
**ATTACHMENT G: KAISER PERMANENTE OAKLAND MEDICAL
CENTER PHASE 2 HOSPITAL PROJECT, CONDITIONS OF APPROVAL -
DESIGN REVIEW¹**

GENERAL CONDITIONS:

1. Approved Use

Ongoing: The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report and the plans dated November 2008 and as amended by the following conditions. Any additional uses or facilities other than those approved with this approval, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, Conditions of Approval or use shall required prior written approval from the Director of City Planning or designee.

This action by the City Planning Commission (“this Approval”) includes the approvals set forth below. This Approval includes

- a) Design Review Approval for the Phase 2 Hospital and its associated buildings, parking garage, central utility plant, landscaping and public improvements pursuant to Oakland Municipal Code Section 17.XX.060: Design Review.

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing: This Approval shall terminate two years from the effective date of its granting unless all necessary permits for alteration, painting, demolition, or removal, as the case may be, and the first permits for construction of the parking garage have been issued within such period. However, such period of time may be extended by the Director of City Planning or designee for a period of one (1) year, and by the Planning Commission for an additional period of up to two (2) years for a maximum of five (5) years, upon application filed at any time before said period has expired. Expiration of any necessary building permit for the project may invalidate this Approval if such extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing: The project is approved pursuant to the Planning Code only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

¹ The following list of Conditions of Approval for the Phase 2 Design Review pertain only to this approval, and do not supersede or remove any Conditions of Approval applicable to previous City approvals for the Master Plan or Phase 1 Design Review, unless specifically noted.

4. Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCAMMRP) for Phase 2

Ongoing: All mitigation measures identified in the Kaiser Permanente Oakland Medical Center Master Plan EIR (Kaiser EIR) as being applicable to the Phase 2 design (the project) are included in the Kaiser Hospital Phase 2 Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (Phase 2 SCAMMRP) which is included in these conditions of approval and are incorporated herein by reference, as **Exhibit 1**, as conditions of approval of the Phase 2 project. The Standard Conditions of Approval identified in the Kaiser Permanente Oakland Medical Center Master Plan EIR (Kaiser EIR) are also included in the SCAMMRP, and are therefore, not repeated in these conditions of approval. To the extent that there is an inconsistency between the SCAMMRP and these conditions, the more restrictive conditions shall govern. The project sponsor (also referred to as the Applicant or Kaiser) shall be responsible for compliance with all applicable mitigation measures adopted and with all conditions of approval set forth below at its sole cost and expense, unless otherwise expressly provided in a specific mitigation measure or condition of approval, and subject to the review and approval of the City of Oakland. The SCAMMRP identifies the time frame and responsible party for implementation and monitoring for each mitigation measure. Overall monitoring and compliance with the mitigation measures will be the responsibility of the Planning and Zoning Division. The SCAMMRP satisfies the CEQA requirement for ensuring that the mitigation measures and project revisions identified in the EIR are implemented, pursuant to CEQA Guidelines Section 15097.

5. Conformance with other Requirements

- a) *Prior to issuance of a demolition, grading, P-job, or other construction related permit:* The project applicant shall comply with all other applicable federal, state, regional and/or local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshal, and the City's Public Works Agency. 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 of Approval 3.
- b) *Prior to issuance of each building permit:* The applicant shall submit building plans for project-specific needs related to fire protection to the Fire Services Division for review and approval, including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access, and vegetation management for preventing fires and soil erosion.

6. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing:

- a) Site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60-90 days of approval, unless an earlier date is specified elsewhere.
- b) The City of Oakland reserves the right at any time during construction to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to

construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension or other corrective action.

- c) Violation of any term, Conditions, mitigation measures or project description relating to the Approvals 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 Approvals or alter these Conditions or mitigation measures if it is found that there is violation of any of the Conditions or mitigation measures 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.

7. Signed Copy of the Conditions and Mitigation Measures

With submittal of a demolition, grading, and each building permit: A copy of the approval letter and conditions and mitigation measures shall be signed by the property owner, notarized, and submitted with each set of permit plans to the appropriate City agency for this project.

8. Job Site Plans

Ongoing throughout demolition, grading, and/or construction: At least one (1) copy of the stamped approved plans, along with the Approval Letter and Conditions of Approval and/or mitigations, shall be available for review at the job site at all times

9. Indemnification

Ongoing: The project sponsor shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called "City") from any claim, action, or proceeding (including legal costs and attorney's fees) against the City to attack, set aside, void or annul, the Approvals or any related approval by the City. The City shall promptly notify the project sponsor 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. The project applicant shall reimburse the City for its reasonable legal costs and attorney's fees.

Within ten (10) calendar days of the filing of a claim, action or proceeding to attack, set aside, void, or annul this Approval, or any related approval by the City, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations and this condition of approval. This condition/obligation shall survive termination, extinguishment, or invalidation of this, or any related approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the obligations contained in 7(a) above, or other conditions of approval.

