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2010 JUL 15 PM 3:45

As Revised 7-13-10

APPROVED AS TO FORM AND LEGALITY:


City Attorney

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

2010 - 0083
RESOLUTION No. _____ C.M.S.

AN AGENCY RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A GROUND LEASE WITH SAN JOSE ARENA MANAGEMENT, LIMITED LIABILITY CORPORATION FOR UP TO 39 MONTHS TO IMPROVE THE AGENCY'S REAL PROPERTY AT 1800 SAN PABLO AVENUE, AND OPERATE A PARKING LOT TO SUPPORT THE OPERATION OF THE OAKLAND ICE CENTER

WHEREAS, the Redevelopment Agency ("Agency") owns property located at 1800 San Pablo Avenue ("Property") in the Uptown Activity Area of the Central District Redevelopment Project Area; and

WHEREAS, the Property consists of a surface parking lot; and

WHEREAS, San Jose Arena Management, LLC (SJAM), the current management company of the Agency-owned Oakland Ice Center (OIC), which is located across the street from the Property, has proposed to enter into a ground lease ("Ground Lease") with the Agency for the Property for up to thirty-nine (39) months, make certain repairs and improvements to the Property and operate a surface parking lot in order to provide off-street parking for patrons of the OIC and other businesses in the area during the Ground Lease term (the "Project"); and

WHEREAS, SJAM will use its own capital for implementation of the Project, and will receive repayment from the net revenues generated by the Parking Operation on the Property; and

WHEREAS, the Agency will receive 50 percent of all net revenues from the parking operations once SJAM has fully recovered its initial capital investment plus interest thereon; and

WHEREAS, the Agency is a Responsible Agency for this Project for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); and

WHEREAS, the City, as the Lead Agency for the Uptown Mixed-Use Project, for purposes of environmental review under the CEQA, previously prepared a focused Environmental Impact Report

("EIR") for the Uptown Mixed-Use Project as proposed by Forest City, which covered the Property, analyzing the significant environmental effects and mitigation measures in accordance with the California Environmental Quality Act, Public Resources Code § 21000, et seq.; and

WHEREAS, on February 18, 2004, the Oakland Planning Commission in accordance with CEQA Guidelines § 15090 certified that the Final EIR for the Uptown Mixed-Use Project was completed in compliance with CEQA and the Guidelines for Implementation of the California Environmental Quality Act (14 CCR sections 15000, et seq., the "State EIR Guidelines"), and the City's Environmental Review Regulations; and

WHEREAS, the Agency independently reviewed and considered the information contained in the Final EIR of the Uptown-Mixed Use Project for applicability to the proposed Project; and

WHEREAS, the Agency, based on its review of the Planning Commission's action with respect to the Final EIR and other substantial evidence in the record, found and determined that the Final EIR for the Uptown Mixed-Use Project examined a reasonable range of alternatives, and that each alternative was rejected as infeasible for various reasons; and

WHEREAS, the Agency found and determined that all adverse environmental effects of the Uptown Mixed-Use Project would be less than significant or reduced to less-than-significant levels after adoption and implementation of the mitigation measures identified in the EIR and the mitigation and monitoring program; and

WHEREAS, the Agency adopted statements of overriding consideration specified in CEQA Guidelines §§ 15091, 15092 and 15093, and found and determined that the important benefits of the Uptown Mixed-Use Project identified in the Statement of Overriding Considerations each separately and independently outweigh the adverse unavoidable environmental effects of the Uptown Mixed-Use Project; and

WHEREAS, on July 20, 2004, the Agency approved the Uptown Mixed-Use Project and a Notice of Determination was subsequently filed with Alameda County; and

WHEREAS, in March of 2006, the City, as the Lead Agency for this Project for purposes of environmental review under CEQA, prepared Addendum #1 to the Final EIR for the Uptown Mixed-Use Project; and

WHEREAS, Addendum #1 to the Final EIR for the Uptown Mixed-Use Project concluded that (1) the reconfigured Uptown Mixed-Use Project fits within the development envelope previously reviewed in the Final EIR (it represents a reorganization of previously considered development on the Property); (2) existing conditions have not changed substantially since approval of the Final EIR to require any new analysis under CEQA; and (3) no new information of substantial importance has come to light that would alter the previously prepared analysis or conclusion included in the Final EIR. Therefore, preparation of a subsequent or supplemental EIR is not required, as specified in CEQA and the State EIR Guidelines, including without limitation, Public Resources Code Section 21166 and State EIR Guidelines Section 15162 and 15163; and

WHEREAS, the Agency independently reviewed and considered the findings and conclusions of Addendum #1 to the Final EIR of the Uptown Mixed-Use Project for applicability to the proposed Project; now, therefore, be it

RESOLVED: That the Agency hereby finds and determines: (1) that it has been presented and has independently reviewed and considered the information contained in the previously certified Final EIR for the Uptown Mixed-Use Project and Addendum #1; (2) that the mitigation measures and conditions of approval adopted by the Agency in considering the Final EIR for the Uptown Mixed-Use Project, are hereby adopted for the Project, as well as additional standard conditions of approval (as adopted by the Oakland City Council on June 14, 2005 by Resolution No. 2005-0359 C.M.S. and Resolution No. 2005-0359-1 C.M.S., and included as Exhibit A to this resolution) that have been determined to apply to this project. To the extent that any such standard condition of approval is inconsistent with other terms and conditions imposed on the project through the Uptown Mixed Use Project EIR and/or project approvals, the standard condition of approval shall apply unless a more specific or more effective condition or mitigation has been applied to the Uptown Mixed Use Project EIR; and (3) that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed for the Uptown Mixed-Use Project or the circumstances under which the Project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3); and be it further

RESOLVED: That the Agency finds and determines that this Resolution complies with CEQA and that the Agency Administrator or his or her designee is directed to file a Notice of Determination with the appropriate agencies within five (5) working days of this Resolution in accordance with CEQA guidelines; and be it further

RESOLVED: That the record before the Agency on this matter includes the information set forth in the Public Resources Code § 21167.6(e), including, without limitation, all final staff reports and final documentation and information produced by or on behalf of the City or Agency including without limitation the Draft EIR, the Final EIR and Addendum #1 for the Uptown Mixed-Use Project and supporting final technical studies and appendices, and all related and supporting material, and all final notices relating to the Uptown Mixed-Use Project and attendant hearings and meetings; all oral and written evidence received by the City Planning Commission, the Agency and City Council during the public hearings on the Uptown Mixed-Use Project; all written evidence received by relevant City and Agency staff before and during public hearings on the Project and appeal; and all matters of common knowledge and all official enactment of the City and Agency such as the General Plan and Oakland Municipal Code, other applicable City policies and regulations and all applicable state and federal laws, rules and regulations; and be it further

RESOLVED: That the Agency Administrator or his or her designee is directed to file a Notice of Determination with the appropriate agencies within five (5) working days of this Resolution in accordance with CEQA guidelines; and be it further

RESOLVED: That the Redevelopment Agency hereby authorizes the Agency Administrator or his designee to negotiate and execute a Ground Lease with SJAM to make certain improvements and repairs to, and operate the surface parking lot for a term of up to thirty-nine (39) months under the following terms and conditions:

