

CITY OF OAKLAND IMPLEMENTATION OF ALAMEDA COUNTY HEALTH OFFICER ORDER NO. 20-04
CONCERNING CONSTRUCTION RELATED TO ESSENTIAL BUSINESS

PURSUANT to the Order of the Health Officer of the County of Alameda No. 20-04, dated March 31, 2020, and specifically, toward the implementation of building inspection services related to *Essential Businesses*, as defined in Section 13.f, the City of Oakland (City) has made the following findings concerning building inspection services:

1. The implementation of the Order No. 20-04 must address the public health goal of minimizing exposure and transmission of COVID-19;
2. The implementation of Order No. 20-04 must support the public health goal of supplying affordable housing to that underserved market in the City of Oakland during this period;
3. The provision of income-restricted affordable housing in Oakland slows the transmission of COVID-19 by reducing residential displacement that results from high housing costs;
4. The City has affordable housing requirements incorporated into project agreements or incorporated into projects by ordinance, including the Affordable Housing Impact Fee Ordinance, that result in the construction of income-restricted affordable housing units on-site or at an off-site location through the payment of the Affordable Housing Impact Fee. The Impact Fee funds construction of affordable housing projects containing 100% income-restricted units and a portion of that Impact Fee is not collected until project completion; *and*
5. The implementation of Order No. 20-04 must consider practical procedures in the shutting down and demobilization of non-exempt projects, given the range of location, character and extent of each across the jurisdiction.

THEREFORE, in consideration of the Order of the Health Officer of the County of Alameda No. 20-04 and the City of Oakland findings, the Planning and Building Department shall proceed with building inspection services where:

- A. Residential Construction that is required to pay the Affordable Housing Impact Fee in lieu of on-site affordable units and/or projects that are otherwise compliant with the City's affordable housing requirements, may continue construction;
- B. Construction that is necessary in the shut-down process for non-exempt projects to ensure that: soil erosion/retention; on-site water management; and structural stability of work-in-process may be completed prior to demobilization. In this case, if such construction will require more than one week, the contractor must submit to the Planning and Building Department a specific plan indicating the scope of this proposed construction work with clear indication why this increment is necessary prior to demobilization and the extent to which is must be completed. Note that in the case of a construction site shut-down that does not require any further incremental construction to stabilize the project as described herein or in the Order may demobilize immediately and notify the Planning and Building Department of its intention to do so;
- C. Construction that has already initiated a Temporary Certificate of Occupancy (TCO) process with the Planning and Building Department at the time of the Order's adoption may complete the TCO process to obtain the Certificate of Occupancy (CO);

- D. Construction and repair related to buildings containing existing or proposed and verifiable other non-residential Essential Businesses (as defined in the Order), may proceed if a written certification is provided indicating that the work cannot be reasonably delayed; and
- E. Construction and repair that is necessary to ensure the continued habitability of a residence or living space may continue, but any discretionary work that does not impact the safety, sanitation or habitability and can reasonably be delayed is to be deferred.

IN ALL CASES OF ONGOING CONSTRUCTION WORK, each site must comply with all aspects of Order of the Health Officer of the County of Alameda No. 20-04, specifically in consideration of the note of Section 13.h, which is included below (the Order is to be read in its entirety to ensure understanding and context):

h. For the purposes of this Order, all Essential Businesses must prepare and post by no later than 11:59 p.m. on April 2, 2020 a “Social Distancing Protocol” for each of their facilities in the County frequented by the public or employees. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A.

The Social Distancing Protocol must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and employees. A copy of the Social Distancing Protocol must also be provided to each employee performing work at the facility. All Essential Businesses shall implement the Social Distancing Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand. The Social Distancing Protocol must explain how the business is achieving the following, as applicable:

- i. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as required to complete the Essential Business activity;
- ii. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
- iii. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g. cashiers);
- iv. Providing for contactless payment systems or, if not feasible to do so, the providing for disinfecting all payment portals, pens, and styluses after each use;
- v. Regularly disinfecting other high-touch surfaces; and
- vi. Posting a sign at the entrance of the facility informing all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into one’s elbow; not shake hands or engage in any unnecessary physical contact.
- vii. Any additional social distancing measures being implemented (see the Centers for Disease Control and Prevention’s guidance at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>).

In addition to the Order requirements above, the Social Distancing Protocol should incorporate guidance from the California Building Trades at:

<https://cabuildingtrades.org/wp-content/uploads/2020/03/BTCCOVID19update3.20.pdf>.

Failure to abide by these rules shall result in an immediate shut down of construction.

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