10. Compliance with Conditions of Approval

Ongoing: The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and all applicable adopted

mitigation measures set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

11. Compliance Matrix

Prior to issuance of a demolition, grading, or each building permit: The project applicant shall submit to the Planning and Zoning Division and the Building Services Division a Conditions/ Mitigation compliance matrix that lists each condition of approval and/or mitigation measure, the City agency or division responsible for review, and how/when the project applicant has met or intends to meet the conditions and/or mitigations. The applicant will sign the Conditions of Approval attached to the approval letter and submit that with the compliance matrix for review and approval. The compliance matrix shall be organized per step in the plan check/construction process unless another format is acceptable to the Planning and Zoning Division and the Building Services Division. The project applicant shall update the compliance matrix and provide it with each item submittal.

12. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Management

Prior to issuance of a demolition, grading, and/or construction permit: The project applicant may be required to pay for on-call special inspector(s)/inspections as needed during the times of extensive or specialized plan check review, or construction. The project applicant may also be required to cover the full costs of independent technical and other types of peer review, monitoring and inspection, including without limitation, third party plan check fees, including inspections of violations of Conditions of Approval. The project applicant shall establish a deposit with the Building Services Division, as directed by the Building Official, Director of City Planning or designee. Specific special inspector requirements for each permit shall be established prior to issuance.

13. Severability

Approval of the Phase 2 Design Review application (Approval) would not have been granted but for the applicability and validity of each and every one of the specified mitigations and conditions, and if any one or more of such conditions and mitigations is found to be invalid by a court of competent jurisdiction, these Approvals would not have been granted without requiring other valid conditions and/or mitigations consistent with achieving the purpose and intent of such approval.

SPECIFIC CONDITIONS:

14. (was #8) Existing Hospital Tower Demolition

Kaiser shall complete the demolition, site clearance and landscape beautification of the former hospital structure, including the tower and podium level, pursuant to following requirements and schedule:

- a) Prior to issuance of a building permit for the Phase 2 parking structure, Kaiser shall provide to the City of Oakland adequate assurances that Kaiser has sufficient financial resources to complete the demolition, site clearance and landscape beautification of the former hospital structure, including the tower and podium level (hereafter called the Demolition and Landscape Project). This obligation shall be met by executing a corporate guaranty from a corporate entity with a net worth of at least \$2 billion. The guarantor must be the same corporate entity (or entities) that are relied

upon for the proof of net worth. The guaranty shall be in substantial conformance with **Exhibit 2: Draft Corporate Guaranty**, which assures Kaiser's faithful performance to complete the Demolition and Landscape Project within the specified timeframes.

- b) Within thirty six (36) months after the California Department of Public Health issues Kaiser its license to operate the new hospital², Kaiser shall submit a detailed demolition plan, together with an engineer's cost estimate and demolition schedule, along with a landscape beautification plan, all to be prepared by an appropriately licensed professional engineer, for City review and approval. Kaiser shall be required to immediately notify the City once its license to operate has been issued.
- c) Kaiser shall complete the actual Demolition and Landscape Project within five years from the date of issuance of the California Department of Health's license to operate.
- d) Consistent with the approved Master Plan and Kaiser's representations, there shall be no concurrent acute care operations of the new hospital with the existing hospital, except for a reasonable and limited period of time to transfer patients and functions to the new hospital.
- e) Should Kaiser fail to timely complete the Demolition and Landscape Project within the timeframes specified in this condition, the City Planning Commission finds and determines this constitutes a blight and public nuisance, and in addition to other remedies available to it in law or equity, the City of Oakland may, at its option and without any obligation to do so, call on the financial guaranty (see a) above) to complete the Demolition and Landscape Project or cause the completion of Demolition and Landscape Project, without obtaining the Guarantor's consent, including consent to enter the property.

15. (was #9) Transportation Demand Management (TDM) Program and Shuttle

Kaiser shall make best faith efforts to investigate providing satellite parking, particularly between Phase 1 and completion of Phase 2 when there will be a parking shortage, and provide such parking if it is available. Free shuttle service shall bring employees between OMC and the parking facility throughout the day and with on-call service during the night. Kaiser shall report, in writing, on a monthly basis to the City of Oakland Planning and Zoning Division and the Building Services Division pursuant to the required Conditions/ Mitigation compliance matrix, of potential satellite parking and its efforts to obtain such, starting no later than 9 months before demolition of the M/B Garage.

If Kaiser cannot achieve a 12.5% decrease of the baseline SOV rate before the end of Phase 1, Kaiser shall prepare a report for City review and approval which proposes additional TDM measures to achieve the TDM goals.

² The new hospital will not be constructed under City of Oakland building permits. Instead, it will be an acute care facility constructed under the regulations and jurisdiction of the Office of Statewide Health Planning and Development (OSHPD). Prior to operation of the Hospital, OSHPD and the State Fire Marshall must approve its construction, and then the California Department of Public Health must issue a license to operate the facility in compliance with the state's safety regulations, laws and Title 22 requirements.