1. SJAM shall pay a \$1,000 annual Ground Lease payment to the Agency.
2. SJAM shall be responsible for paying the entire cost for the Project.
3. SJAM shall retain all net operating revenue from the Project until it has fully recovered its investment to repair and improve the parking lot in the Project in the maximum amount of \$370,000 ("Investment").
4. Agency and SJAM shall equally share all net operating revenue from the Project after SJAM has fully recovered its Investment.
5. If Agency must terminate the Ground Lease prior to the end of the 39-month term, then the Agency will reimburse SJAM for the amount of the Investment that has not been recovered from net revenue from the operation of the parking lot in the Project and the \$78,000 annual contribution from Oakland Ice Center gross revenue currently being paid to the owner of the Rotunda garage.
6. The amount of Agency reimbursement shall be the lesser of a) one thirty-sixth ($1/36^{\text{th}}$) of the Investment, plus accrued interest at a rate not to exceed ten (10) percent per annum, for each month, or daily fraction thereof, that the Ground Lease is terminated early, or b) the remaining balance on the debt SJAM entered into to finance the Investment that is outstanding at the time of early termination of the Ground Lease. However, under no circumstances, shall the Agency be obligated to reimburse SJAM more than \$370,000.

and be it further

RESOLVED: That the Agency Administrator is hereby authorized to take any other action with respect thereto consistent with this Resolution and its basic purpose; and be it further

RESOLVED: That the Agency's share of net revenue from operation of the parking lot be deposited into Fund 9553 - Unrestricted Land Sale Proceeds, Organization 94800 - Capital Improvement Project – Economic Development; and be it further

RESOLVED: That any and all documents necessary to effectuate the intent of this resolution shall be reviewed and approved as to form by the Agency Counsel prior to execution by the Agency Administrator or her designee; and be it

RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the Agency's decision is based are respectively: (a) the Community & Economic Development Agency, Projects Division, 250 Frank H. Ogawa Plaza, 5th Floor, Oakland CA; (b) the Community & Economic Development Agency, Planning Division, 250 Frank H. Ogawa Plaza, 3rd Floor, Oakland CA; and (c) the Office of the City Clerk, 1 Frank H. Ogawa Plaza, 1st Floor, Oakland, CA.

IN AGENCY, OAKLAND, CALIFORNIA, JUL 20 2010, 2010

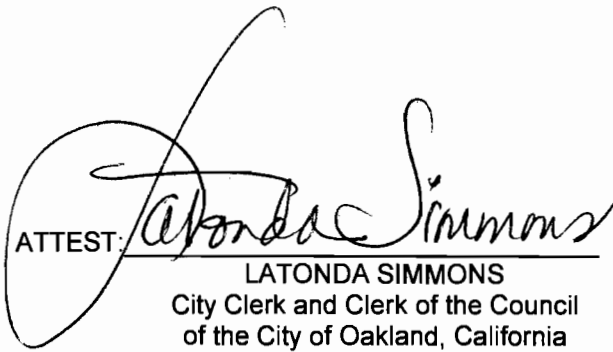
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID AND CHAIRPERSON
BRUNNER - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

Mitigation Monitoring and Reporting Program

HYDROLOGY AND WATER QUALITY Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>HYD-1: The project sponsor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP would act as the overall program document to provide measures to mitigate significant water quality impacts associated with implementation of the project. The SWPPP shall include specific and detailed Best Management Practices (BMPs) required to mitigate significant construction-related pollutants. These controls shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.</p> <p>An important component of the storm water quality protection effort will be the education of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.</p> <p>The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor and must include both dry and wet weather inspections. City of Oakland personnel shall conduct regular inspections to ensure compliance with the SWPPP.</p> <p>BMPs to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased when grading occurs during the rainy season, as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control, that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Access to and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment (this BMP is particularly important since much of the earthwork will involve loading trucks for off-site transport of soil excavated for the below-ground parking structures). Vehicle and equipment wash down facilities shall be provided to be accessible and functional both during dry and wet conditions.</p> <p>The SWPPP shall be reviewed for completeness by the City of Oakland, Public Works Agency, Environmental Services Division prior to approval of grading plans.</p>	<p>Project sponsor shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) which includes specific and detailed Best Management Practices (BMPs). The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor.</p>	<p>City of Oakland, Public Works Agency, Environmental Services Division.</p>	<p>1) Review the SWPPP for completeness. 2) Conduct regular inspections to ensure compliance with the SWPPP.</p>	<p>1) Prior to the approval of grading plans for each project phase. 2) Regularly throughout the project construction period (as deemed appropriate by the Public Works Agency).</p>	<p>1) No approval of grading plans. 2) City issues corrective action or stop work order if compliance with SWPPP does not occur.</p>	<p>Verified by: Date:</p>
<p>HYD-2: The project sponsor shall comply with the requirements of the 2003 Alameda County Stormwater Management Plan and/or the Regional Water Quality Control Board (RWQCB) Revised Order 01-1024 (NPDES Permit No. CAS029718), as appropriate, based on the timing of construction. As applicable, the project sponsor shall incorporate measures to mitigate potential degradation of runoff water quality from all portions of the completed development, including roof and sidewalk runoff. The final design team for the project should include all applicable measures from <i>Start at the Source, Design Guidance Manual for Stormwater Quality Protection</i>, which may include, but not be limited to: pervious pavements, hybrid parking lots, vegetated swales, biofilters, roof drainage to landscaped areas, minimization of directly connected impervious surfaces, and infiltration islands.</p> <p>The project compliance with requirements for post-construction stormwater controls shall be reviewed by the City of Oakland, Public Works Agency, Environmental Services Division prior to approval of grading plans.</p>	<p>Project sponsor shall comply with the requirements of the 2003 Alameda County Stormwater Management Plan and/or the RWQCB Revised Order 01-1024 (NPDES Permit No. CAS029718), as appropriate. This compliance shall include the incorporation of all applicable measures from <i>Start at the Source, Design Guidance Manual for Stormwater Quality Protection</i> designed to improve the quality and reduce the quantity of runoff from the project site, as detailed in the mitigation measure. The measures shall be detailed in the permitted grading and building plans.</p>	<p>City of Oakland, Public Works Agency, Environmental Services Division.</p>	<p>Review final project plans to ensure compliance with the applicable requirements for post-construction stormwater controls.</p>	<p>Prior to the approval of grading and/or building plans for each project phase.</p>	<p>No approval of a grading or building permit.</p>	<p>Verified by: Date:</p>

and all other project documents, including but not limited to, the following:

