or legal holidays.
- To further mitigate potential pile-driving and/or other extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. This noise reduction plan shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation is achieved. A third-party peer review, paid for by the applicant, shall assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the applicant. If not already included in the community meeting referred to in the second paragraph of Mitigation Measure B.12A (Revisions to the Draft EIR, pg 5), a community meeting shall be held after the peer review, but prior to approval of a noise reduction plan by the City. A special inspection deposit is

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required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official and the deposit shall be submitted by the project sponsor concurrent with submittal of the noise reduction plan. These attenuation measures shall include as many of the following control strategies as feasible and shall be

implemented prior to any required pile-driving and other extremely noisy activities:

- Implement “quiet” pile-driving technology, where feasible, in consideration of geotechnical and structural requirements and conditions;
 - Erect temporary plywood noise barriers around the entire construction site;
 - Utilize noise control blankets on the building structure as it is erected to reduce noise emission from the site;
 - Utilize noise control blankets on the adjacent buildings, with the property owners’ permission;
 - Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
 - Monitor the effectiveness of noise attenuation measures by taking noise measurements.
- A process with the following components shall be established for responding to and tracking complaints pertaining to pile-driving or other extreme noise generating activity (over 90 dBA):
- A procedure for notifying City Building Division staff and Oakland Police Department;
 - A list of telephone numbers (during regular construction hours and off-hours);
 - A plan for posting signs on-site pertaining to complaint procedures and who to notify in the event of a problem;
 - Designation of a construction complaint manager for the project; and
 - Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of any pile-driving activities. [D-5]

Monitoring Timeframe: Implementation of this measure shall occur prior to the issuance of a grading or building permit;

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Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division and Building Services Division, and City of Oakland Public Works Agency, Traffic Engineering Division

22. Construction Period Parking and Traffic (Impact B.12; Mitigation Measure B.12)

The project sponsor and construction contractor shall meet with the Traffic Engineering and Parking Division of the Oakland Public Works Agency (PWA) and other appropriate City of Oakland agencies to determine traffic management strategies to reduce traffic congestion and the effects of parking demand by construction workers during construction of the project and other nearby projects that could be simultaneously be under construction, to the maximum feasible extent.

The project sponsor shall submit a construction management and staging plan to the Building Services Division with the application for the first building permit for the project for review and approval by the City. The plan shall include at least the following measures and requirements:

1. The project sponsor will coordinate the construction management and staging with the builder of the 426 Alice Street project, and the Posey and Webster Tube Retrofit projects (if they are active when the project starts), so as to minimize construction period impacts on the neighborhood.
2. A temporary construction fence to contain debris and material and to secure the site.
3. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access and haul routes.
4. A site plan showing the location of construction staging areas (options include, but are not limited to, on-site for portions of materials, and within the public right-of-way where it will not block ingress, egress, or through traffic), and approximate dates they will be needed.
5. Notification procedures for adjacent businesses, residents, property owners and public safety personnel regarding when major deliveries, detours and lane and/or street closures that will affect traffic or parking in the vicinity of the project will occur.
6. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected.
7. Provision for parking management and spaces for all construction-related vehicles, such as provision of off-street parking for construction worker's vehicles that cannot be accommodated on-site by leasing spaces in a parking lot within 1,300 feet of the site, or by shuttling workers from a parking lot outside of the 1,300 foot limit, if necessary.
8. Provision for accommodation of pedestrian flow.
9. Dust control measures as described in Mitigation Measure C.1.
10. Noise control measures as described in Mitigation Measure D.1.

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11. A process for responding to and tracking complaints pertaining to construction activity, including the identification of an on-site complaint manager, as described in Mitigation Measure D.1b.
12. A temporary construction fence to contain debris and material and to secure the site;
13. Use of flagmen to minimize impacts (including noise and air pollution) of truck traffic during excavation and delivery of concrete and other significant materials during construction;
14. Provisions for managing standing, loading, and unloading activities adjacent to the site for all construction-related vehicles.

Monitoring Timeframe: Implementation of this measure shall occur prior to the issuance of a grading or building permit;

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division and Building Services Division, and City of Oakland Public Works Agency, Traffic Engineering Division;

23. Air Quality (Impact C.1; Mitigation Measure C.1)

The project shall include the BAAQMD list of feasible construction dust measures that can reduce construction impacts to a level that is less than significant:

- 1 Watering of all active construction areas at least twice daily.
- 1 Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least two feet of freeboard.
- 1 Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and construction staging areas.
- 1 Sweep daily with water sweepers all paved access roads, parking areas, and staging areas at construction sites.
- 1 Sweep streets daily with water sweepers if visible soil material is carried onto adjacent public streets.

Monitoring Timeframe: Implementation of this measure shall occur throughout the duration of all grading and construction activities on the site;

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Building Services Division;

24. Noise (Impact D.1; Mitigation Measure D.1.a)

Standard construction activities shall be limited to between 7:00 AM and 7:00 PM Monday through Friday. No construction activities shall be allowed on Saturdays until after the building is enclosed and without prior authorization of the Building Services and Planning Divisions of the Community and Economic Development Agency, and then only

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within the interior of the building with the doors and windows closed. No construction activity shall take place on Sundays and legal holidays.