In addition to the CEQA requirements for a TDM program, the TDM program described in MMRP Mitigation Measure B.1.a is also designed to promote the City's Transit First Policy of the General Plan, reduce parking demand and lessen parking impacts on adjacent neighborhoods and to promote good urban design by reducing the number and size of parking facilities. Therefore, MMRP Mitigation Measure B.1.a is also imposed as a separate non-CEQA condition of approval.

16. (was #10) Reducing Traffic Conflicts at New Hospital

Pursuant to the requirement for a Master Improvement Plan for improvements in the public right-of-way (see Condition #35), the project sponsor shall include detailed improvement plans prepared by a licensed Civil Engineer showing detailed improvements for public rights of way and connections to public rights-of-way for all vehicle access points to the Phase 2 site as indicated below. These plans shall be reviewed and approved by the City Engineer. Encroachment permits shall be obtained as necessary for any applicable improvements.

- a) A service drive shall be located off Broadway, immediately north of the I-580 overpass and behind the parking garage. It is for vehicles servicing the CUP, oxygen tank and the underground loading dock only.
- b) Access to the parking garage shall be provided at a signalized intersection on Broadway, which shall provide both inbound and outbound access with both right turns and left turns on arrows allowed.
- c) Access to the Main Entrance shall be located at a signalized intersection on Broadway, approximately 200 feet north of the parking garage driveway on Broadway. It shall serve as inbound and outbound access for visitors using the pick-up/drop-off and patient discharge area of the hospital, and also serve as an in-bound entrance only to the parking garage (once a visitor enters the parking garage, they may only exit from the parking garage driveway).
- d) No perpendicular parking spaces at the Main Hospital Entrance drop-off area; all spaces at this location shall be parallel parking spaces.
- e) Limit parking in the Main Hospital Entrance drop-off area to 15 minutes.
- f) Entrance gates for the hospital parking garage driveway shall be on the inside the garage to reduce potential for queuing on Broadway to the degree it does not interfere with internal garage circulation.
- g) Public access to the Emergency Department shall be provided at a non-signalized intersection at Piedmont Avenue/Westall Avenue. This driveway may provide a continuation as an in-bound entrance only to the parking garage (once a visitor enters the parking garage, they may only exit from the parking garage driveway).
- h) A separate ambulance-only driveway shall be provided north of the Emergency Department driveway, north of the Piedmont Avenue/Westall Avenue intersection.

17. (was #13) Reducing Traffic Conflicts on Richmond Boulevard Neighborhoods

Subject to City review and approval, public improvements to be provided as part of Phase 2 shall include the extension of the existing median on MacArthur Boulevard at the Richmond Boulevard intersection to eliminate left turns from westbound MacArthur Boulevard to Richmond Boulevard, and a "no U-turn" sign at the median opening at Leighton to prohibit hospital traffic from using residential streets in this neighborhood.

- a) Kaiser shall regularly monitor traffic volumes and speeds on Richmond Boulevard, Westall Avenue, Warren Avenue, Croxton Avenue and Randwick Avenue prior to October 31, 2006 to establish a baseline, and then immediately after completion of Phase 2 and then annually for a period of 2 years after the Replacement Hospital is in full operation and shall also provide written reports to the city, prepared by a qualified traffic engineer.
- b) In consultation with local residents and in accordance with all legal requirements, appropriate traffic calming measures such as speed humps or other potential roadway or turning movement closures should be considered if and when excessive cut-through traffic volumes or speeding, or vehicles traveling the wrong way on a one way street are observed. If determined necessary and approved by the City, Kaiser shall fund the improvements.
- c) Install signage on major roadways in the area to direct patients/visitors to the appropriate Kaiser parking facilities. If approved by the City, Kaiser shall fund the improvements.

18. (was #14) Reducing Cut-through Traffic on Howe Street

Kaiser shall perform a thorough traffic analysis, with work scope as approved by the Transportation Services Division, to evaluate the traffic implications associated with the potential closure of Howe Street as a through street between MacArthur Boulevard and 38th Street. The City Transportation Services Department shall consult with local residents, and in accordance with all legal requirements, initiate all steps necessary to close Howe Street as a through street between MacArthur Boulevard and 38th Street. If approved by the City, Kaiser shall fund the improvements.