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>FHD-3: The SWPPP shall include requirements for the proper management of dewatering effluent as necessary to mitigate significant impacts to the environment. At a minimum, all dewatering effluent will be contained prior to discharge to allow the sediment to settle out, and filtered, if necessary, to ensure that only clear water is discharged to the storm or sanitary sewer system. Alternatively, effluent can be hauled off site by tanker truck for disposal. Based on the historical land uses at the project site and groundwater sampling of the existing network of monitoring wells, it is possible that groundwater underlying each of the parcels has been impacted by chemical releases. All dewatering effluent will be analyzed by a State-certified laboratory for the suspected pollutants (at minimum, petroleum hydrocarbons, solvents, and metals) prior to discharge. Based on the results of the analytical testing and the concentrations of pollutants identified, if any, the project sponsor will dispose of the water in one (or more) of the following ways:</p> <p>a) Discharge the water to the storm drain under permit from the RWQCB. It is unlikely that the RWQCB would allow discharge of any untreated dewatering effluent that contained detectable concentrations of chemical pollutants and that for these types of discharges, alternative disposal options may be required.</p> <p>b) Discharge the water to the sanitary sewer system under permit from the East Bay Municipal Utilities District.</p> <p>c) Haul the water to a licensed off-site disposal facility for treatment and disposal under appropriate manifest.</p> <p>The project proponent shall demonstrate to the City of Oakland, Planning and Development Department that appropriate permits have been acquired prior to discharge of any dewatering effluent.</p>	<ol style="list-style-type: none"> Project sponsor shall include requirements for the proper management of dewatering effluent in the SWPPP, as specified in the mitigation measure. Procure the appropriate permits needed for the discharge of dewatering effluent. 	<ol style="list-style-type: none"> City of Oakland Community and Economic Development Agency, Environmental Services Division. 	<ol style="list-style-type: none"> Review the SWPPP to ensure it includes requirements for the proper management of dewatering effluent. Verify that the project sponsor has received the necessary permits for the discharge of dewatering effluent. 	<ol style="list-style-type: none"> Prior to the approval of grading permit. Prior to the initiation of dewatering within the project site. 	<ol style="list-style-type: none"> No approval of grading permit. City issues corrective action or stop work order. If necessary permits have not been procured. 	<p>Verified by: _____ Date: _____</p>
<p>TRANSPORTATION, CIRCULATION AND PARKING</p> <p>TRANS-1: Optimization of the signal timing at the intersection of San Pablo and Thomas L. Berkeley Way (20th Street) would improve function to LOS D in the PM peak hour. This intersection functions as an integrated signal system with other intersections in the downtown area. To mitigate the project's impact at this location and others the City shall prepare a signal optimization and coordination plan for the area bounded by San Pablo Avenue, Grand Avenue, Telegraph Avenue, and 17th Street prior to project occupancy. The plan shall address the timing and equipment requirements, as necessary, for all of the signalized intersections located within this area. The project sponsor shall fund its fair share cost of the preparation of this plan and the implementation of the signal timing program. Implementation of the signal optimization program may also involve the purchase and installation of intersection hardware (ie. inductors, microwave antennas, etc). The City of Oakland will consult with AC Transit during preparation of the plan.</p> <p>Given that the project sponsor is responsible for only a portion of this mitigation measure, implementation of this set of improvements will be funded fully by one or a combination of the following means:</p> <ol style="list-style-type: none"> The project sponsor shall fully fund the costs of the signalization improvements and shall be reimbursed through other fair-share contributions as future projects that exceed the City's thresholds of significance occur. The City, at its sole discretion, shall establish a Traffic Improvement Program and concurrent Traffic Impact Fee Ordinance to fund the mitigation measure. The Redevelopment Agency, at its sole discretion, shall contribute funds to the costs of implementation. <p>Mitigation Measure: TRANS-2, TRANS-4, TRANS-5, TRANS-6, TRANS-7, TRANS-8, TRANS-9, TRANS-12, TRANS-13 and TRANS-14 require the implementation of Mitigation Measure TRANS-1.</p>	<ol style="list-style-type: none"> City Public Works Agency, Traffic Engineering Division, shall prepare a signal optimization and coordination plan for the area bounded by San Pablo Avenue, Grand Avenue, Telegraph Avenue, and 17th Street. The project sponsor shall fund its fair share cost of the preparation and implementation of the signal optimization and coordination plan. Each phase of the project shall fund its fair share cost. City Public Works Agency, Traffic Engineering Division, shall implement the measures of the plan from 2010 to 2025, as necessary, to address cumulative impacts. 	<ol style="list-style-type: none"> City of Oakland Community and Economic Development Agency, Planning Division. City of Oakland Community and Economic Development Agency, Planning Division. City of Oakland Community and Economic Development Agency, Planning Division. 	<ol style="list-style-type: none"> Verify that the signal optimization and coordination plan has been prepared and that it meets the standards listed in the mitigation measure. Verify that the project sponsor funds its fair share cost of the preparation and implementation of the signal optimization and coordination plan. Ensure plan measures are being implemented. 	<ol style="list-style-type: none"> Prior to occupancy of the first phase of the project. Prior to occupancy of the first phase of the project. From 2010 to 2025. 	<ol style="list-style-type: none"> No approval of occupancy permit. 	<p>Verified by: _____ Date: _____</p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance	
<p>TRANS-3: When the intersection to add a second exclusive left turn lane in the eastbound direction and an exclusive right turn lane in the westbound direction. The intersection would operate at LOS D in the PM peak hour with these improvements:</p> <p>The intersection of Frontage Road and West Grand Avenue is located on an elevated structure which is within the jurisdiction of Caltrans. The proposed mitigation measures would require the widening of the existing elevated structure and modification of the traffic signal. The second exclusive left turn lane in the eastbound direction and the exclusive right turn lane in the westbound direction should each be 300 feet in length with a 90-foot taper. Widening of the existing structure would require additional support columns and the acquisition of right of way underneath the structure. In addition, the connector from Interstate 880 to Interstate 80 structure exists above this intersection. Columns supporting this elevated connector may have to be relocated to widen the Frontage Road/West Grand Avenue intersection. At this time, the implementation of this mitigation measure would not be economically feasible. Because this intersection is located outside of the City of Oakland's jurisdiction and because it is not economically feasible, it is significant and unavoidable.</p>	<p>TRANS-10: The project sponsor shall provide funding for the following two improvements:</p> <ul style="list-style-type: none"> Optimize the signal timing at the intersection of Telegraph and 19th Street. Since this intersection also functions as part of an integrated signal system in downtown Oakland, Mitigation Measure TRANS-1 shall also be implemented. Restripe the westbound 19th Street approach to provide two exclusive through lanes and an exclusive right turn lane. <p>With these improvements, the intersection would operate at LOS C in the AM peak hour and LOS E in the PM peak hour.</p> <p>The restriping of the westbound 19th Street approach to the intersection to provide two exclusive through lanes and an exclusive right turn lane would require the elimination of six metered parking spaces on the northern side of 19th Street between Telegraph and Broadway. With the existing roadway width available the two through lanes would each be 11 feet wide and the right turn lane would be 10 feet wide, which would satisfy City standards of 10-foot lanes. Metered parking would remain on the southern side of 19th Street.</p>	<p>1) Refer to Mitigation Measure TRANS-1. City Public Works Agency, Traffic Engineering Division shall restripe the westbound 19th Street approach to Telegraph Avenue to provide two exclusive through lanes and an exclusive right turn lane.</p>	<p>1) Refer to Mitigation Measure TRANS-1. City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>1) Refer to Mitigation Measure TRANS-1. Verify that the westbound 19th Street approach has been restriped.</p>	<p>1) Refer to Mitigation Measure TRANS-1. Prior to occupancy of the first phase of the project.</p>	<p>1) Refer to Mitigation Measure TRANS-1. Work with the City Public Works Agency to ensure the improvement is implemented.</p>	<p>Verified by: Date:</p>
<p>TRANS-11: When the eastbound approach to accommodate two left turn lanes, two through lanes, and a right turn lane. When the southbound approach would need to accommodate a right turn lane, a left turn lane, and a shared through/right turn lane. In addition, the northbound approach should be converted from a left turn lane, a through lane, and a shared through/right turn lane to a left turn lane, a shared through/right turn lane, and a right turn lane. With the proposed improvements, the intersection would operate at LOS C in the AM peak hour and LOS D in the PM peak hour.</p> <p>The intersection of Frontage Road and West Grand Avenue is located on an elevated structure which is within the jurisdiction of Caltrans. The proposed mitigation measures would require the expansion of the existing elevated structure and modification of the traffic signal. Widening of the existing structure would require additional support columns and the acquisition of right of way underneath the structure. In addition, the connector from Interstate 880 to Interstate 80 structure exists above this intersection. Columns supporting this elevated connector may have to be relocated to pursue the widening of the Frontage Road/West Grand Avenue intersection. The implementation of this mitigation measure would not be economically feasible. Because this intersection is located outside of the City of Oakland's jurisdiction and because it is not economically feasible, it is significant and unavoidable.</p>	<p>No monitoring or reporting measures are provided for this mitigation measure since it has been determined to be infeasible in connection with approval of the Disposition and Development Agreement (DDA) for Blocks 1 through 4.</p>						