Monitoring Timeframe: Implementation of this measure shall occur 30 days prior and throughout the duration of all construction and grading activities on the site;

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Building Services Division;

25. Noise (Impact D.1; Mitigation Measure D.1.b)

In order to reduce daytime noise impacts during construction, the City shall require construction contractors to implement the following measures:

- Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the noise enforcement manager, and a day and evening contact number for the City in the event of problems.
- An on-site complaint and enforcement manager shall be posted to respond to and track complaints.
- A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation measures and practices are completed prior to the issuance of a building permit (including construction hours, neighborhood notification, posted signs, etc.).
- 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).
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. 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 where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used such as drills rather than impact equipment whenever feasible.
- Stationary noise sources shall be located as far from adjacent uses as possible. If they must be located near adjacent uses, they should be muffled and enclosed within temporary sheds or insulation barriers or other measures shall be incorporated, to the extent feasible.
- The project shall specify quieter equipment/methods of construction, to the extent feasible, since some of the options for constructing the project will have an impact on noise levels. For example, the use of bolted-on exterior cladding would be significantly quieter than an exterior shell that would require powder-actuated tools to “shoot” pins into concrete.

Monitoring Timeframe: Implementation of this measure shall occur throughout duration of all construction and grading activities on the site;

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Building Services Division;

26. Pile Driving – Hours (Impact D.1; Mitigation Measure D.1.c [Only if pile driving or other extreme noise generating activity (over 90 dba) occurs])

If pile-driving and/or other extreme noise generating activities greater than 90 dba occur, they shall be limited to between 8:00 AM and 4:00 PM, Monday through Friday, with no extreme noise-generating activity permitted between 12:30 and 1:30 p.m. To minimize disruptions to local businesses, the applicant will further limit the hours of any pile driving to between 8:00 AM and 12:30 PM, Monday through Friday. No extreme noise-generating construction activities shall be allowed on Saturdays, Sundays, or legal holidays.

Monitoring Timeframe: Implementation of this measure shall occur throughout duration of all pile driving or other extreme noise generating activities on the site;

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Building Services Division;

27. Pile Driving – Noise Attenuation (Impact D.1; Mitigation Measure D.1.d [Only if pile driving or other extreme noise generating activity (over 90 dba) occurs])

To further mitigate potential pile-driving and/or other extreme noise generating construction impacts, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. This noise reduction plan shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation is achieved. A third-party peer review, paid for by the applicant, shall assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the applicant. If not already included in the community meeting referred to in the second paragraph of Mitigation Measure B.12A, a community meeting shall be held after the peer review, but prior to approval of a noise reduction plan by the City. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official and the deposit shall be submitted by the project sponsor concurrent with submittal of the noise reduction plan. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any required pile-driving and other extremely noisy activities:

- Implement “quiet” pile-driving technology, where feasible, in consideration of geotechnical and structural requirements and conditions;
- Erect temporary plywood noise barriers around the entire construction site;
- Utilize noise control blankets on the building structure as it is erected to reduce noise emission from the site;
- Utilize noise control blankets on the adjacent building, with the property owner’s permission;
- Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings; and
- Monitor the effectiveness of noise attenuation measures by taking noise measurements.

Monitoring Timeframe: Implementation of this measure shall occur throughout duration of all pile driving or other extreme noise generation activities on the site;

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Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Building Services Division;

28. Pile Driving – Complaint Response (Impact D.1; Mitigation Measure D.1.e [Only if pile driving or other extreme noise generating activity (over 90 dba) occurs])

A process with the following components shall be established for responding to and tracking complaints pertaining to pile-driving or other extreme noise generating activity (over 90 dBA):

- A procedure for notifying City Building Division staff and Oakland Police Department;
- A list of telephone numbers (during regular construction hours and off-hours);
- A plan for posting signs on-site pertaining to complaint procedures and who to notify in the event of a problem;
- Designation of a construction complaint manager for the project; and
- Notification of neighbors within 300 feet of the project construction area at least 30 days in advance of any pile-driving activities.

Monitoring Timeframe: Implementation of this measure shall occur throughout duration of all pile driving or other extreme noise generating activities on the site;

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Building Services Division;

29. Archeological/Paleontological Resources (From Initial Study, Appendix A of DEIR, p. 8-9)

- a. If archaeological or paleontological resources or human remains are discovered during the project excavation or construction, the project sponsor shall ensure that excavation or construction work is halted and a qualified cultural resource consultant

has evaluated the situation, can assess the significance of the find, and provide mitigation recommendations, if warranted.

- b. Any identified cultural resources found shall be recorded on DPR 523 (historic properties) forms.

Monitoring Timeframe: Implementation of this measure shall occur throughout site grading and excavation, and construction on the site;

Monitoring Responsibility: City of Oakland, Community and Economic Development Agency, Planning and Zoning Division and Building Services Division;

APPROVED BY: City Planning Commission: December 18, 2002(date) 5 Ayes-1 Noe (vote)
City Council: _____(date)_____ (vote)

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