19. (was #15) Parking Management

Kaiser shall implement the following, subject to review and approval by the City, to ensure that the provision of parking spaces in conjunction with measures to lessen parking demand would result in minimal adverse effects to project occupants and visitors and surrounding neighborhoods (where there are no restrictions on on-street parking and on-street parking is free), and that any secondary effects (such as on air quality due to drivers searching for parking spaces) would be minimized:

- a) In the interim Phase 1 period, before completion of the new garage in Phase 2, provide valet parking in the existing Howe and West Broadway Garages for employees.
- b) Implement an automated parking space counting system into the overall design and construction of the Phase 2 parking garage. Electronic changeable message signs shall be installed at parking entrances and at the major roadways providing access in the area to inform drivers of the location and number of available parking spaces. This would maximize utilization of all parking facilities and reduce excessive circulation and driver frustration.
- c) Designate and clearly sign or delineate parking areas for either employees or patients and visitors within the Phase 2 parking garage. Patients and visitors should be assigned to the lower levels and

employees to the upper levels. Since employees generally have lower turn-over rates, assigning them to the upper levels reduces overall vehicle circulation in the garage.

- d) Regularly monitor parking occupancy for employees and patients/visitors and modify parking designations if necessary.
- e) Provide preferential parking for employee carpools at the parking garage, and regularly monitor carpool parking demand and supply and modify the carpool parking supply if necessary.
- f) Pursue the extension of the current lease at the Caltrans Parking Lot located under the I-580 freeway.
- g) If possible satellite parking locations suitable for Kaiser are identified during development of the project, the project sponsor should conduct additional detailed analysis for the City to consider and evaluate at that time.

20. (was #16) Residential Parking Permits

Kaiser shall work with the City of Oakland to implement, expand or further continue a Residential Parking Permit (RPP) or Residential Parking Benefits Assessment District (RPBAD) program in the residential neighborhoods west of Broadway, north of MacArthur Boulevard, east of Piedmont Avenue and south of 42nd Street, including the Richmond neighborhood immediately east of the Phase 2 hospital site. At a minimum, the streets to be included in the RPP program are listed in Exhibit 2-C. The RPP restricts on-street parking by non-residents to less than two hours during the weekdays. If approved by the City, Kaiser shall fund the RPP programs for 50 years. Kaiser funding shall be used for establishment efforts needed to create or expand the RPP/RPBAD area, as well as increased enforcement and maintenance of the program, including the annual permit fee for residents (including those residents who already have their fee paid by Kaiser as mitigation for the Fabiola Building). If approved, the RPP programs should be considered for implementation before the demolition of the M/B Center parking garage or upon completion of the Phase 2 parking garage depending on the level of success that the TDM program may achieve as well as the level of success that Kaiser may achieve in their efforts to locate additional satellite parking. Prior to issuance of demolition permits for the M/B Center garage, Kaiser shall report, in writing, to the City of Oakland Planning and Zoning Division and the Building Services Division of its efforts to obtain satellite parking and to achieve a 12.5% decrease in the baseline single-occupant vehicle (SOV) rate.

- a) If satellite parking and the TDM program is able to achieve the 12.5% decrease in the baseline SOV rate prior to planned demolition of the M/B Center garage, implementation of the RPP program will be conditioned upon issuance of the demolition permit for the M/B Center.
- b) If satellite parking and the TDM program is unable to achieve the 12.5% decrease in the baseline SOV rate prior to planned demolition of the M/B Center garage, implementation of the RPP program will be conditioned upon issuance of occupancy permits for the Phase 2 parking garage. As indicated in Condition #9 above, if Kaiser is not able to achieve the 12.5% decrease in the baseline SOV before completion of Phase 1, Kaiser shall prepare a report for review and approval by the City which proposes additional TDM measures to achieve the TDM goals.

To the extent possible, the City will explore using surplus/excess revenues from enforcement of the RPP program to reimburse Kaiser for costs of establishing and maintaining the RPP programs.

21. (was #17) Signage

Install signage on major roadways in the area to direct patients/visitors to the appropriate Kaiser parking facilities. If approved by the City, Kaiser shall fund the improvements.

22. (was #18) Piedmont Avenue/Howe Street Parking Garage

Prior to issuance of any building permits for Phase 2, Kaiser shall submit improvement plans for the existing Piedmont Avenue/Howe Street parking garage. Such improvements may include, but are not limited to landscaping and streetscape enhancements, façade beautification improvements and adding retail space into the ground floor subject to a physical feasibility analysis for such a use and shall include additional lighting and signage and other appropriate amenities for the existing pedestrian path connecting between Howe and Piedmont. All identified improvements shall be subject to Administrative Small Project Design Review pursuant to Section 17.XX.060 (c), and shall be completed prior to occupancy of Phase 2

23. (was #18.4) Central Utility Plant

As described in the Kaiser Master Plan Project EIR, the design and construction of the Central Utility Plant (CUP) shall include:

- a) Cooling towers shall be located within the enclosed structure of the CUP to meet the Oakland Noise Ordinance standards.
- b) Boilers shall be of the low nitrogen oxide (NOx) type to control nitrogen oxide emissions and shall be natural gas fired to minimize particulate matter emissions.
- c) Operations of the CUP shall be subject to permits pursuant to the Bay Area Air Quality Management District's Regulation 2 requirements.

24. (was #18.5) Ambulance Sirens

Consistent with current Kaiser policy and practice, it shall be the continuing policy to encourage all ambulances turn off sirens within 3 blocks of the hospital.