AIR QUALITY	Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>AIR-1: Implementation of the following mitigation measures would reduce this impact to a less-than-significant level.</p> <ul style="list-style-type: none"> The basic and enhanced control measures listed in Table IV.E.9 shall be implemented during construction of the proposed project. Any temporary haul roads to the soil stockpile area shall be covered away from existing neighboring land uses. Any temporary haul roads shall be surfaced with gravel and regularly watered to control dust or treated with an appropriate dust suppressant. Water sprays shall be utilized to control dust when material is being added or removed from the stockpile. When the stockpile is undisturbed for more than 1 week, the storage pile shall be treated with a dust suppressant or crusting agent to eliminate wind-blown dust generation. All neighboring properties located within 500 feet of property lines shall be provided with the name and phone number of a designated construction dust control coordinator who will respond to complainants within 24 hours by suspending dust-producing activities or providing additional personnel or equipment for dust control as deemed necessary. The phone number of the BAAQMD pollution complaints contact shall also be provided. The dust control coordinator shall be on-call during construction hours. The coordinator shall keep a log of complaints received and remedial actions taken in response. This log shall be made available to City staff upon its request. <p>The above mitigation measures include all feasible measures for construction emissions identified by the BAAQMD. According to the District's threshold of significance for construction impacts, implementation of the measures would reduce construction impacts of the proposed project to a less-than-significant level.</p>	<p>AIR-2: To the extent permitted by law, the Uftown Project shall be required to implement Transportation Control Measures (TCMs) as recommended by the BAAQMD. Measures that the City shall require the project to implement, or that are already proposed as part of the project, may include the following:</p> <ul style="list-style-type: none"> Transit Measures: (i) Construct transit facilities such as bus turnaround bays, benches, shelters, and other needed facilities subject to the review and comment of AC Transit. (Effectiveness 0.5 percent - 2 percent of all trips, BAAQMD CEQA Guidelines); (ii) Design and locate buildings to facilitate transit access (e.g., locate building entrances near transit stops, eliminate building setbacks, etc.) (Effectiveness 0.1 percent - 0.5 percent of all trips, BAAQMD CEQA Guidelines). Services Measures: (i) Provide on-site shops and services for employees, such as cafeteria, bank/ATM, dry cleaners, convenience market, etc. (Effectiveness 0.5 percent - 5 percent of work trips, BAAQMD CEQA Guidelines); (ii) Provide on-site child care, or contribute to off-site childcare within walking distance. (Effectiveness 0.1 percent - 1 percent of work trips, BAAQMD CEQA Guidelines). 	<p>Project sponsor shall implement appropriate TCMs, based on consultation with the City.</p>	<p>City of Oakland Community and Economic Development Agency, Building Services Division.</p>	<p>Make regular visits to the project site to ensure that all dust-control mitigation measures are being implemented, and verify that a designated construction dust control coordinator is on-call during construction periods.</p>	<p>Ongoing throughout the project construction period.</p>	<p>City issues corrective action or stop work order if construction period dust control measures have not been implemented.</p>	<p>Verified by: Date:</p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>Bicycle and Pedestrian Measures: (i) Provide secure, weather protected bicycle parking for employees (Effectiveness 0.5 percent - 2 percent of work trips, BAAQMD CEQA Guidelines); (ii) Provide safe, direct access for bicyclists to adjacent bicycle routes (Effectiveness 0.5 percent - 2 percent of work trips, BAAQMD CEQA Guidelines); (iii) Provide showers and lockers for employees bicycling or walking to work (Effectiveness 0.5 percent - 2 percent of work trips, BAAQMD CEQA Guidelines); (iv) Provide secure short-term bicycle parking for retail customers or non-commute trips (Effectiveness 1 percent - 2 percent of non-work trips, BAAQMD CEQA Guidelines); (v) Provide direct, safe, attractive pedestrian access from Planning Area to transit stops and adjacent development (Effectiveness 0.5 percent - 1.5 percent of all trips, BAAQMD CEQA Guidelines).</p> <p>Implementation of the measures detailed above would help minimize this impact, but not reduce it to a less-than-significant level. Therefore, Impact AIR 2 will remain significant and unavoidable.</p>						
<p>NOISE-1a: Standard construction activities shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday. No construction activities shall be allowed on weekends until after the buildings are enclosed without prior authorization of the Building Services and Planning Divisions of the Community and Economic Development Agency.</p> <p>NOISE-1b: To reduce daytime noise impacts due to construction, to the maximum feasible extent, the City shall require the project sponsor to develop a site-specific noise reduction program, subject to city review and approval, which includes the following measures:</p> <ul style="list-style-type: none"> • Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, 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 pre-construction meeting shall be held with the job inspectors and the general contractor/site project manager to confirm that noise mitigation 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. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible; and • Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary shields, or insulation barriers or other measures shall be incorporated to the extent feasible. 	<p>Construction contractor shall limit construction activities to between 7:00 a.m. and 7:00 p.m. Monday through Friday.</p> <p>Project sponsor shall develop a site-specific noise reduction program that includes the measures detailed in Mitigation Measure NOISE-1b.</p>	<p>Community and Economic Development Agency, Building Services and Planning Division.</p>	<p>Make regular visits to the project site to ensure that construction activities are restricted to 7:00 a.m. and 7:00 p.m. Monday through Friday.</p>	<p>Ongoing throughout project construction period.</p> <p>Prior to approval of a grading or building permit.</p>	<p>City issues corrective action or stop work order if construction activities occur outside of the restricted time zone.</p> <p>No approval of a grading or building permit.</p>	<p>Verified by: Date:</p> <p>Verified by: Date:</p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>NOISE-1c: If pile-driving occurs as part of the project, it shall be limited to between 8:00 a.m. and 4:00 p.m., Monday through Friday, with no pile driving permitted between 12:30 and 1:30 p.m. No pile driving shall be allowed on Saturdays, Sundays, or holidays.</p> <p>NOISE-1d: 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 plan shall be submitted for review and approval by the City to ensure that maximum feasible noise attenuation is achieved. These attenuation measures shall include as many of the following control strategies as feasible and shall be implemented prior to any required pile-driving activities:</p> <ul style="list-style-type: none"> 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; 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 third-party peer review, paid for by the project sponsor, shall be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project sponsor; A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of 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. 	<p>Construction contractor shall limit pile driving to between 8:00 a.m. and 4:00 p.m., Monday through Friday, and no pile driving shall occur between 12:30 and 1:30 p.m. on Saturdays, Sundays, or holidays.</p> <p>Project sponsor shall prepare and implement a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the control strategies listed in Mitigation Measure NOISE-1d as feasible. Project sponsor shall submit a special inspection deposit to the City.</p>	<p>Community and Economic Development Agency, Building Services and Planning Division.</p> <p>Community and Economic Development Agency, Building Services and Planning Division.</p>	<p>Make regular visits to the project site to ensure that pile driving is limited to the hours specified in Mitigation Measure NOISE-1c.</p> <p>Review and approve the site-specific noise attenuation measures submitted by the project sponsor. Verify that the project sponsor has submitted a special inspection deposit.</p>	<p>Ongoing throughout project construction period.</p> <p>Prior to approval of a grading or building permit.</p>	<p>City issues corrective action or stop work order if pile driving occurs outside of the restricted time zone.</p> <p>No approval of a grading or building permit.</p>	<p>Verified by: Date:</p>
<p>NOISE-1e: A process with the following components shall be established for responding to and tracking complaints pertaining to pile-driving construction noise:</p> <ul style="list-style-type: none"> 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 pile-driving activities. <p>Construction period impacts would still occur with implementation of the measures detailed above. However, because they would be short-term in duration, the City considers this a less-than-significant impact.</p>	<p>Project sponsor shall develop and implement a system for responding to and tracking complaints pertaining to pile-driving construction noise which includes the measures listed in Mitigation Measure NOISE-1e.</p>	<p>Community and Economic Development Agency, Building Services and Planning Division.</p>	<p>Verify that a system for responding to and tracking noise complaints has been developed by the project sponsor.</p>	<p>Prior to approval of a grading or building permit.</p>	<p>No approval of a grading or building permit.</p>	<p>Verified by: Date:</p>