25. Interim Condition

In the event that Kaiser determines construction of the Medical Office Building (that portion of Phase 2 located nearest to the MacArthur Boulevard/Piedmont Avenue intersection) will not "commence in earnest"³ within 120 days from issuance by the California Department of Health of a license to operate the new hospital, then Kaiser shall submit interim improvement plans for the landscaping, lighting and

³ Commence in Earnest shall mean to initiate activities based on a City-issued building permit and other necessary permit(s) and diligently prosecute such permit(s) in substantial reliance thereon and make regular and consistent progress toward the completion of construction and the issuance of a final certificate of occupancy, including successful completion of building inspections to keep the building permit(s) and other permit(s) active without the benefit of an extension.

security of that undeveloped portion of the Phase 2 site. Such interim improvement plans shall be submitted to the City within 120 days after the California Department of Health issues its license to operate the new hospital.

- a) Interim improvements shall include, but are not limited to landscaping and streetscape enhancements, temporary façade improvements to the Hospital interior walls, additional lighting and signage, and other appropriate amenities for the pedestrian path connecting between Piedmont and Mosswood Park.
- b) These interim improvements shall be subject to Regular Design Review approval pursuant to Section 17.XX.060 (D) of the Kaiser Permanente Oakland Medical Center (KX) Zone regulations as contained in the Oakland Municipal Code.
- c) Kaiser shall “commence in earnest” with construction of these interim site improvements within 1 year of approval of the Design Review application.

26. Ground Floor Uses, Medical Office Building and Hospital Support Building

As of Design Review approval, Kaiser’s programming of internal space for the MOB at MacArthur/Piedmont has not progressed to the point where they are definitive about the specific uses that will be located along all street frontages. Kaiser shall make best faith efforts to incorporate ground floor uses in the Mob and HSB that activate the public street (e.g., pharmacy, coffee shop, health food store, etc.) consistent with Guideline 2.1.4 of the Kaiser OMC Master Plan, particularly at the MacArthur/Piedmont corner. Further, Kaiser shall construct the hospital cafeteria within the HSB at the corner of Broadway/MacArthur, with a public entry from Broadway.

27. Green Guidelines for Health Care

Kaiser shall implement all of the environmentally sustainable practices for the planning, design, construction, operations and maintenance of their Phase 2 facilities as contained in the “Kaiser Oakland Medical Center – Sustainability Measures”, submitted as part of this Design Review application (see **Exhibit 3** of these Conditions). Concurrent with submittal of hospital building plans to the State Office of Statewide Health Planning and Development (OSHPD), and prior to each City building permit approvals, Kaiser shall report in writing to the City of Oakland Planning and Zoning Division of its implementation of these Sustainability Measures.

28. Special Exterior Lighting

For exterior lighting, zone and control lights to allow for limiting night-time lighting to the Emergency Department, a small employee parking area, a small visitor parking area, pedestrian walkways, and circulation routes. Only light areas as required for safety and comfort. Do not exceed 80% of the lighting power densities for exterior areas and 50% for building facades and landscape features as defined in ASHRAE/IESNA Standard 90.1-2004, Exterior Lighting Section.

29. Broadway Skybridge

No skybridges are currently proposed under Phase 2, although two skybridges were approved in concept under the OMC Master Plan. Should Kaiser reconsider constructing a skybridge at a later time, the design

of that bridge shall be subject to separate Regular Design Review approval as provided under Section 17.XX.060 of the KX zoning district, including review by the Planning Commission, prior to approval. Any such subsequent Design Review process shall specifically consider the appropriateness of a center column support that would land within the center median of Broadway in light of other potentially competing needs for this public right-of-way space (i.e., bus lanes, bike lanes, etc.).

UNIFORMLY APPLIED DEVELOPMENT STANDARDS⁴

30. (was #19) Construction Management

Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit The project sponsor shall submit a Construction Phasing and Management Plan, incorporating all applicable mitigation measures contained in the MMRP (especially B.10) for the Project. This plan shall also include the following additional measures and standards:

- a) A site security and safety plan to assure that grading and construction activities are adequately secured during off-work hours.
- b) A fire safety management plan for all phases of work, including provisions for access, water and other protection measures during grading and construction activities.
- c) A construction litter/debris control plan to ensure the site and surrounding area is kept free of litter and debris.

31. Fire Safety Plan

Prior to issuance of building permit: The project applicant shall submit a separate fire safety plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does not adequately address fire hazards associated with the project as a whole or the individual phase.

32. (was #20) Construction & Demolition Waste Reduction and Recycling Plan

The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency.

- a) *Prior to issuance of demolition, grading, or each building permit:* Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3),

⁴ These Uniformly Applied Development Standards are typically included in the Standard Conditions of Approval / Mitigation Monitoring Program (SCAMMRP). However, the Kaiser MMRP was prepared prior to standardization of these measures, so they are instead included herein.

and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at www.oaklandpw.com/Page39.aspx or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

- b) *Ongoing*: The ODP will identify how the project complies with the Recycling Space Allocation Ordinance, (Chapter 17.118 of the Oakland Municipal Code), including capacity calculations, and specify the methods by which the development will meet the current diversion of solid waste generated by operation of the proposed project from landfill disposal in accordance with current City requirements. The proposed program shall be implemented and maintained for the duration of the proposed activity or facility. Changes to the plan may be re-submitted to the Environmental Services Division of the Public Works Agency for review and approval. Any incentive programs shall remain fully operational as long as residents and businesses exist at the project site.

33. (was #21) Lighting Plan

Prior to issuance of each building permit: An exterior lighting plan shall be submitted to the Planning and Zoning Division and the Electrical Services Division of the Public Works Agency for review and approval. All lighting shall be architecturally integrated into the site. The lighting plan shall include the design and location of all exterior lighting fixtures or standards, and said lighting shall be installed such that it is adequately shielded and does not cast glare onto adjacent properties or into the public right-of-way (unless advantageous to the operation of adjacent public facilities). This plan shall include details and specifications shall be provided for all exterior lighting on the project site, including within the public right-of-way, such as decorative light poles, wall-mounted fixtures, recessed fixtures, architectural lighting, pathway and garden lights, and similar fixtures.

The applicant shall maintain all on-site lighting to meet the State Business and Professions Code Section 25612, providing enough illumination to identify loiterers standing in the immediate vicinity of the site. Such illumination shall remain on during all hours of darkness when the campus is open, but shall be shielded to a point below the light bulb and reflector and not cast unnecessary glare onto adjacent residential properties.

34. (was #23) Litter Control

Prior to issuance of the first building permit for each Phase: A litter control plan that ensures that the premises and surrounding area are kept free of litter shall be submitted to and approved by the Zoning Administrator. The Plan shall include, but not be limited to:

- a) Distribution of proposed locations of litter receptacles on site and in the public right-of-way;
- b) A management schedule for keeping the premises and surrounding area in a one-block radius free from litter originating from the operation of the future medical center activities. The number of times per day litter is to be collected will be based on the results of a baseline study, to be completed by Kaiser within two months of Master Plan approval; and

- c) Sweeping and trash collection of the premises, the public sidewalk, and the gutter area of the public street immediately adjacent to the project, as needed to keep the area free of litter.

35. (was #24) Master Improvement Plan and Improvements in the Public Right-of-Way

Prior to Finalization of P-Job: The project sponsor shall submit a detailed improvement plan prepared by a licensed Civil Engineer, with all conditions and requirements as set forth in these Conditions of Approval, for the private property and the public rights of way, including but not limited to curbs, gutters, pedestrian ways, sewer laterals, storm drains, street trees, paving details, locations of transformers and other above ground utility structures, the design, specifications and locations of the water pumping facilities required by the East Bay Municipal Utility District (EBMUD), street lighting, on-street parking, accessibility and all other required public improvements required to comply with all applicable City standards, including the landscaping plans, the street tree locations, and planting specifications. This plan shall be reviewed and approved by the City Engineer. Encroachment permits shall be obtained as necessary for any applicable improvements.

- a) The detailed improvement plans for the private property and the public rights of way shall show roadway lane configurations on Broadway, MacArthur and Piedmont, and shall including travel lanes, bike lanes, sidewalks, bus and shuttle turn-outs, bus shelters and parking as generally consistent with the Conceptual Roadway Designs shown on **Exhibit 4** to these conditions.
- b) Review and confirmation of the street trees by the City's Tree Services Division is required as part of this condition and/or mitigations.
- c) The Planning and Zoning Division and the Public Works Agency will review and approve designs and specifications for the improvements. Improvements shall be completed prior to the issuance of the final building permit.
- d) The Fire Services Division will review and approve fire crew and apparatus access, water supply availability and distribution to current codes and standards.

36. (was #29) Public Improvements (Specific)

Prior to issuance of any building permits: Final building and improvement plans submitted to the Building Services Division shall include the following components:

- a) Install additional standard City of Oakland streetlights.
- b) Remove and replace any existing driveway that will not be used for access to the property with new concrete sidewalk, curb and gutter.
- c) Reconstruct drainage facilities to current City standards.
- d) Provide separation between sanitary sewer and water lines to comply with current City of Oakland and Alameda Health Department standards.
- e) Construct wheelchair ramps that comply with Americans with Disability Act requirements and current City Standards.
- f) Remove and replace deficient concrete sidewalk, curb and gutter within property frontage.

- g) Provide adequate fire department access and water supply, including but not limited to currently adopted fire codes and standards.

Prior to commencement of construction activity: Concrete sidewalks shall be constructed to connect the existing sidewalk to all internal sidewalks and paths. This sidewalk shall be constructed to the specifications of the Building Services Division and the Public Works Agency, and it shall be the applicant's responsibility to secure all necessary City permits, including but not limited to an encroachment permit.