<p>NOISE-2: Once the project design is finalized and the location of specific uses are determined, the project sponsor shall have an acoustical analysis prepared that details noise reduction requirements and noise insulation features necessary to achieve acceptable interior and exterior noise levels. The requirements shall be sufficient to achieve a minimum of 45 dBA for all interior building spaces and shall achieve either Normally Acceptable or Conditionally Acceptable ranges for exterior uses according to the applicable land use category as set forth in Table IV.F-4.</p>	<p>Project sponsor shall prepare an acoustical analysis that details noise reduction requirements and noise insulation features necessary to achieve acceptable interior and exterior noise levels. Project sponsor shall incorporate all recommended features into the project.</p>	<p>City of Oakland Community and Economic Development Agency, Building Services Division.</p>	<p>Review building plans for the project and verify that noise reduction features have been incorporated.</p>	<p>Prior to approval of a building permit.</p>	<p>No approval of a building permit.</p>	<p>Verified by: Date:</p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>HAZ-1b: Prior to issuing any grading, demolition, or building permit for the proposed project, a site-specific Health and Safety Plan (HSP) shall be prepared by a qualified industrial hygienist. At a minimum, the HSP shall summarize information collected in environmental investigations for the project site, including soil and groundwater quality data; establish soil and groundwater mitigation and control specifications for grading and construction activities; including health and safety provisions for monitoring exposure to construction workers; provide procedures to be undertaken in the event that previously unreported contamination is discovered; incorporate construction safety measures for excavation activities; establish procedures for the safe storage and use of hazardous materials at the project site. If necessary, provide emergency response procedures and designate personnel responsible for implementation of the Plan. The HSP shall be designed to prevent potential exposures to construction workers above established OSHA Permissible Exposure Limits. The Plan shall be submitted to the City of Oakland for review and approval.</p>	<p>Project sponsor shall prepare a site-specific HSP which meets the requirements listed in the mitigation measure. The HSP shall be designed to prevent potential exposures to construction workers above established OSHA Permissible Exposure Limits.</p>	<p>City of Oakland, Public Works Agency, Environmental Services Division.</p>	<p>Review and approve the HSP.</p>	<p>Prior to approval of a demolition, grading, or building permit.</p>	<p>No approval of a demolition, grading, or building permit.</p>	<p>Verified by: Date:</p>
<p>HAZ-1c: Prior to issuing any grading, demolition, or building permit for the proposed project, a Soil and Groundwater Management Plan (Plan) shall be prepared. The Plan shall include procedures for managing soils and groundwater removed from the site to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of safely, in accordance with applicable regulations. The Plan will incorporate notification and dust mitigation requirements of the BAAQMD (including Title 17, CCR Section 93105). Dewatering procedures will incorporate regulatory requirements for groundwater discharge to storm or sanitary sewers, as outlined in Mitigation Measure HYD-3. The Plan shall be submitted to the City of Oak and RWQCB for review and approval and shall be implemented throughout all phases of project development.</p>	<p>Project sponsor shall prepare and implement a Soil and Groundwater Management Plan, as specified in the mitigation measure, to ensure that any excavated soils and/or dewatered groundwater with contaminants are stored, managed, and disposed of safely, in accordance with applicable regulations.</p>	<p>City of Oakland, Public Works Agency, Environmental Services Division; Regional Water Quality Control Board (RWQCB).</p>	<p>Review and approve the Soil and Groundwater Management Plan.</p>	<p>Prior to approval of a demolition, grading, or building permit.</p>	<p>No approval of a demolition, grading, or building permit.</p>	<p>Verified by: Date:</p>
<p>HAZ-2a: Covenants, codes, and restrictions for the proposed project shall strictly prohibit the use of groundwater at the project site for drinking, irrigation, or industrial purposes. Any dewatering activities required at the project site following construction activities shall be carried out under the Soil and Groundwater Management Plan prepared for the project (Mitigation Measure HAZ-1c).</p>	<p>1) Project sponsor shall include provisions in the covenants, codes, and restrictions for the project that prohibit the use of groundwater at the project site for drinking, irrigation, or industrial purposes. 2) Project sponsor shall ensure that dewatering activities are carried out under the Soil and Groundwater Management Plan prepared for the project.</p>	<p>1) City of Oakland, Public Works Agency, Environmental Services Division. 2) Refer to Mitigation Measure HAZ-1c.</p>	<p>1) Review the covenants, codes, and restrictions to ensure that the use of groundwater is prohibited. 2) Refer to Mitigation Measure HAZ-1c.</p>	<p>1) Prior to approval of Final Map. 2) Refer to Mitigation Measure HAZ-1c.</p>	<p>1) No approval of Final Map. 2) Refer to Mitigation Measure HAZ-1c.</p>	<p>Verified by: Date:</p>
<p>HAZ-2b: Prior to issuing any permits for construction within the project site, a Human Health Risk Assessment (HHRA) shall be conducted and/or updated by a qualified environmental professional. This HHRA shall employ methodology from the City of Oakland Urban Land Redevelopment Ordinance Document for the Oakland Risk Based Corrective Action (RBCA) program to evaluate potential health risks from petroleum hydrocarbons, metals, solvents, and other volatile organic compounds in soils and groundwater. Depending on the findings of the HHRA, recommendations may be made for administrative or engineering controls to minimize public exposure to hazardous materials. If warranted, these controls could potentially include vapor barriers for building foundations, encapsulation of the site with building foundations and paved parking surfaces to prevent exposure to soils, and implementation of an Operations and Maintenance Plan to insure prescribed controls are implemented and maintained. The controls shall ensure that any potential added health risks to future site users are reduced to a cumulative risk of less than 1×10^{-6} (a calculated risk of 1 in 100,000 persons exposed) for carcinogens and a cumulative hazard index of 1.0. The HHRA shall be submitted to the City of Oakland and RWQCB for review and approval.</p>	<p>Project sponsor shall prepare and/or update a HHRA for the project site that meets the requirements outlined in the mitigation measure.</p>	<p>City of Oakland, Public Works Agency, Environmental Services Division; Regional Water Quality Control Board (RWQCB).</p>	<p>Review and approve the HHRA.</p>	<p>Prior to approval of a demolition permit.</p>	<p>No approval of a demolition permit.</p>	<p>Verified by: Date:</p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
HAZ-3: The implementation of Mitigation Measure HAZ-1b would require a Site Safety Plan/Soil and Groundwater Management Plan (Plan). The Plan will establish procedures for the safe storage and use of hazardous materials at the project site, if necessary; provide emergency response procedures; and designate personnel responsible for implementation of the Plan. No other mitigation is required.	Refer to Mitigation Measure HAZ-1b.	Refer to Mitigation Measure HAZ-1b.	Refer to Mitigation Measure HAZ-1b.	Refer to Mitigation Measure HAZ-1b.	Refer to Mitigation Measure HAZ-1b.	Verified by: Date:
HAZ-4: All asbestos-containing materials shall be abated by a certified asbestos abatement contractor in accordance with construction worker health and safety regulations and the regulations and notification requirements of the Bay Area Air Quality Management District (BAAQMD) (29 CFR 1926.1101; 40 CFR 61 and 152; Title 8 CCR Section 1529; BAAQMD Regulation 11, Rule 2). The removal and disposal of lead-based paint within the project site shall be completed in accordance with federal and State construction worker health and safety regulations (29 CFR, Part 1926.62; Title 8, CCR Section 512.1; CDHS Training, Certification and Work Practices Rule).	Project sponsor shall remove asbestos and lead-containing substances from the project site in accordance with all applicable regulations. Plans for the abatement of these materials shall be incorporated into the construction plan.	City of Oakland, Public Works Agency, Environmental Services Division.	Review the construction plan for the project to ensure that asbestos and lead will be removed from the project site in a way that is consistent with hazardous materials regulations.	Prior to approval of the construction plan.	No approval of the construction plan.	Verified by: Date:
HAZ-5: Implementation of existing regulatory requirements for school siting, and preparation and implementation of a Site Safety Plan/Soil and Groundwater Management Plan (Mitigation Measure HAZ-1b) and lead and asbestos regulations (Mitigation Measure HAZ-4) would reduce this impact to a less-than-significant level. No additional mitigation is required.	Refer to Mitigation Measure HAZ-1b and HAZ-4.	Refer to Mitigation Measure HAZ-1b and HAZ-4.	Refer to Mitigation Measure HAZ-1b and HAZ-4.	Refer to Mitigation Measure HAZ-1b and HAZ-4.	Refer to Mitigation Measure HAZ-1b and HAZ-4.	Verified by: Date:
HISTORIC ARCHITECTURAL, ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES						
HIST-1a: A paleontological resources monitoring plan shall be developed in consultation with a qualified paleontologist prior to project-related ground-disturbing activities. This monitoring plan shall incorporate the findings of project-specific geotechnical investigations to identify the location and depth of deposits that have a high likelihood of containing paleontological resources and that may be encountered by project activities. This information will indicate the depth of overlying non-sensitive soils (i.e., artificial fill and prior disturbance) within the project area to allow a more effective determination of where paleontological monitoring is appropriate.	Project sponsor shall prepare a paleontological resources monitoring plan that meets the requirements listed in the mitigation measure.	City of Oakland Community and Economic Development Agency, Planning Division.	Review and approve the paleontological resources monitoring plan.	Prior to approval of a grading or building permit.	No approval of a grading or building permit.	Verified by: Date:
HIST-1b: A qualified paleontologist shall monitor all ground-disturbing activity that occurs at depths within the project area determined to be sensitive in the paleontological monitoring plan. Monitoring shall continue until, in the paleontologist's opinion, significant, nonrenewable paleontological resources are unlikely to occur.	<ol style="list-style-type: none"> 1) Project sponsor shall retain a paleontologist to monitor ground-disturbing activity within the project site, as described in the mitigation measure. 2) Work within 50 feet of any paleontological finds shall halt in the event that such resources are identified. 3) If paleontological resources are identified within the project site, the paleontologist shall evaluate the resources and provide recommendations regarding the protection of, or mitigation of adverse effects to, significant paleontological resources. A monitoring report shall be prepared if impacts to paleontological resources will be mitigated. 	<ol style="list-style-type: none"> 1) City of Oakland Community and Economic Development Agency, Planning Division. 2) City of Oakland Community and Economic Development Agency, Planning Division. 3) City of Oakland Community and Economic Development Agency, Planning Division. 	<ol style="list-style-type: none"> 1) Receive notice that a paleontologist has been retained. 2) Verify that work is suspended if paleontological resources are found. 3) Review the paleontological resources monitoring report, if one is prepared. 	<ol style="list-style-type: none"> 1) Prior to approval of a grading or building permit. 2) During project construction. 3) During project construction. 	<ol style="list-style-type: none"> 1) No approval of a grading or building permit. 2) City issues corrective action or stop work order. 3) City issues corrective action. 	Verified by: Date:

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>HIST-2a: Archaeological monitoring of ground-disturbing construction in the project area shall be conducted, as appropriate and if necessary, based on the results of the pre-construction testing program and the potential for encountering unidentified archaeological deposits. Upon completion of the pre-construction testing program specified in Mitigation Measure HIST-2a, the extent of archaeological monitoring during project construction will be assessed, and the scope and frequency of the monitoring required by this mitigation measure shall be based on the findings of this assessment. Monitoring shall be conducted by a cultural resource professional approved by the City who meets the Secretary of the Interior's Professional Qualifications Standards for Prehistoric and Historical Archaeology.</p> <p>Upon completion of such archaeological monitoring, evaluation, or data recovery mitigation, the archaeologist shall prepare a report documenting the methods, results, and recommendations of the investigation, and submit this report to the NWIC. Public displays of the findings of archaeological recovery excavation(s) of historical or unique resources shall be prepared. As appropriate, brochures, pamphlets, or other media, shall be prepared for distribution to schools, museums, libraries, and – in the case of Chinese or Chinese-American archaeological deposits – Chinese-American organizations.</p>	<ol style="list-style-type: none"> 1) Project sponsor shall retain an archaeologist to monitor ground-disturbing activity within the project site, as described in the mitigation measure. 2) Archaeologist shall halt work in the vicinity of the archaeological resource until findings can be made regarding whether the resource meets the CEQA definition of an archaeological or historic resource. 3) If identified archaeological resources meet CEQA criteria for archaeological or historic resources, they shall be avoided by demolition or construction activities. If avoidance is not feasible, then efforts to the deposit shall be mitigated through a data recovery strategy developed by the evaluating archaeologist, as described in the mitigation measure. This report shall be submitted to the NWIC. 	<ol style="list-style-type: none"> 1) City of Oakland Community and Economic Development Agency, Planning Division. 2) City of Oakland Community and Economic Development Agency, Planning Division. 3) City of Oakland Community and Economic Development Agency, Planning Division. 	<ol style="list-style-type: none"> 1) Receive notice that an archaeologist has been retained. 2) Verify that work is suspended if archaeological resources are found. 3) Review and approve the archaeological resources mitigation plan, if one is prepared. 	<ol style="list-style-type: none"> 1) Prior to approval of any permit that authorizes removal of foundations or work below finished grade. 2) During demolition or project construction. 3) During project construction. 	<ol style="list-style-type: none"> 1) No approval of any permit that authorizes removal of foundations or work below finished grade. 2) City issues corrective action or stop work order. 3) City issues corrective action. 	<p>Verified by: Date:</p>
<p>HIST-3: Should human remains be encountered by project activities, construction activities shall be halted and the County Coroner notified immediately. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification, and a qualified archaeologist should be contacted to evaluate the situation. The NAHC will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD.</p> <p>Upon completion of such analysis, as appropriate, the archaeologist shall prepare a report documenting the methods and results of the investigation. This report shall be submitted to the NWIC.</p>	<ol style="list-style-type: none"> 1) Construction activity shall halt and the County Coroner shall be notified if human remains are uncovered. 2) Project sponsor shall notify the appropriate authorities and retain an archaeologist to recover scientifically-valuable information about the human remains and to prepare a report for submission to the NWIC. 	<ol style="list-style-type: none"> 1) City of Oakland Community and Economic Development Agency, Planning Division. 2) City of Oakland Community and Economic Development Agency, Planning Division. 	<ol style="list-style-type: none"> 1) Verify that work is suspended if human remains are found. 2) Verify that the appropriate authorities are notified about the presence of human remains. 	<ol style="list-style-type: none"> 1) During project construction. 2) During project construction. 	<ol style="list-style-type: none"> 1) City issues corrective action or stop work order. 2) City issues corrective action. 	<p>Verified by: Date:</p>
<p><i>Mitigation Measures HIST-4a, HIST-4b, and HIST-5 shall be implemented based on the adopted project variant involving the Great Western Power Company Building. The following three variants are proposed: 1) demolition of the Great Western Power Company Building (Variant 1); 2) partial demolition of the Great Western Power Company Building (Variant 2); and 3) preservation of the Great Western Power Company Building (Variant 3).</i></p>						
<p>HIST-4a (Variant Land 2): The following measures shall be implemented to preserve information about the resource for further study:</p> <ul style="list-style-type: none"> Record the Great Western Power Company Building in accordance with the procedures of the Historical American Buildings Survey (HABS) through measured drawings, written histories, and large-format photographs; Prepare a history of the Great Western Power Company Building that incorporates oral history, documentary research, and architectural information; Prepare a brochure, regarding the building's historical association with one of three major early 20th century northern California power companies, to be made available at local libraries and museums; Incorporate interpretive elements, such as signs and placards, into public areas and street frontages proposed as part of the project; If full demolition of the building occurs, salvage architectural elements from the building, including hardware, doors, paneling, fixtures, and equipment, and incorporate these elements into new construction; and Curate all materials, notes, and reports at the OHR, and submit copies to the NWIC. 	<p>Project sponsor shall preserve historic information about the Great Western Power Company Building, as described in the mitigation measure.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Verify that the historic preservation measures detailed in the mitigation measure are implemented.</p>	<p>Prior to approval of the demolition permit for the Great Western Power Company Building.</p>	<p>No approval of the demolition permit for the Great Western Power Company Building.</p>	<p>Verified by: Date:</p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>The City may also consider requiring payment of pro-rata funds to restore historic buildings in the Uptown District to further reduce this impact. Even with extensive documentation, however, the demolition of the building or portions of the building would result in the loss of a historic resource that is associated with significant historical events and is an example of outstanding design and function. Therefore, the demolition or partial demolition of the building would remain a significant and unavoidable impact.</p> <p>HIST-4b/Variant 3: Any modifications to the exterior of the building that may be proposed as part of its preservation and reuse shall be developed in consultation with staff at the Planning Department and a qualified historic preservation architect to determine an appropriate treatment strategy. In the event that this measure is determined feasible and is implemented, Mitigation Measure HIST-5 shall also be implemented to ensure that development on the adjacent properties does not adversely impact the building's integrity.</p> <p>HIST-5/Variant 3: The following two-part mitigation measure shall be implemented:</p> <ul style="list-style-type: none"> The building's urban setting on the portion of Block 7 fronting Thomas L. Berkley Way (20th Street) shall be documented prior to project implementation. At a minimum, this documentation shall include panoramic streetscape photographs and an interpretive display that shall provide an overview of the former urban context and describe how this context contributed to the building's significance. This information shall be presented in an on-site display at the preserved Great Western Power Company Building to enable a viewer to easily associate the former setting with the existing building (i.e., panoramic streetscape photographs to show the building within the former street frontage). Upon completion of this documentation, a copy of all notes, photographs, and analysis shall be archived at the OHR and submitted to the NWHIC. The City shall ensure that the designs for new adjacent buildings are evaluated with respect to minimizing setting impacts on the historic resource. Project buildings adjacent to the Great Western Power Company Building shall be designed in a manner that minimizes inappropriate differences in mass and scale, if feasible. For example, designs could call for adjacent buildings to step-up to the height of the tallest project element north of 20th Street, thereby reducing a potentially sharp contrast between new buildings and the two-story Great Western Power Company Building. If the designs for the adjacent buildings follow the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings</i>, then the project will have a less-than-significant impact, pursuant to CEQA § 15064.5(b)(3). <p>However, if it is not feasible to minimize material impairment of the resource, then the impact would remain significant and unavoidable.</p> <p>HIST-8a: If feasible, the three PDHPs that contribute to the 1st and San Pablo Commercial District (located at 1958-60 San Pablo Avenue, 1966-68 San Pablo Avenue, and 1972 San Pablo Avenue) shall be preserved in their existing condition or rehabilitated and incorporated into the proposed project. Any modifications to the exterior of the buildings that may be proposed as part of their rehabilitation shall be developed in consultation with the Planning Department and a qualified historic preservation architect to determine an appropriate treatment strategy that preserves the important historic qualities of the structures.</p>	<p>Project sponsor shall retain a qualified historic preservation architect to work with the Planning Division to develop an appropriate treatment strategy for the preservation and reuse of the Great Western Power Company Building.</p> <p>1) Project sponsor shall document the urban setting of the Great Western Power Company Building, as specified in the mitigation measure.</p> <p>2) The Planning Division shall ensure that the design of the buildings adjacent to the Great Western Power Company Building is consistent with the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings</i>.</p>	<p>1) City of Oakland Community and Economic Development Agency, Planning Division.</p> <p>2) City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>1) Ensure that agreed-upon plans for the modification of the Great Western Power Company Building are incorporated into the project.</p> <p>2) Verify that the urban setting of the Great Western Power Company Building is documented.</p> <p>2) Review the building permit application to verify that proposed buildings adjacent to the Great Western Power Company Building would not materially impair the historic integrity of the structure.</p>	<p>1) Prior to approval of a demolition permit for development of Block 7.</p> <p>2) Prior to approval of a demolition permit for development of Block 7.</p>	<p>1) No approval of a building permit for the Great Western Power Company Building.</p> <p>2) No approval of a demolition permit for development of Block 7.</p>	<p>Verified by: Date:</p> <p>Verified by: Date:</p>
<p><i>No monitoring or reporting measures are provided for this mitigation measure since it has been determined to be infeasible in connection with approval of the Disposition and Development Agreement (DDA) for Blocks 1 through 4.</i></p>						