37. (was #31) Payment for Public Improvements

Prior to receiving first occupancy permit: The applicant shall pay for and install public improvements made necessary by the project.

38. (was #25) Electrical Facilities

Prior to Installation: All electrical and telephone facilities, fire alarm conduits, street light 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 Division.

39. (was #26) Bicycle Parking.

Prior to the issuance of certificate of occupancy: The applicant shall submit for review and approval of the Planning and Zoning Division, plans that show bicycle storage and parking facilities in an amount determined by the Development Director. The plans shall show the design and location of bicycle racks within the secure bicycle storage areas. The applicant shall pay for the cost and installation of any bicycle racks in the public right of way.

40. (was #27) Landscape, Irrigation and Street Tree Permit and Tree Removal Permit

Landscape and Irrigation Plan, *Pursuant to Design Review:* The applicant shall submit for review and approval by the Planning and Zoning Division, a detailed landscape and irrigation plan prepared by a licensed landscape architect or other qualified person. Such plan shall show all landscaping on the site maintained by an automatic irrigation system or other comparable system. The landscaping plan shall include a detailed planting schedule showing sizes, quantities, and specific common and botanical names of plant species. Fire and drought-resistant species are encouraged.

- a) Tree Removal Permit, *prior to issuance of the demolition or grading permit:* The project sponsor must obtain a tree removal permit, and/or tree protection permit as needed, from the Public Works Agency, and abide by the conditions of that permit, prior to construction adjacent to, or removal of, any protected trees located on the project site or in the public right-of-way adjacent to the project site.
- b) Street Trees, *Prior to issuance of each building permit:* The number of street trees, their spacing and location and species types shall be subject to review and approval by the Public Works Agency and Building Services.

- c) Installation of Landscaping and Bonding, *Prior to issuance of certificate of occupancy*: The applicant shall install all proposed landscaping indicated on the approved landscape plan prior to the issuance of a certificate of occupancy, unless bonded pursuant to the provisions of Section 17.124.50 of the Oakland Planning Code. The amount of such bond or cash deposit shall equal the greater of \$2500 or the estimated cost of the required landscaping, based on a licensed contractor's bid.
- d) Landscaping Maintenance, *Ongoing*: All landscaping areas and related irrigation shown on the approved plans shall be permanently maintained in neat and safe conditions, and all plants shall be maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with all applicable landscaping requirements. All landscaping shall be served by an automatic irrigation system. All paving or other impervious surfaces shall occur only on approved areas.

41. (was #28) Parking and Driveways

Parking and Driveway Design, *Prior to issuance of building permit*: All parking and driveways shall be designed according to all City codes and be approved by the Building Services Division.

- a) Parking and Circulation Plan, *Prior to issuance of building permit and prior to final inspection*: The applicant shall submit a Parking and Traffic Circulation Plan for review and approval by the Planning and Zoning Division. This plan shall include wheel stops for all parking spaces, and pavement marking and striping that delineate the driveways and traffic paths to be used by the general public and deliveries. All wheel stops, pavement markings and striping, as approved by the Planning and Zoning Division shall be installed prior to final inspection.
- b) Parking Lot Lighting, *Ongoing*: The exterior lighting fixtures which serve the parking area shall be equipped with daylight sensors that will automatically turn the lights on at dusk and off at sunrise, and that shall be adequately shielded to a point below the bulb and reflector, and that shall prevent unnecessary glare onto adjacent properties.
- c) Designated Carpool Parking, *Ongoing*: The applicant shall designate on-site parking spaces by marking, either with a small sign at the head of the parking stalls or stenciled lettering painted within the parking stalls that reads: "Carpool Parking Only".
- d) Recharge Stations for Electric Vehicles, *Prior to issuance of building permits and ongoing*: The applicant shall submit for review and approval of the Planning and Zoning Division, plans that show parking spaces designed to accommodate and function as recharge stations for electric vehicles. Electrical conduit shall be stubbed in accordingly as part of construction of the project and shall be documented in the final building permit plans approved for the project.

42. (was #30) Underground Utilities and Meter Shielding

Prior to issuance of each building permits: The applicant shall submit plans for review and approval of the Planning and Zoning Division, Building Services Division and the Public Works Agency, and other relevant agencies as appropriate, plans that show all new electric and telephone facilities; fire alarm conduits; street light wiring; and other wiring, conduits, and similar facilities placed underground by the

developer from the applicant's structures to the point of service. The plans shall show all electric and telephone facilities installed in accordance with standard specifications of the serving utilities.

- a) *Prior to Installation:* All electrical and telephone facilities, fire alarm conduits, street light 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 Division.
- b) *Prior to issuance of each building permits:* The applicant shall submit for review and approval by the Planning and Zoning Division, plans showing the location of any and all utility meters, transformers, and the like located within a box set within the building, located on a non-street facing elevation, or screened from view from any public right of way.