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<p>HIST-8b: If the City determines that preservation of the three PDHFs that contribute to the 19th and San Pablo Commercial District (located at 1938-60 San Pablo Avenue, 1966-68 San Pablo Avenue, and 1972 San Pablo Avenue) is not feasible, the City shall inform the project sponsor for the Thomas L. Berkeley Square Project of the potential cumulative impact prior to the implementation of the Uppon Mixed Use Project. The City shall consult with both project sponsors to establish a fair division of responsibility to fund mitigation measures to preserve information about the 19th and San Pablo Commercial District for future study. These mitigation measures shall include the following:</p> <ul style="list-style-type: none"> Record the 19th and San Pablo Commercial District in accordance with the procedures of HAABS through measured drawings, written histories, and large-format photographs. Prepare a history of the 19th and San Pablo Commercial District that incorporates oral history, documentary research, and architectural information; this history could utilize non-written media and production techniques, including video photography. Prepare a brochure, regarding the district's historical association with turn-of-the-century Oakland commerce, to be made available at local libraries and museums. Salvage architectural elements from the buildings proposed for demolition, including hardware, doors, paneling, fixtures, and equipment, and incorporate these elements into new construction; and Curate all materials, notes, and reports at the OHR, and submit copies to the NWHC. <p>Even with extensive documentation, however, a cumulative impact will result from the demolition of 63 percent of the 19th and San Pablo Commercial District's contributing buildings. This loss of contributing buildings will materially affect the district's ability to convey its historical significance, which will result in a significant, unavoidable cumulative impact.</p> <p>HIST-13: Prior to project initiation, the plan for the enhancement of street features and lighting on Telegraph Avenue shall be reviewed by planning staff to ensure that it conforms to the <i>Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preservation of Historic Buildings</i>. Conformance with these guidelines will ensure that these improvements are compatible with nearby historical resources, and will mitigate potential project effects to less-than-significant levels.</p>	<p>The Planning Division shall consult with the project sponsor of the proposed project and the Thomas L. Berkeley Square Project to establish a fair division of responsibility to fund mitigation measures to preserve information about the 19th and San Pablo Commercial District for future study.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Ensure the project sponsor funds a fair share of the mitigation measures to reduce cumulative impacts to the 19th and San Pablo Commercial District.</p>	<p>Prior to approval of a demolition permit for the PDHFs.</p>	<p>No approval of a demolition permit for the PDHFs.</p>	<p>Verified by: Date:</p>
<p>AESTHETIC RESOURCES</p> <p>AES-1: The following measures shall be incorporated into the final project design:</p> <ul style="list-style-type: none"> Create streetscape vitality and enhance the pedestrian experience through detailed treatment of building facades, including entryways, fenestration, and signage, and through the use of carefully chosen building materials, texture, and color. Design of building facades shall include sufficient articulation and detail to avoid the appearance of blank walls or box-like forms. Exterior materials utilized in construction of new buildings, as well as site and landscape improvements, shall be high quality and shall be selected for both their enduring aesthetic quality and for their long term durability. 	<p>Project sponsor shall incorporate the design features and recommendations listed in the mitigation measure into the final project design.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Verify that the design features and recommendations listed in the mitigation measure are incorporated into the design review application for the project.</p>	<p>Prior to approval of a building permit.</p>	<p>No approval of a building permit.</p>	<p>Verified by: Date:</p>