43. (was #32) Traffic Safety Signage

Upon completion of the public street improvements and prior to acceptance of such improvements by the City: The applicant shall implement a sign and pavement marking system consistent with City Standards, Fire Department standards, and Traffic Division requirements that clearly delineate the street frontages to be used for on-street parking, and those areas where parking is prohibited. Other directional traffic signs shall also be included in this system for all new and existing public street frontages of the project.

44. (was #33) On-site Clean-up

Ongoing: The applicant shall clear litter and debris from the premises at least once daily, or as needed to maintain a litter free environment. A portable ashtray, if used, shall remain outside in a location near the entrance and common areas during all times that the building is open for business. The ashtray and litter receptacle shall be emptied as often as needed to prevent overflowing.

45. (was #34) Right-of-way Clean-up

Ongoing: The applicant shall clear the sidewalk and gutter areas along the OMC campus edge of litter and debris at least once daily or as needed to control litter. The applicant shall sweep or mechanically clean the sidewalk with steam or equivalent measures at least once per month.

46. Operational Noise-General

Ongoing: Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 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 Planning and Zoning Division and Building Services.

47. Hazards Best Management Practices

Prior to commencement of demolition, grading, or construction: The project applicant and construction contractor shall ensure that construction of Best Management Practices (BMPs) is implemented as part of

construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

- a) Follow manufacture's recommendations on 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) Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all UST's, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.
- 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 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 notification of 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.

48. Erosion and Sedimentation Control Plan

- a) *Prior to any grading activities:* The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.780 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project

applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

- b) *Ongoing throughout grading and construction activities:* The project applicant shall implement the approved erosion and sedimentation plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Building Services Division.

49. Hazardous Materials Business Plan

Prior to issuance of a business license: The project applicant shall submit a Hazardous Materials Business Plan for review and approval by Fire Prevention Bureau, Hazardous Materials Unit. Once approved this plan shall be kept on file with the City and will be updated as applicable. The purpose of the Hazardous Materials Business Plan is to ensure that employees are adequately trained to handle the materials and provides information to the Fire Services Division should emergency response be required. The Hazardous Materials Business Plan shall include the following:

- a) The types of hazardous materials or chemicals stored and/or used on site, such as petroleum fuel products, lubricants, solvents, and cleaning fluids.
- b) The location of such hazardous materials.
- c) An emergency response plan including employee training information
- d) A plan that describes the manner in which these materials are handled, transported and disposed.

50. Post-Construction Stormwater Management Plan

Prior to issuance of each building permit (or other construction-related permit): The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- a) The post-construction stormwater management plan shall include and identify the following:
 - i) All proposed impervious surface on the site;
 - ii) Anticipated directional flows of on-site stormwater runoff; and
 - iii) Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and
 - iv) Source control measures to limit the potential for stormwater pollution;
 - v) Stormwater treatment measures to remove pollutants from stormwater runoff; and

- vi) Hydro-modification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.
- b) The following additional information shall be submitted with the post-construction stormwater management plan:
 - i) Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
 - ii) Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e. non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.
- c) All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscape based stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the post-construction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.
- d) *Prior to final permit inspection:* The applicant shall implement the approved stormwater management plan.

51. Maintenance Agreement for Stormwater Treatment Measures

Prior to final zoning inspection: For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- a) The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- b) Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

52. Indoor Air Quality

Given the site's proximity to I-580 and the air emissions generated from that freeway, the project sponsor shall include methods to reduce air pollution exposure. Potential methods, subject to City review and approval, include the following:

- a) Installation, operation and maintenance in good working order, of a central heating, ventilation, and air conditioning (HVAC) system in the building that meet the efficiency standard of the MERV 13 for those units with windows fronting the source. The HVAC system shall include installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters should be used.
- b) Retention of a qualified HVAC consultant or HERS rater during the design phase of the project to locate the HVAC system based on exposure modeling from the mobile and/or stationary pollutant sources.
- c) Maintenance of positive pressure within the building.
- d) Performance standards of 1 air exchange per hour of fresh outside filtered air.
- e) Performance standards of 4 air exchanges per hour of recirculation
- f) Project applicant shall maintain, repair and/or replace HVAC system per applicable specifications.

Exhibits:

Exhibit A: Kaiser Hospital Phase 2 Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (Phase 2 SCAMMRP)

Exhibit B: Draft Corporate Guaranty

Exhibit C: Kaiser Oakland Medical Center – Sustainability Measures

Exhibit D: Conceptual Roadway Designs

APPROVED BY:

City Planning Commission: _____ (date) _____ (vote)

Applicant and/or Contractor Statement

I have read and accept responsibility for the Conditions of Approval, as approved by Planning Commission action on September 3, 2008. I agree to abide by and conform to these conditions, as well as to all provisions of the Oakland Zoning Code and Municipal Code pertaining to the project.

Signature of Owner/Applicant: _____(date)