Mitigation Measures	Implementation Procedure	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Non-Compliance Sanction	Verification of Compliance
<ul style="list-style-type: none"> Ensure that the architectural and landscape treatment of the proposed parking structure promotes human scale and pedestrian activity. Detailed designs for the public park shall be developed. The design shall emphasize the public nature of the space and pedestrian comfort. The plaza design shall consider sun/shade patterns during mid-day hours throughout the year. The plaza design shall be sensitively integrated with the streetscape. 	<p>Planning staff shall assess the reflective properties of project buildings to ensure that the project will not create additional daytime or nighttime glare.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Ensure that any recommendations that staff or the Design Review Committee makes in regard to reflective materials are incorporated into the project.</p>	<p>Prior to approval of a building permit.</p>	<p>No approval of a building permit.</p>	<p>Verified by: Date:</p>
<p>AES-2a: The specific reflective properties of project building materials shall be assessed by the City during Design Review as part of the project's Development Standards, Procedures and Guidelines. Design review shall ensure that the use of reflective exterior materials is minimized and that proposed reflective material would not create additional daytime or nighttime glare.</p> <p>AES-2b: Specific lighting proposals shall be reviewed and approved by the City prior to installation. This review shall ensure that any outdoor night lighting for the project is down shielded and would not create additional nighttime glare.</p>	<p>Planning staff shall assess proposed lighting of project buildings and streets to ensure that the project will not create additional nighttime glare.</p>	<p>City of Oakland Community and Economic Development Agency, Planning Division.</p>	<p>Ensure that any recommendations that staff or the Design Review Committee makes in regard to lighting are incorporated into the project.</p>	<p>Prior to approval of a building permit.</p>	<p>No approval of a building permit.</p>	<p>Verified by: Date:</p>
<p>WIND</p> <p>WIND-1a: The final design of the high-rise buildings on Blocks 5 and 7 shall be in accordance with one or more of the following design guidelines. In addition, as part of the design review process for these high-rise buildings, a qualified wind consultant shall ensure the project is designed in accordance with these guidelines:</p> <ul style="list-style-type: none"> Align long axis of each building along a northwest-southeast alignment to reduce exposure of the wide faces of the building to westerly or southeasterly winds. West or southeasterly building faces shall be articulated and modulated through the use of architectural devices such as surface articulation, variation of planes, wall surfaces, and heights; and the placement of setbacks and other similar features. Utilize properly-located landscaping that mitigates high winds. Porous materials (e.g., vegetation, hedges, screens, lattice-work, perforated metal), which offer superior wind shelter compared to solid surfaces, shall be used. Avoid narrow gaps between buildings where westerly or southeasterly winds could be accelerated, or Avoid breezeways or notches at the upwind corners of the building. <p>WIND-1b: A qualified wind consultant shall review and evaluate the final design of the high-rise buildings on Blocks 5 and 7, and shall determine whether incorporated design features would reduce wind impacts to a less-than-significant level. If the wind consultant determines that these design features would reduce wind impacts to a less-than-significant level (i.e., less than 36 mph), no further mitigation would be required. If the wind consultant determines that significant adverse wind impacts could occur, models of the proposed Blocks 5 and 7 buildings shall be subject to wind tunnel testing to determine if the buildings would result in uncomfortable or hazardous winds. The wind consultant shall work with the project architect to develop further building design modifications that would reduce wind impacts to a less-than-significant level (i.e., standard of less than 36 mph).</p>	<p>Project sponsor shall retain a qualified wind consultant to determine if the project is in compliance with the guidelines listed in the mitigation measure.</p> <ol style="list-style-type: none"> Project sponsor shall retain a qualified wind consultant to review and evaluate the final design of the high-rise buildings on Blocks 5 and 7, and determine whether incorporated design features would reduce wind impacts to a less-than-significant level. If the wind consultant determines that buildings on Blocks 5 and 7 could result in significant wind-related impacts, the project sponsor shall subject models of the proposed buildings to wind tunnel testing. Based on the results of this testing, the project sponsor shall incorporate design modifications into the project that would reduce wind impacts to a less-than-significant level. 	<ol style="list-style-type: none"> City of Oakland Community and Economic Development Agency, Planning Division. City of Oakland Community and Economic Development Agency, Planning Division. 	<ol style="list-style-type: none"> Review the written findings of the wind consultant. Review project plans to ensure they are consistent with the recommendations of the wind consultant. 	<ol style="list-style-type: none"> Prior to approval of a building permit for buildings on Blocks 5 and 7. Prior to approval of a building permit for buildings on Blocks 5 and 7. 	<ol style="list-style-type: none"> No approval of a building permit for buildings on Blocks 5 and 7. No approval of a building permit for buildings on Blocks 5 and 7. 	<p>Verified by: Date:</p>